



## 'TO FOLLOW' AGENDA ITEMS

This is a supplement to the original agenda and includes the reports that were marked 'to follow'.

### NOTTINGHAM CITY COUNCIL PLANNING COMMITTEE

**Date:** Wednesday 20 November 2019

**Time:** 2:30pm

**Place:** LB 31-32 - Loxley House, Station Street, Nottingham, NG2 3NG

**Governance Officer:** Adrian Mann **Direct Dial:** 0115 876 4468

### AGENDA

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**WARDS AFFECTED:** Meadows (May 2019)

**Item No:**

**PLANNING COMMITTEE  
20th November 2019**

## **REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

### **Car Park, Nottingham Railway Station**

#### **1 SUMMARY**

Application No: 19/01642/PFUL3 for planning permission

Application by: Marrons Planning on behalf of Blocwork LLP

Proposal: Development comprises the demolition of existing buildings on the site and the construction of 348 studio, one, two and three bedroom apartments (build to rent) with ancillary residential facilities, car and cycle parking, public realm improvements and a commercial unit on the ground floor for flexible A1, A3, D1 and D2 use

The application is brought to Committee because it is a major development on a prominent site and where the planning obligations are less than required by planning policy.

To meet the Council's Performance Targets this application should have been determined by 23rd October 2019. An extension of time has been agreed in principle with the applicant.

#### **2 RECOMMENDATIONS**

##### **2.1 GRANT PLANNING PERMISSION** subject to:

(a) Prior completion of a Section 106 Planning Obligation including financial contributions toward Public Open Space, Affordable Housing, Education and potentially Secondary Health Care provision; and

(b) conditions substantially in the form of those listed in the draft decision notice at the end of this report but with power to determine the final details those conditions being delegated to the Director of Planning and Regeneration

2.2 Power to determine the final details and terms of the Planning Obligation (including whether a Secondary Health Care provision should be required and the respective quantum of contributions as discussed in paragraphs 7.19 to 7.21 of this report) be delegated to the Director of Planning and Regeneration subject to him being 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 site fronts onto Queen's Road and backs onto the railway and is land owned by Network Rail; a partner in the proposed development. The site is generally flat albeit there is a small concrete retaining wall which marks the frontage of the site to Queen's Road. On the rear boundary of the site are two buildings; a red brick pitched roofed single storey structure and a stack of portable cabins which have previously been used as office accommodation by the police, but are now empty. Historically the site has been used as a car park associated with the station, albeit no formal consent has been granted for this use and it ceased in recent years. To the north of the site is platform 7 associated with the train station, to the east United carpets and beds, to the west the station multi storey car park and to the south a recently completed student accommodation building known as The Laceworks, and the Hicking building.
- 3.2 A public footpath which provides access across the station is situated along the western boundary of the site and there is an existing substation on the south eastern site boundary. The site is situated within the Station Conservation Area and to the south west of the site is the Grade II listed Meadow Mill. The Grade II\* Nottingham Railway Station is situated to the north west. The western element of the site is also defined as being with Flood Zone 2 in accordance with Environment Agency mapping.

### **4 DETAILS OF THE PROPOSAL**

- 4.1 The proposal is for a Private Rented Sector (PRS) development of 348 apartments with ancillary accommodation at ground floor and associated works. The proposed mix would be 17 x studios, 199 x 1 bed apartments, 126 x 2 bed apartments and 6 x 3 bed apartments.
- 4.2 The proposed development would provide a mixed use space on the ground floor in the western element of the building with access to the front and side of the building. The eastern element of the ground floor would provide 46 car parking spaces, largely within an under-croft, and 264 bike parking spaces.
- 4.3 The footprint of the proposed building is configured in an 'E' shape with the 3 projecting wings being 9 storeys in height, with the top storey recessed slightly. The main body of the building would back onto the railway and is proposed to be 10 storeys, again with the top floor recessed. The 3 wings have curved corners to Queens Road and the rear corners of the building to the railway line are chamfered. It is proposed that the building be largely constructed from brick with a predominant red brick finish, interspersed with buff and a dark coloured brick to provide contrast.
- 4.4 A 6m setback from the kerb of Queen's Road is proposed to facilitate public realm and tree planting to the front of the building and the route of the existing footpath on the western boundary of the site would change to accommodate the proposed development. Solar photovoltaic panels would be installed on the roof of the building and Air Source Heat Pumps are proposed to heat the commercial space on the ground floor.
- 4.5 Local employment and training opportunities will arise from this development and discussions are underway with the applicant to secure the delivery of these opportunities through working with the Council's Employer Hub.

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

### **Adjoining occupiers consulted:**

Press and site notices have been displayed and 205 neighbouring properties have been notified individually, including occupants of the northernmost part of the Hicking building, Bastow House to the east, and The Laceworks and 48-50 Queens Road to the south.

The applicant also undertook a period of public consultation in May/June and a consultation drop in session was held at 38 Carrington Street.

15 letters of objection have been received (albeit 8 based on the same letter template) and 1 letter of support. Comments have also been received from the Nottingham Civic Society and the Nottingham Local Access Forum.

The following comments have been raised:

- More thought is required in relation to the proposed public realm, it currently appears uninviting and dotting a couple of trees does not satisfy the need for greener developments
- There is a large expanse of space on the roof that could be used for open space, consideration should be had to using this space for roof terraces for future residents
- The proposed parking standard is considered to be meagre and not in line with the number of apartments that are being provided
- The proposed apartments are considered to be unduly small; 1 beds approximately 42sqm and 2 beds 62sqm. Space standards recommend these be at least 50sqm and 70sqm respectively.
- We don't need more flats in Nottingham. Where will people now park who use the train station?
- There are concerns regarding the proposed scale of the building (approximately 10.5m higher than the Hicking building) and the loss of outlook for residents of the Hicking building, which will result in loss of value. The building should be the same height as the Hicking building
- The closure of roads around the new Broadmarsh will dramatically increase traffic on Queen's Road, creating congestion, noise, pollution and environmental chaos
- The building will reduce light and air quality to the train station and Queen's Road
- The building does not include substantial SuDS, a portion of the site should be converted into green space to improve surface water management and air quality
- The building provides nothing for the community, merely another space to dwell and sleep

- Due to the siting and scale of the building it would impact upon the setting of neighbouring listed buildings
- The Civic Society recognises that the design and architecture have been informed by the building's conservation area setting and welcomes the use of red brickwork detailing to enhance key features of the composition giving the modern building architectural references from its Victorian industrial neighbours, however the height of the building should be reconsidered.
- Given the number of empty shops in the city the preference would be for better management of existing buildings rather than needlessly approving new ones
- The building will reduce visibility of the footpath where it enters the station, potentially making it less safe. This could be overcome by moving the footpath to the west
- Providing good signage (to the footpath) from Queen's Road should be a condition on any consent granted
- Concern is raised that the construction of the building could result in the closure of the footpath on the northern side of Queen's Road, which is well used and there are no obvious alternate routes
- The widening of the Queen's Road footpath is welcomed as are the construction of areas of public realm
- It is noted that 1 cycle space per apartment is not being provided and this is queried
- To maximise the potential of this site does not mean to build a gigantic building regardless of what is around. It should be to explore the best solution of an underused area, increasing the open spaces, the better use of energy, the creation of green areas and in general the improvement of life
- The south side of Nottingham needs a qualitative expansion not an overpopulated redevelopment
- Existing buildings should be used as a marker for height and density
- It is considered that 3 separate blocks would be better than the solid concrete wall proposed. The council should focus on improving the quality of the area rather than turning it into a dilapidated dormitory with no green areas

**Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection subject to conditions in relation to: noise, air quality, electric vehicle charging, odour/ventilation and contaminated land.

**Conservation Officer:** No objection based on the revised plans which have sought to overcome concerns raised in relation to the rear elevation appearing too monolithic.

