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**Nottingham
City Council**

Nottingham City Council Planning Committee

Date: Wednesday, 22 November 2023

Time: 2.00 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: James Lavender

Direct Dial: 0115 876 4643

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** 3 - 8
To confirm the minutes of the meeting held on 19 July 2023
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a Land Southeast Of Park View Court, Bath Street** 9 - 28
 - b 8 Clinton Terrace** 29 - 50

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Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 19 July 2023 from 2.01 pm - 2.49 pm

Membership

Present

Councillor AJ Matsiko (Chair)
Councillor Sam Lux (Vice Chair)
Councillor Graham Chapman
Councillor Sam Harris
Councillor Imran Jalil
Councillor Kirsty L Jones
Councillor Anwar Khan
Councillor Gul Nawaz Khan
Councillor Samina Riaz

Absent

Councillor Kevin Clarke
Councillor Faith Gakanje-Ajala
Councillor Pavlos Kotsonis
Councillor Ethan Radford
Councillor Naim Salim

Colleagues, partners and others in attendance:

Ann Barrett	- Team Leader, Legal Services
Lisa Guest	- Technical Lead, Highway Development Management
James Lavender	- Governance Officer
Rachel Mottram	- Head of Development Management
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Nigel Turpin	- Heritage and Urban Design Manager

9 Apologies for Absence

Councillor Kevin Clarke – Other Council business
Councillor Faith Gakanje-Ajala – Other Council business
Councillor Pavlos Kotsonis – Unwell
Councillor Ethan Radford – Personal reasons
Councillor Naim Salim - Unwell

10 Declarations of Interests

None.

11 Minutes

The minutes of the meeting held on 21 June 2023 were confirmed as an accurate record and signed by the Chair.

12 Planning Applications: Reports of the Director of Planning and Regeneration

13 Land West Of Speedo House Unit 6, Enterprise Way, Nottingham

Rob Percival, Area Planning Manager, presented planning application 22/02486/PFUL3, which sought full planning permission to erect a Volvo car showroom, workshop, offices, and a spare parts and MOT bay, along with separate valeting accommodation, additional parking and landscaping, located at land west of Speedo House on Enterprise Way in Nottingham. The following information was highlighted:

- (a) site photographs, site layouts and CGI images showed what the final development will look like within the context of the wider site;
- (b) the existing site features trees which have a Tree Protection Order (TPO) and additional planting will take place on the site boundaries;
- (c) the land is allocated for employment and industrial use in the Local Plan, but this policy does not cover car showrooms. The application is referred to Planning Committee therefore as being a technical departure from the Local Plan;
- (d) With the exception of the retail element of the proposal a majority of the proposed uses (office, workshops etc) are compatible with the allocated use and the application was felt to be acceptable in principle;
- (e) the wider area already includes three car dealerships so the inclusion of this car showroom would be in keeping with the area and compatible with this high quality business park;
- (f) the proposed car showroom would make use of vacant land. Alternative uses such as an office block are not viable due to the collapse in demand for office space outside of the City Centre;
- (g) amongst the comments received on the application, the most notable are from Highways and NET raising concern about the impact of car transporter vehicles on the operation of the tram. Following the submission of vehicle tracking diagrams, the Highways department have further assessed the impact of car transporters accessing the site and found that it is safe for the public and tram network, as well not being likely to have a heavy impact upon or cause damage to the quality of the road surface. Additional signage will be provided to warn visitors exiting the site of tram movements;
- (h) solar panels will be installed on the roof of the showroom to generate the electricity for the site;

Members of the Committee made the following comments:

- (i) extensive signage will be needed to accommodate the additional traffic to and from the site;

- (j) the existing trees and landscaping along the frontage of the site should be preserved;
- (k) air source heat pumps could be installed on-site;

The following responses were provided by Officers:

- (l) additional signage will be provided;
- (m) the frontage landscaping of the trees with a TPO will be bolstered by the additional landscaping to be provided as part of this scheme;
- (n) air-source heat pumps are mentioned in the planning application;
- (o) the roads are already made to take heavy-goods vehicles such as car transporters. If roads experience increased traffic generation, then the Highways Team can undertake 'Dilapidation Surveys' to identify repair works needed to the highway;
- (p) there is no policy requiring s106 contributions for road maintenance purposes. The only Policy requiring s106 obligations relevant to this application is in relation to employment and training opportunities (EE4).