**Historic England:** Further information requested in relation to long range views. Long range views have been provided to HE which demonstrate that the building would largely not be visible from the Embankment and Trent Bridge. Further comments received which state: The modelled views show that the proposed scheme would cut across the lower part of the tower of St Mary's church in some views from the Meadows. These views are key surviving views where the heritage assets on higher ground can be seen from the Trent valley signifying the location of the historic city on higher ground, though the views are compromised in part by modern development. The proposed scheme would further compromise the views and would harm the significance of St Mary's church. The proposed scheme would also break the skyline in lower views from the castle and would cause some harm to its significance.

The height of the proposed scheme, which is several storeys higher than the Hicking building, would also have a harmful effect on the significance, character and appearance of the conservation area by being significantly taller than the historic sense of enclosure along Queen's Road provided by the Hicking building and listed warehouse. Clearly the cleared site doesn't contribute at present to the enclosure along the street, but the proposed scheme misses the opportunity to provide a sense of enclosure reflecting the large scale historic buildings which are an important element of the character of this part of the conservation area.

We recommend that the height of the proposed building is lowered by at least 2 to 3 storeys to better reflect the historic character of the conservation area and reduce the impact in views from the south of the landmark historic buildings on higher ground.

Historic England has concerns regarding the application on heritage grounds. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

**City Archaeologist:** No objection, no conditions required.

**Environment Agency:** No objection subject to the development being undertaken in accordance with the submitted FRA.

**Drainage:** No objection subject to drainage works being undertaken in accordance with the submitted details.

**Highways:** No objection subject to condition in relation to the submission of a construction traffic management plan, a travel plan, provision for electric vehicle charging and reinstatement of the kerb on Queen's Road.

**Rights of Way:** The further information in relation to the proposed footpath re-location is welcomed. Remain concerned regarding the visibility of the footpath to users from Queen's Road given that the mass of the building would partially obscure the route.

**Education:** The development would result in a shortfall of 10 primary places and 1 secondary place, a financial contribution towards this shortfall is requested.

**Nottingham University Hospital NHS Trust (NUH NHS Trust):** A financial contribution is requested for additional secondary healthcare services to meet patient demand.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **Aligned Core Strategies (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: Spatial Strategy

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

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

Policy H2: Density

Policy H5: Affordable Housing

BE8: City Skyline and Tall Buildings

Policy BE12: Development in Conservation Area

Policy MU3: Southside regeneration Zone

Policy NE3: Conservation of Species

Policy NE9: Pollution

Policy NE10: Water Quality and Flood Protection

Policy NE12: Derelict and Contaminated Land

Policy ST1: Sustainable Communities

Policy T3: Car, Cycles and Servicing Parking

### **Emerging LAPP (2019):**

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy DE1: Building Design and Use

Policy EN6: Biodiversity

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

Policy HO3: Affordable Housing

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy RE1: Facilitation Regeneration

Policy RE2: Canal Quarter

Policy TR1: Parking and Travel Planning

### **NPPF (2019):**

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Furthermore, Paragraph 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, 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 the asset (or which better reveal its significance) should be treated favourably.

#### **Supplementary Planning Policy Documents:**

Station Conservation Area Character Appraisal and Management Plan (April 2008)

Nottingham City Centre Urban Design Guide (May 2009)

(This guide provides a physical framework and promotes the highest standard of urban design and architecture for the city centre. The area in which the development falls has been identified as a 'Zone of Reinvention' in the Urban Design Guide. In this area of the City buildings of ground plus 4 are envisaged due to its sensitive location and need to respect longer views adjacent to the Meadows residential area)

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

### **Main Issues**

- (i) Principle of the development**
- (ii) Building design including impact on the character and appearance of the Station Conservation Area and adjacent Listed Buildings**
- (iii) Impact on neighbours**
- (iv) Other matters**

**Issue (i) Principle of the development** (Aligned Core Strategy Policies 2 and 7, Local Plan Policies ST1, H2 and MU3 and policies RE1 and RE2 of the emerging LAPP)

- 7.1 The application site is in a prominent location when travelling along Queen's Road, with a mix of new and old development immediately to the south and the Station and its associated platforms visible to the north. The site is within the Southside

Regeneration Zone which is designated for office led mixed use development (policy MU3 of the Local Plan). Although the policy has a focus on office accommodation, other supportive uses such as residential development are also accepted where they would contribute to the regeneration of the area and the economic prosperity of the city. The site also resides within the Canal Quarter as detailed by policy RE2 of the emerging LAPP. Policies RE1 and RE2 of the emerging LAPP support proposals that maximise site potential ensuring that development is of an appropriate scale, density and design. The site, which is predominantly flat, is hard surfaced and contains scrub vegetation in addition to a collection of buildings situated on the rear boundary of the site. The proposed redevelopment of the site would enhance the approach to the city when arriving by train or tram, or when travelling along Queen's Road, providing an active frontage where there is currently none.

- 7.2 The proposal would be compatible with the higher density, mixed use characteristics of the surrounding area and would be close to a choice of sustainable means of transport; bus, tram and train. The development proposes shared communal space on the ground floor with the potential for a gym and residents lounge space and a mixed use commercial unit on the south western corner of the building. The development proposes 348 units a mix of 1, 2 and 3 bed units (62%, 36% and 2%). The site's proximity to the city centre and train station would appeal to both residents working within the city, potential employees within the new office space being created within the vicinity of the site (Unity Square, Station Street, Carrington Street) and those looking to live in the city and commute to another place of work. The size and quality of the units is considered acceptable and whilst the development would predominantly provide 1 bed units, some larger 2 and 3 bed units are included within the proposed mix. The proposal would therefore accord with policy 7 of the ACS, policies ST1, MU3 and H2 of the Local Plan and policies RE1 and RE2 of the emerging LAPP.

**Issue (ii) Building design including impact on the character and appearance of the Station Conservation Area and adjacent Listed Buildings** (Aligned Core Strategy Policies 10 and 11, Local Plan policies BE8, BE10 and BE12 and policies DE1 and HE1 of the emerging LAPP and the NPPF)

- 7.3 The existing site is of poor townscape quality and the proposed development would result in significant change to the area, with the potential for considerable townscape enhancement. The Nottingham City Centre Urban Design Guide has identified the application site as falling within a 'Zone of Repair' where it is expected that new development will respect and repair the historic character of the area. The site is also within the Station Conservation Area and in close proximity to a number of other heritage assets. Policy BE12 of the Local Plan seeks to ensure that new development preserves or enhances the character or appearance of Conservation Areas. Policy HE1 of the emerging LAPP seeks to support proposals which would conserve or enhance the historic environment. In addition Paragraph 200 of the NPPF states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, 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 the asset (or which better reveal its significance) should be treated favourably.
- 7.4 The scheme has been the subject of extensive pre-application discussions in relation to the proposed scale, mass and form of the development. As shown within the design and access statement, the building has evolved overtime into the current

'E' shaped configuration. The rear elevation to the train station presents a Victorian warehouse aesthetic that references the adjacent buildings that define the immediate townscape character, whilst the wings at 90 degrees to the main body of the building avoid a 'canyon' like effect along the Queens Road frontage and instead provide breathing space/public realm to the front of the building.