Resolved:

(1) to grant planning permission subject to;

(a) no adverse, material comments being received by the 28 July 2023 which arise from further publicity and consist of issues other than those already addressed by this report;

(b) prior completion of a planning obligation which shall include;

(i) a financial contribution of £14,209 towards local employment and training together with the provision of employment and training opportunities during the construction phase;

(2) that power to determine the final details of the planning obligation and conditions of planning permission be delegated to the Director of Planning and Transport;

(3) the Committee was satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are;

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development.

14 Former Apollo Hotel, 170 Hucknall Lane, Nottingham NG6 8AJ

Martin Poole, Area Planning Manager, presented planning application 23/00120/PFUL3 for full planning permission for the construction of a mixed-use development comprising a UCO (Classes E(a) and (b) unit with a drive-thru facility, and two Use Class E(a), E(b), E(c) and Sui Generis (tanning salon) units, located at the site of the former Apollo Hotel on 170 Hucknall Lane, Bulwell. The development will include associated parking, electric charging points, minor alterations to vehicular access and landscaping.

The following points were highlighted:

- (a) this application was presented to Planning Committee on 21 June 2023, but the Committee felt that it was unable to take a decision at that time until further information was available regarding the local air quality impacts for residents and occupiers of the site resulting from this development. The Committee also requested that the applicant is approached to see if a more architecturally appealing and sustainable building design for the drive-thru restaurant could be proposed as a part of the application;
- (b) an air quality assessment had been submitted by the applicant which concludes that there is no detrimental impact to air quality within the immediate area resulting from this development. This had been reviewed by the Council's Environmental Health Team who accepted the conclusions;
- (c) the newly designed front boundary includes railings and additional landscaping to soften the visual impact of the development;
- (d) the two retail units and the drive-thru building include brick plinth detailing;
- (e) solar panels are now included on the roof of the drive-thru building;
- (f) CGI images of the revised development were displayed to the Committee;

Members of the Committee made the following comments:

- (g) the Applicant has been very accommodating of the Committee's suggestions and the new designs and features are far more reflective of a retail site;
- (h) the use of sustainable technology on the site is very welcome;
- (i) future planning policy documents from the Council should include policies on how and where drive-thru restaurants should be developed.

Resolved to:

- (1) grant planning permission subject to the conditions listed in the draft decision notice in the report;**
- (2) delegate the power to determine the final details of the conditions of the planning permission to the Director of Planning and Transport.**

15 Former Site Of Chronos Richardson Ltd, Belconnen Road

Martin Poole, Area Planning Manager, presented a report relating to two planning applications which were being brought back to Committee due to a material change in circumstances since the Committee considered the applications on 21 December 2022. The first, 22/00675/PFUL3, requested planning permission for the development of 62 dwellings, with access from Wyton Close and Belconnen Road, and includes landscaping, drainage and open space. The second planning application, 22/00709/PFUL3, which requested planning permission for a Lidl food store with a car park, landscaping, planting, associated works and access from Belconnen Road. The following points were highlighted:

- (a) As the constitution of the Committee had changed since the applications were originally considered site maps, layouts and photographs were displayed to show the proposals;
- (b) the applications have the same agent and were submitted together and referred to each other. They were therefore viewed as a comprehensive scheme for the development of Local Plan Site Allocation SR13;
- (c) both applications were granted planning permission by the Planning Committee on 21 December 2022 had resolved to grant planning permission for both applications subject to the prior completion of s106 Agreements;
- (d) the Local Plan does not allocate this site for residential use. The resolution to grant the Lidl retail store permission as a departure from the Local Plan was on the basis that the residential development of 62 dwellings was providing policy compliant residential development on the remainder of the site and would go ahead thus providing a material planning consideration justifying departure from the local plan;
- (e) the applications are referred to Planning Committee as no significant progress had been made on the s106 agreement relating to the residential application and the applicant Mypad had now confirmed that for commercial reasons it was unlikely to be able to conclude the s106 Agreement and deliver the proposed residential development. As a result, Planning Officers recommended that planning permission should be granted to the Lidl retail store only if planning permission is granted for the residential development. If the application for the residential development is not determined by 20 October 2023 due to the s106 agreement not being completed or the application being withdrawn, then the Director of Planning and Transport sought delegated the power to refuse both planning applications as being contrary to the policies of the development plan;

The following responses were provided by Officers:

- (f) there will be a three-month period to resolve the s106 agreements.

Resolved to:

- (1) grant planning permission for application 22/00709/PFUL3 (Lidl GB Ltd) in accordance with resolution 49 of the 21 December 2022 Committee only in the event that planning permission for application 22/00675/PFUL3 (MyPad 2020 Ltd) has first been granted in accordance with resolution 48 of that Committee;**
- (2) delegate authority to the Director of Planning and Transport to refuse planning permission for both applications as being contrary to the policies of the development plan if it is not possible determine application 22/00675/PFUL3 by 20 October 2023 (either because the required Section 106 Agreement has not been completed, or because the application is withdrawn).**

Wards Affected: St Anns

Item No:

**Planning Committee
22nd November 2023**

Report of Area Planning Manager

Land Southeast Of Park View Court, Bath Street

1 Summary

Application No: 23/01379/PFUL3 for planning permission

Application by: Blueprint Regeneration Ltd Mr Alec Hamlin

Proposal: Construction of 22 townhouses, 4 duplex apartments and an ancillary commercial building.

The application is brought to Committee because it is a major development where there are important design and heritage considerations, and where Section 106 planning obligations are proposed to be waived due to viability considerations

To meet the Council's Performance Targets this application should have been determined by 15th November 2023

2 Recommendations

GRANT PLANNING PERMISSION subject to conditions substantially in the form listed in the draft decision notice at the end of this report, with power to determine the final details of the conditions to be delegated to the Area Planning Manager.

3 Background

- 3.1 The application site is located between Bath Street and Brook Street. It previously formed part of Victoria Leisure Centre prior to its redevelopment and there were also short terraces of Council housing onto Brook Street.
- 3.2 The new Victoria Leisure Centre and its historic clock tower and The Ragged School (listed Grade II), occupied by Nottinghamshire Wildlife Trust, are to the east of the site across Bedford Row. Park View Court flats (listed Grade II) is to the west on Bath Street. The Bath Inn public house (listed Grade II) and Victoria Park are opposite to the north across Bath Street. Hockley Point and iQ student accommodation buildings are to the south across Brook Street.
- 3.3 The northern/Bath Street area of the application site falls within the Sneinton Market Conservation Area. The application site also remains allocated in the LAPP as a residential development site (SR54 Creative Quarter - Brook Street East).
- 3.4 Outline Planning Permission for the development of the application site and associated area of cleared land granted on 30.11.2018 (17/00751/POUT) for a development of up to 43 houses, apartments and duplexes. Approval of Reserved Matters was subsequently granted on 02.05.2019 for a first phase of development

of 13 dwellings. The construction of those dwellings is now close to completion and occupation, with the development being marketed under the name Fruit Market.

- 3.5 The period allowed for the submission of further Reserved Matters applications has since expired and therefore the current application seeks to re-establish a planning permission for the redevelopment of the remaining vacant areas of the site.