- 7.5 The overall scale and height of the building, whilst greater than the immediately adjacent buildings, is not considered to be significantly out of context with the townscape in which it sits. The front wings are lower in height to provide a better relationship with the buildings on the opposite side of Queen's Road, with the recessed top floor assisting further in softening the scale and mass of the building. Following concerns raised by the Conservation Officer, revisions have been made to the rear elevation of the building. The 'hats' which projected beyond the roofline on the rear elevation as initially submitted have been omitted and deeper recesses provided, which visually helps to break the rear elevation into three discernible elements rather than one continuous mass. Revisions have also been made to the ground floor plinth to maximise the active frontage provided by the western half of the building, and to enhance the screening of the car park and service areas to the eastern half, including 'green wall' elements of growing plants. Furthermore, the scale of the columns that ground the building has been reduced, which also helps to create a functional covered walkway around the building. The proposed materials are considered to sit well within their surroundings and take clear reference from neighbouring buildings, resulting in a building which would positively contribute to the character and appearance of the Station Conservation Area.
- 7.6 Policy BE8 (City Skyline and Tall Buildings) of the Local Plan states amongst other things that tall buildings will be permitted where the scale of the building is appropriate for its location and respects the character of the conservation area, maintaining the highest densities only in the centres of neighbourhoods or areas with good access to public transport and that it does not detract from existing views of landmark buildings or the setting of listed buildings. In relation to the setting of adjacent (and more distant) heritage assets, the impact of the proposed development has been reviewed within the 3D model of the city and photomontages have been provided in relation to long distance views at the request of Historic England. The further comments from Historic England are noted and whilst the greater height of the building relative to the adjacent buildings is recognised, based on the proposed design and revisions undertaken it is not considered that the development would have a significant or harmful impact upon the character and appearance of the Conservation Area, or setting of adjacent listed buildings. Indeed, repairing the poor townscape quality of the existing site with a building of a scale and design that respects the historic buildings that enclose the south side of Queens Road, it is felt that the proposal would enhance these heritage assets. Regarding the grade II\* Station, the proposal is not directly adjacent to the primary element of this building that fronts Carrington Street, and is in fact separated from this by the Station's multi-storey car park. It is also recognised that the Station sits at the heart of the strategically important Southside Regeneration Zone, the redevelopment of which is key to inward investment and economic prosperity of the city. It is therefore appropriate for buildings of the scale and density proposed to be found in close proximity to the Station, to take advantage of this being the foremost transport hub and interchange for the city.
- 7.7 Subject to the proposed conditions relating the materials and detailed design of the building, it is considered that the proposal accords with Aligned Core Strategy Policies 10 and 11 and Local Plan, policies BE8, BE10 and BE12, policies DE1 and

HE1 of the emerging LAPP and the NPPF.

**Issue (iii) Impact on neighbours** (Aligned Core Strategy Policy 10 and Local Plan Policies H2, NE9, NE10, NE12 and policy DE1 and IN2 of the emerging LAPP)

- 7.8 The building at its closest point would be approximately 21.5m to the north of the westernmost element of the Hicking building situated on the southern side of Queen's Road. The main mass of the building would have a separation to the Hicking building of approximately 45m. It is considered that the proposed development would have an acceptable impact on the amenities of adjacent occupiers to the south east and south west in relation to overbearing, overlooking and loss of light.
- 7.9 The proposal has been reviewed by Environmental Health colleagues in relation to land contamination, noise and air quality and the submitted assessments reviewed. Subject to the submission of further details which shall be secured via condition, it is not considered that the development would significantly impact upon future occupants or the amenity of the surrounding area.
- 7.10 The comments received relating to public realm and amenity of future residents are noted; the building has been set back from Queen's Road by 6m to allow for the continuation of the existing street trees situated to the front of the multi storey car park. A landscaped area is also proposed to the rear of the building and the inclusion of green walls has been negotiated in the eastern courtyard element of the building, to soften its appearance when viewed from Queen's Road. Full details relating to the landscaping of the site would be secured via condition.
- 7.11 The comment received in relation to the size of the apartments is noted. Whilst not yet formally adopted policy DE1 of the emerging LAPP seeks to ensure that new build residential accommodation accords with nationally prescribed space standards. A 1 bed apartment as a minimum should be 39m<sup>2</sup>, a 2 bed 61m<sup>2</sup> and a 3 bed 74m<sup>2</sup>. One bed apartments within the scheme are approximately 42m<sup>2</sup>, 2 bed 64m<sup>2</sup> and 3 bed 92m<sup>2</sup>. It is therefore considered that the proposed units are acceptable in terms of space provided and would accord with policy DE1 of the emerging LAPP.
- 7.12 The proposal, subject to conditions, therefore accords with policy 10 of the Aligned Core Strategies, policies H2, NE9, NE10 and NE12 of the Local Plan and policies DE1 and IN2 of the emerging LAPP.

**Issue (iv) Other matters**

**Flooding/Drainage** (Aligned Core Strategy Policy 1, Local Plan Policy NE10 and policy CC3 of the emerging LAPP)

- 7.13 The site is located partially within Flood Zones 1 and 2 in accordance with Environment Agency mapping. The application has been reviewed by internal drainage colleagues and the Environment Agency and no objection raised to the proposed development. The site has historically been hard surfaced and/or occupied by built form and it is not considered that the proposed development would significantly alter the flood profile in the area. Finished floor levels have been designed within the building to reflect the flood profile of the site and flood doors proposed where required, to protect plant and machinery situated on the ground floor of the building. Subject to the proposed development being constructed in

accordance with the details submitted, it is not considered to result in flood risk concerns. The development therefore accords with Aligned Core Strategy policy 1, Local Plan policy NE10 and policy CC3 of the emerging LAPP.

**Highways Impact** (Aligned Core Strategies Policy 10 & 14, Local Plan Policy T3 and policy TR1 of the emerging LAPP)

- 7.14 The building would be located within a highly sustainable location on the southern edge of the city and in close proximity to bus, tram and rail connections. Vehicle access would be via Queen's Road and the proposed development would provide 46 car parking spaces, largely within the eastern element of the building, a minimum of 4 of which have been confirmed as providing electric vehicle charging points. Comments relating to the development resulting in further congestion and the requirement for further parking are noted, however Highways are satisfied that the proposed level of parking is acceptable given the sustainable location of the development adjacent to a number of public transport options. In relation to congestion; given the relatively small number of additional parking spaces being provided it is not considered that the further provision of vehicles in the surrounding area would significantly impact upon traffic flows. 264 cycle parking spaces would also be provided largely along the eastern boundary of the site, with additional stores within the carpark area. No objections have been raised by Highways to the proposed quantum of cycle or vehicle parking. Further details have been requested in relation to electric vehicle charging points, the submission of a construction traffic management plan and a residential travel plan, all of which can be secured via condition. Subject to the development being undertaken in accordance with the submitted details and further clarification being secured via condition, the proposal accords with Aligned Core Strategies policies 10 & 14, Local Plan policy T3 and policy TR1 of the emerging LAPP.
- 7.15 The proposed development would require the diversion of Public Right of Way 28 which runs along the western boundary of the site. Discussions have been on-going with the Rights of Way Officer to ensure that the future diversion of the footpath would be readily visible to users. The comments received from the Nottingham Local Access Forum are noted and revisions and improvements to the proposed diversion have been made. The applicant has also stated that they would be willing to erect a way finder or similar signage on Queen's Road to make clear the route of the proposed amended footpath.

**Developer Contributions** (Aligned Core Strategy Policy 19, policy H5 of the Local Plan and policy IN4 of the emerging LAPP)

- 7.16 The scheme meets the thresholds for securing contributions towards the provision of public open space, education, affordable housing and employment and training. Contributions have also been requested from the NHS in relation to secondary healthcare provision.
- 7.17 To be policy compliant the scheme requires the following contributions, all for off-site provision, to be secured through planning obligation:
- Public open space - £216,524
  - Affordable housing £2,730,000
  - Education – £178,801

The request for secondary health care provision is - £141,619

- 7.18 The applicant has submitted a viability appraisal and the conclusions of the assessment are that the development would be unviable with the burden of the total contribution being sought and indeed, that no contribution could be offered. An independent assessor was appointed to review the submitted appraisal.
- 7.19 Following a period of discussion and negotiation and following the advice of the independent assessor, a contribution of £600,000 has been agreed upon. In this instance it is considered that this sum be apportioned as follows:
- Public open space - £216,524
  - Affordable housing £204,675
  - Education – £178,801
- 7.20 Regarding the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in policy CE6 of the Local Plan (The provision of Health Facilities) and within chapter 8 of the NPPF (Promoting Healthy & Safe Communities). Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request, in particular that the contribution sought relates solely to secondary/acute care rather than wider healthcare infrastructure, particularly primary care (GP provision). There are also queries over the basis of the calculation being used to arrive at the figure requested, and reassurances required that any monies sought would be spent on healthcare provision reasonably and directly related to this development.
- 7.21 Discussions are on-going with the NUH NHS Trust in this regard and it is therefore recommended that the matter of including a contribution towards secondary health care provision, and the amount concerned, be delegated to the Director of Planning and Regeneration. Given the viability issues referred to above, any such contribution would need to be taken from the agreed total contribution of £600,000. Of the other items to which financial contributions are attributable, public open space and education are considered to be of priority for this development, and that the policy compliant contributions should be met in full for these. It is therefore recommended that should it be concluded that a sum is justifiable for secondary health care provision, that this be deducted from the sum allocated for off-site affordable housing provision.
- 7.22 Such obligations are considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, 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.
- 7.23 Subject to the applicant entering into a S.106 to secure these contributions the scheme is considered to be compliant with policy 19 of the ACS, policy H5 of the Local Plan and policy IN4 of the emerging LAPP.