4 Details of the proposal

- 4.1 The planning application proposes the development of 22 townhouses, 4 duplex apartments and an ancillary commercial building. The proposed layout follows the pattern of the established road layout and also includes the completion of a partially formed link road between Bath Street and Brook Street. Frontages to Bath Street and Brook Street are therefore reinstated, with further houses also fronting the new link road. The scale of development is proposed as being three and four storeys, with the four storey corner buildings onto Bath Street and Brook Street providing the duplex apartments. The townhouses are arranged around central communal courtyard spaces, with adjoining short back yard spaces. Car parking is proposed to be provided on-street along the completed link road and on an associated new link section of Bedford Row. The ancillary commercial building is proposed to replace an existing garage/storage building to the rear of Park View Court flats. The proposed building would potentially be made available for community use, having a ground floor multifunctional space and a first-floor mezzanine space. The building would front onto the new link road.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

85 neighbouring properties have been individually notified, including:

The Ragged School, Brook Street
Victoria Leisure Centre, Gedling Street
1 – 80 Park View Court, Bath Street
44 – 46 Bath Street
Bath Inn, 1 Handel Street
Hockley Point, 2 Boston Street

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

The following comments have been received:

City Resident: Although much is sustainable about this application there is little consideration of sustainable travel. There is, for example, no provision for cycle parking although there is plenty of space available.

Given the location the applicant should prohibit car parking rental by incoming householders, and this should be covered in a planning condition.

Note that there is no travel plan or transport assessment submitted. Such a document would focus minds on sustainable travel, including local commuting. Passing reference to nearby cycle facilities including parking hoops is effectively irrelevant.

Nottingham Civic Society: No objection in principle to the layout and general architectural approach to the design of new houses on the vacant site bordered by three listed buildings and within the Sneinton Market Conservation Area. The application site lies within the settings of the former Ragged School on Brook Street and Park View Court on Bath Street, both Grade II. NCS considers that the proposed development would not harm the settings of these listed buildings and would enhance the character of the conservation area.

NCS does have some reservations though, about the colour of the brickwork depicted. The houses should not be constructed in buff coloured bricks but rather in a red / orange tone which would integrate well with the heritage buildings on each side (Park View Court and the Victoria Leisure Centre.) In Phase 3, plots 29 and 30 are positioned very close the back of the Victoria Leisure Centre complex and would have a very poor outlook.

Detailed sections for the buildings will be needed to safeguard design quality.

Additional consultation letters sent to:

Highways: Recommend approval subject to conditions and informatives.

Environmental Health: No objection. The recommendations of the contaminated land report are acceptable. Recommend conditions requiring verification of contamination remediation and implementation of approved sound insulation scheme.

Biodiversity: The proposed development will result in the loss of biodiversity from the site. Although we are not yet in the period of requiring mandatory 10% net gain in biodiversity (as measured by the metric calculations), we do require development such as this to provide gains for biodiversity as well as ecological enhancement measures under existing Policy 17 of the Core Strategy and Policy EN6 of the Local Plan, as supported by the adopted Biodiversity SPD. At present there is only very little provision of landscaping or habitat creation proposed onsite, and therefore the recommendations contained within the ecological appraisal should be implemented.

In addition to this, various protection measures and ecological enhancement measures have been recommended in the report, which should be secured through planning. A construction method statement should be secured to ensure that the reasonable avoidance measures are adhered to, lighting considerations to prevent adverse impacts to bats during construction and operational phase, and measures to avoid impacts to hedgehog and other small mammals during construction.

A plan showing the necessary ecological enhancement measures should also be secured through planning, to include the recommendations contained within – integrated bird nest boxes included within each dwelling, including specific provision for black redstart; the inclusion of bat bricks; and holes in fencing to allow passage of hedgehog through the site. Although this plan may, in theory be conditioned, the inclusion of these features needs to be considered and acted upon now so that it is possible to include these features in architects' drawings and it is not left too late to integrate these features into the fabric of the buildings and the landscaping.

Education: S106 claim of £66,072 for secondary places only - as there is a current and foreseeable shortfall in secondary places both in that area and city wide.