**Biodiversity** (Policy 17 of the Aligned Core Strategies, Policy NE3 of the Local Plan and Policy EN6 of the emerging LAPP)

- 7.24 The site is largely hard surfaced, however there is some scrub vegetation along the rear boundary. The site has been reviewed and an ecological report provided by Ramm Sanderson. The report concludes that the site is of limited ecological value,

however in accordance with guidance from the NPPF, ecological enhancement can be achieved through landscaping. Being a high density city centre site the scheme offers limited landscaping opportunity, however further details of this are to be secured via condition in the interests of improving the ecological value of the site. The proposal subject to condition would accord with Policy 17 of the Aligned Core Strategies, Policy NE3 of the Local Plan and Policy EN6 of the emerging LAPP.

## **8. SUSTAINABILITY / BIODIVERSITY**

The application has been supported by an Energy Statement. Passive design and energy efficiency measures are proposed as part of the design of the building to minimise the building's energy demand. Photovoltaic panels are to be provided on the roof of the building, air source heat pumps would be utilised within the commercial area on the ground floor, and a minimum of 4 electric vehicle charging points would be provided within the car park. The proposed use of renewable technologies is detailed as providing a 10% CO<sub>2</sub> reduction on part L of the building regulation requirements. The proposal is considered to accord with emerging policies CC1 and CC2 of the LAPP.

The development would have no adverse impact on biodiversity.

## **9 FINANCIAL IMPLICATIONS**

The undertaken viability appraisal demonstrates that the total policy compliant contribution of circa £3 million would warrant the scheme unviable. The viability report provides the following approximate figures:

- Gross project construction cost (excluding land, fees and finance): £43.5 million
- 348 x 1, 2 and 3 bed PRS apartments ranging from 42m<sup>2</sup> to 92m<sup>2</sup>
- Creation of a ground floor 200m<sup>2</sup> mixed use commercial unit
- Developer profit: 10%

## **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**

The proposed development has been designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Providing a high quality and sustainable development

Working Nottingham: Securing training and employment for local citizens through the construction of the development

**14 CRIME AND DISORDER ACT IMPLICATIONS**

The development would provide a residential development with good natural surveillance

**15 VALUE FOR MONEY**

None.

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

1. Application No: 19/01642/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PV4U2MLYMPG00>

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

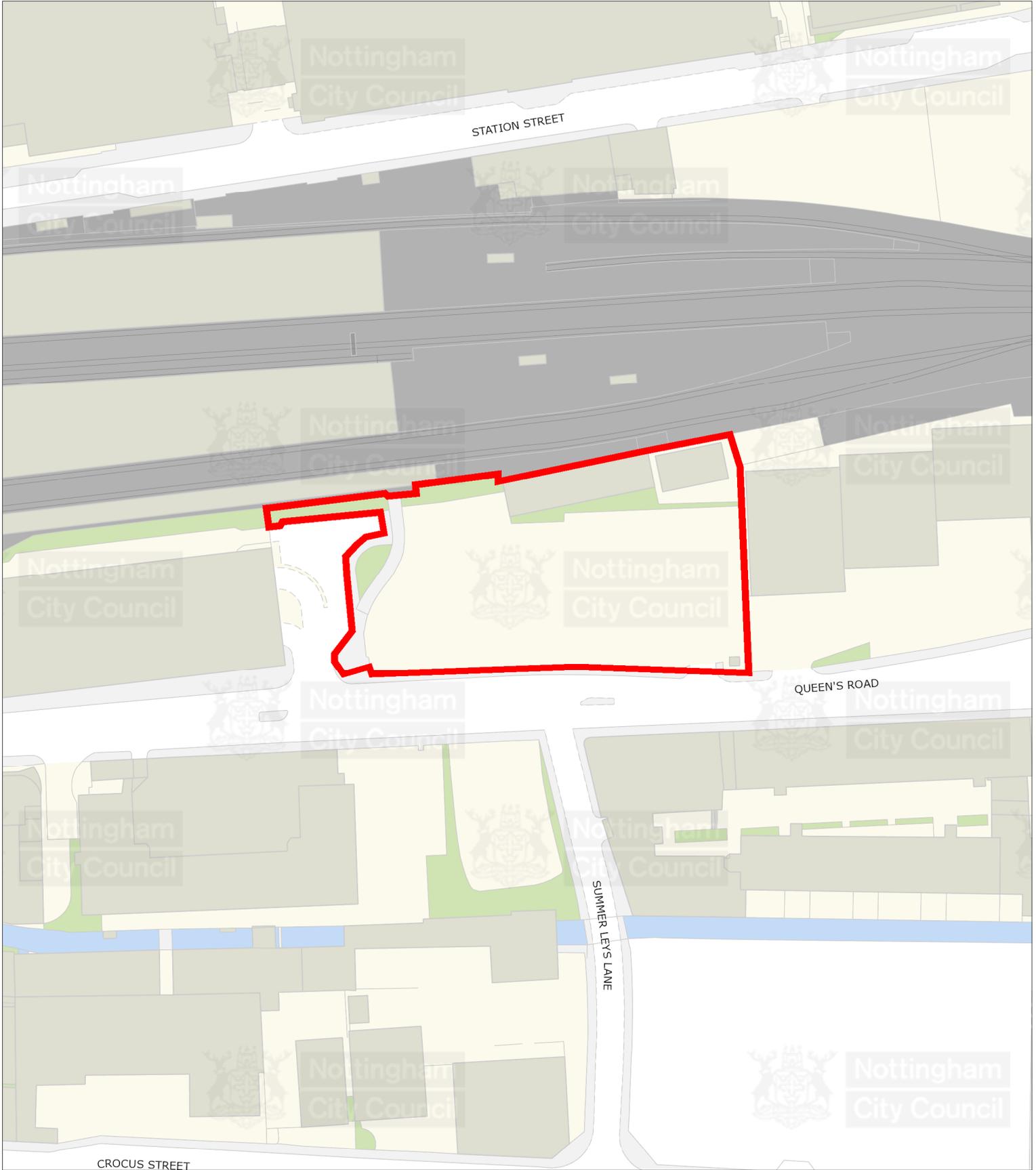
Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)  
Emerging LAPP (September 2019)  
NPPF (2019)

**Contact Officer:**

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764043

# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided

**My Ref:** 19/01642/PFUL3 (PP-08007831)  
**Your Ref:**  
**Contact:** Mr James Mountain  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Marrons Planning  
FAO: Ms Jenny Keen  
Waterfront House  
35 Station Street  
Nottingham  
NG2 3DQ

Date of decision:

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

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Application No: 19/01642/PFUL3 (PP-08007831)  
Application by: Blocwork LLP  
Location: Car Park, Nottingham Railway Station, Queens Road  
Proposal: Development comprises the demolition of existing buildings on the site and the construction of 348 studio, one, two and three bedroom apartments (built to rent) with ancillary residential facilities, car and cycle parking, public realm improvements and a commercial unit on the ground floor for flexible A1, A3, D1 and D2 use

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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. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement.

*Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.*



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3. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 2 Geo-Environmental Assessment by BWB dated May 2019 (ref NTE2510) and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) above are complete.

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

*Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.*

4. Prior to the commencement of above ground development, a noise impact assessment and sound insulation scheme for each commercial element (eg a gym or A3 use) shall be submitted to and be approved in writing by the Local Planning Authority.

The noise impact assessment shall include any impact noise and noise from amplified music or people that are likely to have an adverse effect on residents in the development. In addition it shall include predicted noise levels for any plant and equipment which will form part of that development, octave band analysis and all assumptions made (e.g. glazing and façade areas, internal floor separations).

The noise impact assessment shall provide recommendations to minimise the risk of adverse impact to structurally connected apartments and set appropriate internal octave band noise limits to minimise noise breakout.

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

*Reason: To ensure that future occupants of the building are not adversely affected by noise and to accord with policy NE9 of the Local Plan.*

5. Prior to the commencement of the fitting out of any A3 or similar use, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

*Reason: To ensure that future occupants of the building are not adversely affected by odour and to accord with policy NE9 of the Local Plan.*



6. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development including the construction of a sample panel on the site shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

*Reason: To secure a development of satisfactory appearance that complies with policies 10 & 11 of the ACS and BE12 of the Local Plan*

7. Prior to the commencement of above ground development, an electric vehicle charging scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The scheme shall include:

For Residential Development:

- 1 electric vehicle charging point per 10 parking spaces (unallocated parking)

For Anticipated Future Demand:

To prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

The development shall not be occupied until the agreed charging scheme has been installed and it shall thereafter be retained for the lifetime of the development.

*Reason: In the interests of sustainable transport and to accord with policy T3 of the Local Plan*

8. Prior to the commencement of above ground development, large scale sections of at least 1:20 shall be submitted to show the placement and position of windows and balconies and the depth of proposed reveals to windows and doorways. The development shall be completed in accordance with the approved details.

*Reason: To secure a development of satisfactory appearance that complies with policies 10 & 11 of the ACS and BE12 of the Local Plan.*

### **Pre-occupation conditions**

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

9. Prior to the development first being occupied a landscaping scheme (hard and soft landscaping including surfacing and means of enclosure), in addition to details to enhance biodiversity and a management strategy relating to the green walls shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of proposed trees and shrubs to the front and rear of the building.

*Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS*

10. No part of the development hereby permitted shall be brought into use until the existing eastern site access on Queens Road that has been made redundant as a consequence of this consent are permanently closed and reinstated as footway with full height kerbs in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

*Reason: In the interests of highway safety and to accord with policy 10 of the ACS*



11. A full residential Travel Plan with supporting measures for residents must be submitted for approval by the Local Planning Authority no later than 3 months after initial occupation. The Travel Plan will use survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

*Reason: In the interests of promoting sustainable travel and to accord with policy T3 of the Local Plan*

12. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of 264 cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located to the main entrance, be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

*Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS.*

13. Prior to first occupation of the development, verification that the approved Ventilation Strategy by Cudd Bentley Consulting dated June 2019 (Ref:5361/18/GRG) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that the ventilation requirements of the building do not adversely affect air quality or amenity of residents to accord with policy NE9 of the Local Plan.*

14. Prior to first occupation of the development, verification that the measures in the approved Energy Statement by Cudd Bentley Consulting dated 11/07/2019 (Ref: JR/5631/18 v1) have been implemented and are fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: In the interests of promoting a sustainable form of development and to accord with policy CC2 of the emerging LAPP*

15. Prior to first occupation of the development, verification that the air quality mitigation measures in the approved Air Quality Assessment by BWB Consulting dated July 2019 (Ref: NTE2510-001) have been implemented and are fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: In the interests of the amenity of residents and to accord with policy NE9 of the Local Plan*

16. Prior to first occupation of the development, verification that the approved residential sound insulation and ventilation scheme in the Noise Impact Assessment by Hann Tucker Associates dated 11/07/2019 (Ref 25166/NIA1 ) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that the sound insulation schemes approved to safeguard residential amenity and to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.*

17. Prior to first occupation of the development, verification that the cumulative noise from all fixed plant and equipment meets the criteria in the approved Noise Impact Assessment by Hann Tucker Associates dated 11/07/2019 (Ref 25166/NIA1 ) shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that approved mitigation measures schemes to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.*

18. Prior to first occupation of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority

*Reason: In the interests of amenity and to accord with policy NE9 of the Local Plan*

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

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

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

*Reason: To ensure that site is remediated appropriately in line with the approved remediation strategy to accord with policy NE12 of the Local Plan.*

20. The residential units shall not be occupied until bin storage facilities have been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority. The approved details shall thereafter be retained for the lifetime of the development.

*Reason: To ensure that appropriate bin storage facilities have been provided in order to comply with policy 10 of the ACS.*

**Regulatory/ongoing conditions**

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

21. The development will require the stopping up of the public highway/right of way and no part of that development hereby permitted (or any temporary works or structures) shall obstruct the public highway until the areas of public highway thereon, shown on plan (Franklin Ellis Plans - Right of Way Adjustment BQR-FEA-S1-XXDP- A-1550) have been formally stopped up.

*Reason: In the interests of highway safety and to accord with policy 10 of the ACS*



22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

*Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and to accord with policy 1 of the ACS*

23. The development shall be carried out in accordance with the submitted flood risk assessment (ref Bradbrook Consulting, 18 - 090 Queen's Road, 11th July 2019) and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 26.0 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

*Reason: To ensure residents are safe for the lifetime of the development and to accord with policy 1 of the ACS*

#### **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 following drawings/documents:
- Planning Layout reference Site plan proposed DP-A-1200 revision P10, received 5 November 2019
  - Planning Layout reference Site location plan DP-A-1500 revision P2, received 5 November 2019
  - Planning Layout reference Site plan right of way adjustment DP-A-1550 revision P6, received 5 November 2019
  - Drawing reference 3D site views DV-A-5151 revision P5, received 5 November 2019
  - Elevations reference Site elevations DE-A-3700 revision P5, received 5 November 2019
  - Elevations reference Site elevations DE-A-3705 revision P5, received 5 November 2019
  - Elevations reference DE-A-3800 revision P6, received 5 November 2019
  - Elevations reference DE-A-3801 revision P6, received 5 November 2019
  - Elevations reference DE-A-3803 revision P6, received 5 November 2019
  - Elevations reference DE-A-3804 revision P6, received 5 November 2019
  - Elevations reference DE-A-3805 revision P3, received 5 November 2019
  - Elevations reference DE-A-3806 revision P3, received 5 November 2019
  - Planning Layout reference Lower ground floor DP-A-2200 revision P12
  - Planning Layout reference Ground floor DP-A-2201 revision P12, received 5 November 2019
  - Planning Layout reference Mezzanine DP-A-2202 revision P9, received 5 November 2019
  - Planning Layout reference 1st floor DP-A-2203 revision P9, received 5 November 2019
  - Planning Layout reference 2nd to 7th floors DP-A-2204 revision P10, received 5 November 2019
  - Planning Layout reference 8th floor DP-A-2210 revision P9, received 5 November 2019
  - Planning Layout reference 9th floor DP-A-2211 revision P9, received 5 November 2019
  - Planning Layout reference Roof plan DP-A-2212 revision P5, received 5 November 2019
  - Drawing reference Section AA DS-A-3203 revision P5, received 5 November 2019
  - Drawing reference Section AA DS-A-3204 revision P5, received 5 November 2019
  - Drawing reference Section BB □ CC DS-A-3205 revision P5, received 5 November 2019
  - Drawing reference Section DD □ EE DS-A-3206 revision P5, received 5 November 2019



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*Reason: To determine the scope of this permission.*

## Informatives

1. The approved ventilation scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations.
2. The measures in the approved Energy Statement must be maintained, serviced and operated in accordance with manufacturer's recommendations.
3. The mitigation measures in the approved Air Quality Assessment must be maintained, serviced and operated in accordance with manufacturer's recommendations.
4. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/>  
They can also be contacted by email at: [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) or by phone on 0115 8765012.
5. 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.
6. 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.
7. The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

Verification that the approved sound insulation scheme has been implemented shall include;

- The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
- Example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
- Photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc



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.

8. The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (EMAQ, 2018).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: [fireprotectionsouth@notts-fire.gov.uk](mailto:fireprotectionsouth@notts-fire.gov.uk) ). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops> ).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

#### Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

9. The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

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

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

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

#### 10. Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0900-1300)

Sunday: at no time

Bank Holidays: at no time



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Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers.

#### Dust/Grit and Other Fugitive Emissions

Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include:-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

11. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 876 5238. All costs shall be borne by the applicant.

12. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

13. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

14. The proposed development will require the stopping up and diversion of a public right of way. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public right of way and an unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up the right of way will be required. This is a separate legal process and the applicant will need to contact the Department for Transport at their earliest convenience to discuss this matter further. Their contact details as follows: The National Transport Casework Team, Department for Transport, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (T) 0191 226 5216.

15. The development necessitates the repositioning of street lighting column(s) on Queens Road. Please contact Street Lighting on 0115 876 1850. All associated costs shall be borne by the applicant.

16. The provision of street trees and the proposed associated uplighting located within the adopted highway are likely to require commuted sums being provided if these are to be maintained as part of the adopted highway. Please contact Highway Agreements on 0115 876 5238. All associated costs to be borne by the applicant.

17. The applicant should provide a residential travel pack to occupants to contain transport related information on the provision of sustainable modes of transport. The applicant is advised to contact Robert Smith (Senior Transport Planner) 0115 8763604 for further information.

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

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



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## **RIGHTS OF APPEAL**

Application No: 19/01642/PFUL3 (PP-08007831)

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](http://www.planningportal.gov.uk/pes).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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WARDS AFFECTED: Castle

Item No:

**PLANNING COMMITTEE**  
**20 November 2019**

## **REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

### **4 Duke William Mount**

#### **1 SUMMARY**

Application No: 19/01361/PFUL3 for planning permission

Application by: Mr Ian Staples

Proposal: Proposed partial demolition, alteration and extension to an existing link detached dwelling.

The application is brought to Committee due to the significant level of public interest, including the ward councillors.

To meet the Council's Performance Targets this application should have been determined by 12 August 2019. An extension of time has been agreed with the applicant until 27 November 2019.

#### **2 RECOMMENDATIONS**

2.1 **GRANT PLANNING PERMISSION** subject to 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 Director of Planning and Regeneration.

#### **3 BACKGROUND**

3.1 The property is a detached two storey dwelling located within a Primarily Residential Area and The Park Conservation Area. The dwelling is an unsympathetic infill dwelling in a row of three similar properties, linked to the neighbouring property to the south by its garage. These dwellings were built after demolition in the 1970s of a large Original Estate House (Fairlawn) that previously stood on the site. To the north is another Original Estate House (OEH), 3 Duke William Mount, which the application dwelling is set forward of. There is a tree protected by a TPO to the front of the property, along with a driveway and a small garden area. There is a larger rear garden with residential properties to the rear situated at a lower level. The street slopes downwards from north to south.

#### **4 RELEVANT PLANNING HISTORY**

4.1 None of relevance to this proposal.

#### **5 DETAILS OF THE PROPOSAL**

5.1 Planning permission is sought for extensive alterations and extensions to the dwelling, which would significantly alter the appearance of the property in terms of

its scale, materials and design. The plans have been amended during the determination of the application to address a concern raised by a neighbouring resident; the first floor element of the dwelling has been set back to the line of the existing property's front elevation.

- 5.2 A number of design alterations were also made following pre-application discussions, to address concerns regarding scale, impact on the conservation area and on neighbouring residents.
- 5.3 The original front boundary wall is proposed to be retained, with alterations to the parking area and garden to the front of the dwelling.

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

5 neighbours were notified by letter, a site notice was displayed and a press advertisement published. The consultation period expired on 18.07.2019.

Representations have been received both in support and objection to the proposal. Three neighbouring residents have commented in support of the application. In objection, representations have been received from three groups within the Park Estate, and the Nottingham Civic Society.

A neighbour to one side requested that the first floor element adjacent to the shared side boundary to the north be set back, to reduce its impact upon them. Amended drawings have been submitted to this effect and this owner of the neighbouring property has now submitted comments strongly supporting the application, considering that:

- It will significantly improve the immediate locality and wider Park Estate. The existing properties built on the site of Fairlawn are completely out of proportion and context, and that the proposed remodelling of the house goes a long way to redress this.
- The use of quality materials in innovative ways seems entirely in keeping with the architectural heritage of The Park.
- With reference to the issue of a loss of light to No.3, having stood in the front garden at different times of day to track the light path, it is considered that the effect of the proposed new building would be negligible.

The neighbours to the other side have also commented in support considering that:

- The design is stunning and is perfectly in keeping with the surrounding area. The planned extension will only serve to enhance the neighbourhood and benefit the adjoining houses, which can only be positive for The Park Estate as a whole. Looking at the front of the current house from Duke William Mount, it is considered that the proposed development will be perfectly in keeping with No.3 and with the roofline will create a gradual step down to No.4, which then steps down again to 5 Newcastle Circus. At present No.4 is completely dwarfed by No.3.
- They have been consulted by the applicant all through the design stage and have been shown drawings and elevations before the plans were submitted.

Early on in the process they raised concern regarding the view from their property at the rear; the applicant immediately amended the plans to alleviate the concerns. They are very happy that they will be completely unaffected by any negativity from the proposed development and will not lose any light, as they are to the south of the property.

A comment of support has been received from a further resident of Duke William Mount, stating that the proposal would clearly improve the road.

The following groups have submitted comments in objection, which are summarised below:

Nottingham Park Residents Association  
Park Planning Steering Group  
Nottingham Park Estate

- This proposed development is at the centre of The Park and the Conservation Area and is a visually prominent replacement for the relatively less conspicuous house. It is important therefore that any proposal fits in well to the whole public scene, not just certain limited aspects or views (as submitted).
- The proposal is excessively prominent given its scale and position on the plot.
- The use of materials and the flat roof have little relevance to the surrounding architecture.
- The entire property should be setback in the site to reduce its visual impact.
- Support replacing the existing poorly designed infill dwelling, but strongly object to this application principally based upon the form, mass and scale of the new dwelling, which would have a hugely detrimental impact on the character and appearance of the Conservation Area.
- The proposal would completely obliterate any view of 2 and 3 Duke William Mount from Newcastle Circus.
- The original Fairlawn shared a building line with 1 to 3 Duke William Mount and when it was demolished, 4 Duke William Mount was built well forward of this, causing harm to the neighbouring properties, the streetscape and the relationship between the Circuses. The current proposal severely exacerbates this by building further forward and much, much higher. The potential damage to the Conservation Area caused by current planning application submission clearly outweighs any enhancement provided by the contemporary design.
- By filling the plot with two and three storied built forms, crowding the adjacent OEH and dominating its modern neighbour on the other side, the resultant building creates a jarring intensity detracting from the Victorian character.
- Concern that the proposal would affect the protected tree at the front of the site.

The Nottingham Park Estate also commented on the amend scheme, stating that the changes did not alter their original objections. It is noted that the positioning of the dwelling was the overriding concern of the Nottingham Park Estate, who recognised the suitability of the design of the scheme but felt that it should be set further back.

Comments have additionally been received from Locus Consultancy, who are undertaking a review of the Conservation Area appraisal for the Nottingham Park Estate. They have therefore considered the proposal in heritage impact terms only.