However, we expect there will be sufficient primary capacity and therefore there is no claim for this.

City Archaeologist: The caves assessment concurs with my view that there is high potential for the presence of a cave within this site, specifically within the area of the former Red Cow beerhouse. Such a cave would be of local-regional significance and would need to be considered in relation to Policy HE2,

A condition is required to ensure the site is investigated through cave probing to establish the presence/absence of caves. The methodology for cave probing must be agreed prior to commencement of the investigations. Should a cave be encountered, then we would need investigation of the cave, by a suitably qualified and experienced archaeological contractor. The applicant would also need to submit, for approval by the Local Planning Authority, a foundation design and layout of services, that shows such works can be carried out without impacting any caves.

Archaeological fieldwork has been undertaken at this site and I am satisfied that no further surface archaeological work is required in advance of determining this application or as a condition of planning permission.

Carbon Neutral Policy Team: Our overall impression is that this proposal will on balance have a positive climate impact, and it is for this reason we offer a supportive stance to this proposal.

Flood Risk Management Team: The EA's flood maps indicate that Brook Street & Bath Street is at risk of surface water flooding adjacent to the site. Whilst the site sits outside of the area at risk, we would advise the applicant to ensure that there is safe access and egress available for the occupants/users. The applicant should be mindful if altering levels and ensure that their proposals do not increase flood risk off site.

We always appreciate opportunities to make improvements to reduce downstream impacts and welcome the inclusion of SuDS within the drainage design and look forward to seeing this progressed at detailed design. The drainage design includes tree pits and raingardens alongside geocellular storage. Given the amount of paving proposed in the design we would encourage the applicant to consider permeable features e.g., permeable block paving to minimise the impact of the site.

The proposed drainage should be summarised as a sustainable drainage strategy or statement and contain the following outstanding information:

- Site plan showing impermeable area
- Topographic survey of the site
- Details on the existing surface water drainage arrangements for the site
- Existing & proposed rates and volumes of surface water run-off generated by the site
- Appropriate evidence to support how the site will drain
- Details on management & maintenance of drainage system – specifically SuDS features within private gardens
- Exceedance Plan - a plan is required that shows how flows will be managed safely within the site if the system fails, blockages occur, or design exceedance arises. Flows should be contained within the site to ensure that there is no increase of flood risk off site.

There was a warning in the Microdrainage Calculations that stated, “half Drain Time has not been calculated as the structure is too full”. Can this be explained please?

Any existing drainage infrastructure to be used on site should be surveyed to check they are fit for purpose, with any necessary repairs made or prior to removal.

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) (2023)

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 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 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.

In determining applications that may affect heritage assets paragraph 189 advises that such assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 194 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 197 of the NPPF then states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of) the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development
Policy 1: Climate Change
Policy 8: Housing Size, Mix and Choice
Policy 10: Design and Enhancing Local Identity
Policy 11: The Historic Environment
Policy 14: Managing Travel Demand
Policy 17: Biodiversity
Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction
Policy CC3: Water
Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
Policy HE2: Caves
Policy HO1: Housing Mix
Policy HO3: Affordable Housing
Policy IN2: Land Contamination, Instability and Pollution

7. Appraisal of proposed development

Main Issue

Layout, scale and appearance in relation to neighbouring occupants, the character or appearance of the Sneinton Market Conservation Area, and the setting of adjacent listed buildings. (ACS Policies 8, 10 and 11, LAPP Policies HO1, SA1, DE1, DE2, and HE1)

- 7.1 The LAPP allocates the application site for Class C3 residential use. The principle of the redevelopment of this longstanding vacant site for residential use is therefore considered to be appropriate to neighbouring developments and the wider area. There have been no objections to the proposed residential use of the site.
- 7.2 Whilst the density of proposed development is higher than other existing housing on Brook Street, it is also lower than could have been anticipated for the site at this location on the edge of the city centre and relationship to the higher density Park View Court flats.
- 7.3 The proposed development repeats the layout and format of townhouses arranged around a central communal courtyard space that has been developed on the neighbouring site as Phase 1 of the Fruit Market development. The proposed layout provides a logical pattern of dwellings that front onto the roads and internal courtyard spaces. Whilst it is recognised that the internal courtyard spaces created are reliant upon a high degree of communal amenity, it is considered that this compact model is appropriate to the location of the site, including its proximity to local facilities and the city centre.
- 7.4 Outline planning permission had previously been granted for the continuation of the development in the format proposed, but this permission has lapsed prior to development commencing on these further phases. No material changes have occurred within the area that would significantly affect the principle of development continuing in the manner as previously approved and therefore the density and layout of proposed development is considered to remain appropriate to the site and area.
- 7.5 The terrace of dwellings proposed onto Brook Street is considered to respond well to the roofscape of the Grade II listed Ragged School building, including a serrated roof profile and curved corner onto Bedford Row, which reflect elements of the Ragged School. The elevation and stepped profile of the terrace of dwellings proposed onto Bath Street is similarly considered to respond well to the Victoria Leisure Centre and the Grade II listed Park View Court flats, with a taller maisonette building onto the new link road defining the corner of the proposed development in addition to marking a transition in scale between the proposed development and its taller neighbour.
- 7.6 The appearance of the proposed dwellings follows the same design cues as Phase 1, having a contemporary aesthetic. There is rhythm to the terraces through the use of their roof forms, fenestration, and detailing, but with each terrace also having

individual elements that will contribute to the appearance and identity of the development as a whole.

- 7.7 There is a main brick colour to each terrace, which is then complemented through the use of a contrasting brick colour to inset panels and other detailing. This is also evident on Phase 1. The comments of Nottingham Civic Society regarding the tone of brick colours to be used on Bath Street are noted. The brick colour palette of this terrace has now been amended by the applicant to a red/brown brick that is intended to mediate between the tones of the Park View Court and Victoria Centre buildings. Final selection would be via a condition of planning permission. Further amendments have also been made to the high-level brick detailing to provide breaks and to reinforce the visual rhythm of this terrace.
- 7.8 The concerns of Nottingham Civic Society regarding the position and outlook of two of the proposed dwellings to the rear of the Victoria Leisure Centre are also noted. It is considered that the internal layout of these dwellings have maximised the available opportunities for outlook within this part of the site and do include an outlook down Bedford Street as well as an eastern outlook towards Sneinton Market Square. It is therefore considered that this layout at this part of the site is appropriate within the given constraints.
- 7.9 With regard to the comments from the City Resident, a shared, covered store adjacent is being provided adjacent to the Victoria Leisure Centre and further wall mounted bike racks are to be included in each of the rear yards. The highly sustainable location of the site is also noted below. Whilst it would be unreasonable prohibit car parking rental by incoming householders by planning condition, the intention for the proposed on-street car parking to form part of a residents parking scheme is also noted below.
- 7.10 The layout, scale and appearance of the proposed development is considered to be appropriate to neighbouring developments and would enhance the character and appearance of the Sneinton Market Conservation Area.
- 7.11 It is considered that the proposed development is considered to be appropriate to neighbouring developments and would make a positive contribution to the character and appearance of the Sneinton Market Conservation Area in accordance with Policies 8, 10 and 11 of the ACS and Policies HO1, SA1, DE1, DE2 and HE1 of the LAPP.
- 7.12 In reaching the above conclusion the Council has fulfilled its duty under section 72 of the Listed Building and Conservation Area Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance.
- 7.13 It is considered that there are significant public benefits through the redevelopment of a long-standing vacant site within the Sneinton Market Conservation Area. Whilst the proposed development would alter the setting of the neighbouring listed buildings of Park View Court, The Ragged School, and The Bath Inn, it is considered that the proposed development has positively accounted for these relationships in terms of its layout, scale and appearance. It is therefore considered that the proposed development would amount to less than substantial harm to the setting of these designated heritage assets in accordance with Paragraph 202 of the NPPF.