- The existing house is poor quality, but the visual impact is lessened by the small scale.
- Acknowledge that the contemporary look and feel of the proposal is unarguably inspired by the Estate houses of The Park and integrates well with the established building stock in many respects.
- Removes one third of the poor quality late 20<sup>th</sup> Century housing development and replaces this poor quality dwelling with one that is grander and more articulate in design.
- Undoubtedly brings a degree of public benefit in principle. However, any benefit is limited to the character and appearance of the plot, not the area. Beyond the site's tight boundaries, the impact is negative.
- The proposal would be acceptable if it were set further back in the plot, but as proposed, it would have a detrimental impact.

**Additional consultation letters sent to:**

**Conservation Officer:** This application relates to the remodelling and extension of 4 Duke William Mount, a late 20<sup>th</sup> century house situated in the Park Conservation Area. Duke William Mount is at the very heart of the Conservation Area and forms the link between the two Circuses (Lincoln Circus and Newcastle Circus) from which the concentric layout of the whole Estate fans out. The site is located immediately adjacent to 3 Duke William Mount, one of The Park's OEHS and forms part of a row of three similar houses. These houses and a terrace of five others facing Clumber Road East occupy what was originally the site of a large 19<sup>th</sup> century property known as Fairlawn. As well as resulting in the demolition of Fairlawn, the construction of the smaller modern houses had a significant and detrimental impact on The Park's historic grain of development which is characterised by its large houses set in generous garden plots. The front façade of no. 4 Duke William Mount projects forward of the established building line set by the historic properties to the north. This poor relationship is particularly obvious in views of nos. 3 and 4 from Lincoln Circus to the northwest and along Duke William Mount itself.

The proposed development would increase the height and bulk of no. 4 through an extensive remodelling and extension of the existing property. The close proximity to no. 3 and the two properties' contrasting building lines remain problematic due to the visual impact on the setting of the OEH when viewed from the north west. It is recognised, however that no. 4's position and building line are constrained by the dimensions of the plot and the residential amenity of neighbouring houses. There is no realistic prospect of the plot's original 19<sup>th</sup> century arrangement (a single estate house in expansive grounds) being reinstated. Opportunities for enhancement of the Conservation Area (as per paragraph 200 of the NPPF) are therefore limited to the remodelling or rebuilding of the existing building in its current position. Seen in this context the architectural quality of the design is a significant and beneficial improvement on the existing house. It references the detailing, form and materials of the adjacent OEH, but remains subordinate to it in height and makes a clearly contemporary statement rather than creating a pastiche. On balance it is therefore felt that although the increased visual presence of the building would result in a

minor degree of harm to the setting of the OEH, this would be outweighed by the significant improvement in the architectural quality of the property.

For this reason the application would be acceptable when considered against paragraph 196 of the NPPF.

**Tree Officer:** The tree survey/report submitted with the application is insufficiently detailed. It is adequate as a guide to the layout but offers little information or mitigation in respect to the TPO tree and the intended change to the environment around it. An Arboricultural Method Statement, would be required by condition to address how the tree will be retained and what mitigating measures will be put in place to protect it during construction.

## **7 RELEVANT POLICIES AND GUIDANCE**

### **Nottingham Local Plan**

BE12: Development in Conservation Areas

NE5 - Trees

### **Aligned Core Strategies**

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 11: The Historic Environment.

### **The Local Plan part 2 document Land and Planning Policies**

The replacement to the above Nottingham Local Plan is awaiting its final Inspector's Report and is anticipated to be adopted in the New Year. Given the stage that the document has reached its policies are to be afforded great weight. In relation to this application the following policies are relevant:

Policy DE1: Building Design and Use: Buildings must be designed to fulfil their function effectively, but consideration must also be given to the way they impact on the surrounding townscape, landscape and neighbouring properties. They must enhance the local environment, contributing to the vitality of areas and improve community safety.

Policy DE2: Context and Place Making: Development proposals should help to reinforce and enhance positive characteristics and create attractive new places.

Policy EN7: Trees: Development proposals affecting trees will only be granted where existing high value trees are retained and protected, along with other trees and landscaping where possible.

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets: Development proposals affecting heritage assets and/or their setting will be supported where they conserve or enhance the historic environment in line with their interest and significance.

Policy CC1: Sustainable Design and Construction: All development proposals (including changes of use) will be expected to maximise opportunities to incorporate sustainable design.

### **National Planning Policy Framework**

Section 12: Conserving and enhancing the historic environment.

## **8 APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- i) Principle of the development
- ii) Design and impact on character of the Conservation Area
- iii) Amenity on neighbouring residents
- iv) Impact on tree

### **i) Principle of the proposed development**

- 8.1 The application site is located within a Primarily Residential Area as defined by the Local Plan. There is therefore no objection in principle to residential extensions, provided that they comply with the other policies of the development plan.

**ii) Design and Impact on the Character of the Conservation Area** (Policy BE12 of the Local Plan, Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the emerging LAPP)

- 8.2 The proposed alterations and extensions would completely alter the character of the existing dwelling, which is an in-fill dwelling at odds with the design and scale of the adjacent OEH and the overall character of the Conservation Area. The existing dwelling does not make a positive contribution to the Conservation Area. The proposal would result in a contemporary dwelling that is more sympathetic in scale and appearance, with design features to reflect those of the neighbouring OEH. Together with the use of quality materials, it is considered the resultant dwelling would result in a positive contribution to the character of the Conservation Area.
- 8.3 The scale of the resultant dwelling would increase from the size of the existing house but remain subservient to the neighbouring OEH, with the ridge height remaining considerably lower. The dwelling would have three sections when viewed from the front; two gables and a flat roof section, the height of each section dropping from the highest point adjacent to the OEH, to the lowest point adjacent to the neighbouring infill house. This would reflect the scale and proportions of the dwellings to each side and would provide a successful visual link between the two.

- 8.4 It is noted that the existing dwelling is set forward of the OEH to the north; the proposal follows the building line of the existing dwelling and is of a similar footprint, albeit with a small single storey section (garage) set slightly forward of this. The scheme has been amended to set back the tallest gable section at first floor level, so that it would align with the front elevation of the existing dwelling, albeit taller.
- 8.5 The positioning of the enlarged dwelling on the plot has raised concerns from objectors who largely consider that whilst the design itself is commendable, the increased scale and its positioning on the plot would adversely affect the dwelling's visual impact on the adjacent OEH and wider Conservation Area. It has been suggested that the entire dwelling should be set back within the plot so that it does not compete with the adjacent OEH and is less prominent in the Conservation Area. However, the applicant wishes to retain and extend the existing dwelling rather than demolish and replace it.
- 8.6 It was felt by objectors that the proposal would significantly impact views from a number of public vantage points around the site, and would therefore result in significant visual harm to the character of the Conservation Area and the setting of the adjacent OEH. Officers have viewed the site from the vantage points referred to and assessed images of what the proposed dwelling would look when viewed in context.
- 8.7 The comments regarding the width and openness of Duke William Mount are noted. It is a short road linking the two Circuses that only has four dwellings fronting its eastern side; to the western side is the Queen Anne's Bowling Green that is enclosed with a heavily treed boundary. The three infill dwellings on the former Fairlawn plot are curved such that the two dwellings alongside the application property primarily front Newcastle Circus. Of the four dwellings referred to, No.4 shares the same building line as No.1, with the intervening semi-detached Nos.2 and 3 set further back. Typical of the Park, Duke William Mount has a wide carriageway and footpaths, beyond which there are wide verges with street trees and deep front gardens to the properties, approximately 6m in the cases of No.4.
- 8.8 The proposed dwelling, as amended, principally aligns with the front elevation of the existing dwelling. It has been commented that the forward building line of these infill properties is regrettable, but interesting to note that reference may have been taken at the time of their approval from No.1. However, there is no realistic prospect of the three individually owned properties concerned being demolished and set further back within their plots, if for no other reason due the adverse impact that this would have on their rear gardens and the properties beyond. The current situation is therefore accepted as a baseline position for assessing proposed developments.