Other Matters

- 7.14 The comments of the City Archaeologist are noted. The applicant is progressing with the recommended cave probing investigations, with locations and spacing having been agreed with the City Archaeologist. An update will be provided to Committee, having regard to LAPP Policy HE2.
- 7.15 The response of the Flood Risk Management Team is noted and has been raised with the applicant, who has provided further information that is under review. An update will be provided to Committee, having regard to LAPP Policy CC3.
- 7.16 The detailed design of the access road is being concluded with Highways and an update will be provided to Committee. The access road has already been formed to base level as a previously funded project that was initially designed by the Highways team. The applicant is finalising the detailed design in association with the delivery of the proposed development. It is considered that the proposed level of on-street parking to be provided accords with ACS Policy 14 and LAPP Policy TR1 and a final update will be provided to Committee.
- 7.17 The response of Environmental Health is noted and, subject to conditions, it is considered that the proposed development accords with LAPP Policy IN2.

8. Sustainability / Biodiversity

- 8.1 The Energy Statement submitted indicates that there would be a 68.02% reduction in CO2 above current Building Regulations, with a robust 'fabric first' approach to the build specification. The dwellings are proposed to be all-electric with space heating and hot water all provided by air source heat pumps. All dwellings are to achieve an EPC rating of B as a minimum.
- 8.2 The site is in a highly accessible location, being close to local amenities and the city centre, public transport, and walking and cycling routes. Therefore, no off-street car parking spaces have been included, with proposed on-street parking provision being made and intended to form part of a residents parking scheme.
- 8.3 The response of the Carbon Neural Team is noted and the proposed development is therefore considered to accord with LAPP Policy CC1 and ACS Policies A and 1.
- 8.4 The response of the Biodiversity Officer is noted and the applicant has now indicated positions for integrated bird nest boxes and holes in fencing to allow passage of hedgehog through the site. Details of the provision of bat bricks are to follow or can be a condition of planning permission and the proposed development is therefore considered to accord with ACS Policy 17 and LAPP Policy EN6.

9. Section 106 (ACS Policy 19 and LAPP Policies HO3, EN2 and IN4)

- 9.1 In accordance with ACS Policy 19; LAPP Policies HO3, EN2, and IN4; Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance; The Provision of Open Space in New Residential and Commercial Development Supplementary Planning Document; and the Education Contributions from Residential Developments Supplementary Planning Document the proposed development would be expected to provide on-site affordable housing or a contribution to off-site provision, on-site open space or the provision of additional areas of open space elsewhere, and financial contributions to be directed to funding

works associated with addressing the increased pressure on existing school provision that a development will generate. In the absence of appropriate provision being made on site, the S106 contributions that would be attributable to each of these areas would have been as follows:

Affordable Housing: £282,497.80

Public Open Space: £84,195.34

Education: £66,072

Employment & Training: not progressed in context of the conclusion of the viability appraisal

- 9.2 The applicant has submitted a viability appraisal with the application, which has been independently assessed by the Council's consultants. The independent assessment agrees that the scheme is unable to provide a policy compliant S106. On the basis of the conclusions of the independent assessment of the applicant's viability appraisal it is therefore accepted that no S106 contributions are justified in this instance, and it in these circumstances it is considered that the proposed development accords with ACS Policy 19 and LAPP Policy IN4.
- 9.3 The response of the Education team is noted but is not able to be accommodated in the context of the conclusion of the viability assessment.

10 Financial Implications

As noted above, contributions totalling £432,765.14, secured through Section 106 obligations, are required to comply with the council's planning policies. The applicant has submitted a viability assessment seeking to demonstrate that the development would be unviable if these contributions are made. The viability assessment has been the subject of an independent review process and the recommendation reflects this.