The visual impact of the proposed dwelling would not be prominent when viewed from the south, from either the street or Newcastle Circus. At certain times of year tree cover would screen most views towards the site but, notwithstanding this, the adjacent OEH would still be visible from the south given its size and slightly elevated position, with the proposal remaining subordinate to this dwelling.

When approaching the site from the north the proposal would be more prominent although the proposed dwelling would not obscure the OEH, rather be seen sitting forward of it, as is the current situation. It is recognised that the increased scale and height of the proposal is notably greater than that of the existing property and, therefore, from this viewpoint would exacerbate its forward position relative to No.3 and draw greater attention to the relationship between the two. However, this one harmful aspect needs to be seen within the wider context of the building line to the eastern side of Duke William Mount and against the positives of the scheme; the acknowledged merit of the proposed design that is inspired by and integrates well with the OEHs of The Park, and the appropriateness of the increased scale that remains subordinate to No.3 but is more respectful of its scale. The proposal's impact on the openness of Duke William Mount is further mitigated by the retained front garden depth of 6m and the large mature tree located forward of the property. In conclusion, it is felt that the width and openness of Duke William Mount would not be unduly compromised by the proposed development and that the architectural merits of the scheme would result in a positive impact upon the Conservation Area and setting of the adjacent OEH.

- 8.9 It is noted that if the dwelling were set further back into the site, as suggested by objectors, this would reduce its visual prominence to a degree. However the proposal is seeking to work with the footprint and structure of the existing dwelling, rather than demolish it, and that this would also reduce the dwelling's private rear garden space and create amenity issues for neighbouring residents, as discussed further below, which is a material consideration that also needs to be given due weight in the overall assessment of this proposal.
- 8.10 On balance therefore, it is considered that the proposal complies with Policy BE12, Policies 10 and 11 of the Aligned Core Strategy and Policies DE1, DE2 and HE1 of the emerging LAPP and the development would have a positive impact on the character and appearance of the Conservation Area.

**iii) Amenity of neighbouring residents** (Policy 10 of the ACS and Policy DE1 of the emerging LAPP)

- 8.11 The proposal is considered to have an acceptable impact on the amenity of neighbouring residents. The plans have been amended to reduce the forward projection of the gable adjacent to No.3 Duke William Mount, which was a direct response by the applicant to a concern raised by the owner of this property. No.3 is set back from the application dwelling and of a noticeably larger scale. As amended, with a setback at first floor level adjacent to the shared boundary, and given that the windows along the side of No.3 facing the application site are obscure glazed or at a high level, it is considered that the proposal would have an acceptable impact on the amenity of the residents of this property. The neighbour has raised no objection to the scheme.
- 8.12 To the south is a similar two storey dwelling to the application property, which itself has been extended. The proposal would be two storey alongside the blank side wall of this neighbouring property, stepping down to single storey as it projects to the rear. There is a small first floor terrace, but this is enclosed to the side to protect the

privacy of the neighbours. As discussed previously, the suggestion to demolish the existing dwelling and move the proposed scheme back within the plot would significantly impact on the residents of this property. The scheme was amended through pre-application discussions to reduce the scale of the proposal on this side, which originally included a two storey extension projecting to the rear of this neighbouring property with extensive roof terraces above. It is noted that there have been no objections to the proposal from these neighbouring residents.

- 8.13 To the rear there is a terrace of properties also built within the former ground of Fairlawn, fronting Clumber Road East. The properties are at a much lower ground level to the application dwelling and are approximately 35m away. The proposed scheme would not bring the dwelling any closer to these properties above ground floor level, therefore it is not considered that there would be a loss of light or privacy over and above the existing situation, nor would the increase in height be overbearing given the separation distance. There is a small first floor terrace but given the separation distance, it is not considered that this would significantly reduce privacy to the residents of these dwellings. It is noted that if the dwelling were set back further in the plot, this would significantly increase the impact on these properties given the site level changes.
- 8.14 It is therefore concluded that the proposal would have an acceptable impact on the amenity of neighbouring residents in accordance with ACS policy 10 and policy DE1 of the emerging LAPP.

**iv) Impact on Tree** (Policies 1 & 10 of the ACS, Policy NE5 of the Local Plan, Policy DE1 of the emerging LAPP)

- 8.15 There is a tree in the front garden that is protected with a Tree Preservation Order. A Tree Survey has been submitted as part of the application, but it is noted that the survey did not include sufficient information in terms of how the tree would be protected during the construction of the extensions. Therefore it would be necessary to request further information by condition to ensure that satisfactory mitigation measures are in place prior to the commencement of any buildings works.

## **9 Sustainability** (Policy 1 of the ACS and Policy CC1 of the emerging LAPP)

- 9.1 It is noted that by retaining and extending the existing dwelling, the proposal is considered to be more sustainable than the alternative of its complete demolition and rebuild.
- 9.2 The applicant has confirmed that a number of significant improvements will be made to the energy credentials of the resultant dwelling. Including, but not limited to, the follow:
- Utilising modern methods of construction to provide a quicker build time and reduction in site waste.
  - Upgraded roof to enhance the energy performance of the entire property, including the incorporation of PV slate tiles, to provide efficient solar electricity generation.
  - Environmentally friendly building materials.

- Existing low quality external brick removed, old cavity insulation removed, and new high performing insulation placed in the cavity, before rebuilding the brick work layer with an appropriate high quality handmade reclamation finish brick.
- Existing single glazed windows upgraded.
- Internal ground floor of the existing dwelling is being upgraded to provide a fully insulated floor.

9.3 The proposal is therefore considered to accord with policy 1 of the ACS and policy CC1 of the LAPP.

**10 FINANCIAL IMPLICATIONS**

None.

**11 LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

**12 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**13 RISK MANAGEMENT ISSUES**

None.

**14 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Providing a high quality and sustainable family dwelling.

**15 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**16 VALUE FOR MONEY**

None.

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

1. Application No: 19/01361/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Nottingham Local Plan (November 2005)  
 Aligned Core Strategy (September 2014)  
 Local Plan Part 2 Revised Proposed Main Modifications Version (May 2019)  
 NPPF (February 2019)

**Contact Officer:**

Kathryn White, Case Officer, Development Management.

Email: [Kathryn.white@nottinghamcity.gov.uk](mailto:Kathryn.white@nottinghamcity.gov.uk). Telephone: 0115 8762529

# NOMAD printed map



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0 0.01 0.02 km



## Key



City Boundary

## Description

No description provided



**My Ref:** 19/01361/PFUL3 (PP-07935424)  
**Your Ref:**  
**Contact:** Ms Kathryn White  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Mr Ian Staples  
4, Duke William Mount  
Nottingham  
NG7 1BH

Date of decision:

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

Application No: 19/01361/PFUL3 (PP-07935424)  
Application by: Mr Ian Staples  
Location: 4 Duke William Mount, Nottingham, NG7 1BH  
Proposal: Proposed partial demolition, alteration and extension to an existing link detached dwelling.

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

**Time limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Pre-commencement conditions**

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until details of the external materials of the extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policie 10 and 11 of the ACS and Policies DE1 and HE1 of the emerging LPP.*



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**Not for issue**

Continued...

3. 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 tree in the front garden of the site that is protected by a Tree Preservation Order.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan and Policy EN7 of the emerging LPP.*

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

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan and Policy EN7 of the emerging LPP.*

**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)

5. The rear facing windows at first floor level serving the master bedrooms (dressing room and ensuite), shall be non other than obscure glazed and fixed shut below a height of 1.7m

*Reason: To ensure that privacy of neighbouring residents is maintained in accordance with Policy 10 of the ACS and Policy DE1 of the emerging LPP.*

**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 17 June 2019.

*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. Noise Control: hours of work and equipment during demolition/construction

To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

#### Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

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: 19/01361/PFUL3 (PP-07935424)

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](http://www.planningportal.gov.uk/pes).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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## **Not for issue**

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