11 Legal Implications

Under s 66 Planning (Listed Buildings and Conservation Areas) Act 1990, in determining an application which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The duty in s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 must also be considered as a material consideration in the planning balance.

The Committee must afford considerable importance and weight to the "desirability of preserving... the setting" of listed buildings when weighing this factor in the balance with other "material considerations" which have not been given this special statutory status.

A finding of harm to the setting of listed buildings is a consideration to which the Committee must give "considerable importance and weight, when weighing up the harm, against any benefits or countervailing factors. However, that does not mean to say that a strong presumption against granting permission for development that would harm the listed building and or its setting, cannot be outweighed by substantial public benefits so as to rebut that presumption.

It is also necessary for a Local Planning Authority, to pay special attention to the

desirability of preserving or enhancing the character or appearance of a conservation area, as designated heritage asset, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when determining a planning application within a conservation area.

While the duty with regard to preserving or enhancing may only require that no harm should be caused, it nonetheless creates a “special presumption” and “considerable weight and attention” as a material planning consideration, should be given to any harm found to arise with regard to the character or appearance of the area.

The above duty means there is a strong statutory presumption against granting planning permission which does not so preserve or enhance. This must be placed in the planning balance in determining the application. However, that presumption may be outweighed by other material considerations.

The weight to be attached to each of the relevant historic dimensions or ingredients of the judgment is a matter which section 72 clearly leaves to the decision-maker in each individual case.

The remaining 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

The provision of Disability Discrimination Act (DDA) compliant accessible buildings.

13 Risk Management Issues

None.

14 Strategic Priorities

Helping to deliver well-balanced neighbourhoods with a mix of housing types that meet Nottingham’s future needs.

Ensuring that all planning and development decisions take account of environmental and sustainability considerations.

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 23/01379/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZ245VLYK3X00>

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)
Land and Planning Policies – Local Plan Part 2 (2020)
NPPF (2021)
The Provision of Open Space Within New Residential and Commercial
Developments Supplementary Guidance (2019)
Affordable Housing Policy and Developers Contributions Supplementary Planning
Guidance.
Education Contributions from Residential Developments Supplementary Planning
Document

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

Nomad printed map



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0 0.03 0.05 km

Key
 City Boundary

Printed map generated by a Nomad user on 14/11/2023. This map is not suitable for publishing, for high quality maps please contact gi@nottinghamcity.gov.uk.

Description
A map printed from Nomad.

My Ref: 23/01379/PFUL3 (PP-12344961)
Your Ref:
Contact: Mr Jim Rae
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

Blueprint Regeration Ltd Mr Alec Hamlin
Blueprint (General Partner) Ltd,
Birkin Building,
2 Broadway,
Lace Market,
Nottingham NG1 1PS.

Date of decision:

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

Application No: 23/01379/PFUL3 (PP-12344961)
Application by: Blueprint Regeration Ltd Mr Alec Hamlin
Location: Land Southeast Of Park View Court, Bath Street, Nottingham
Proposal: Construction of 22 townhouses, 4 duplex apartments and an ancillary commercial building.

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

Time limit

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

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

Pre-commencement conditions

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

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

Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.

3. No above ground development shall commence until sample panels of all proposed external



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Continued...

materials to be used in the construction of each phase of the approved development has been submitted to and approved by the Local Planning Authority in writing before any above ground development commences. The development shall thereafter be carried out in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document.

Pre-occupation conditions

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

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

A Verification Report, by an independent environmental consultant, which shall include the following;

- i) Verification that the made ground has been removed to a depth of 1m below the intended ground level or alternatively as far as the underlying clean subsoil in each of the rear gardens.
- ii) Verification that clean material has been imported to ensure that the top 1m of ground is free of contamination.
- iii) Documentation demonstrating a sufficient level of in-situ soil testing verifying that the material is suitable.*

Reason: To ensure that the residential occupiers do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document.

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

Reason: To ensure that the residential occupiers do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document.

6. No part of the development hereby permitted that adjoins a redundant footway crossings shall be occupied until that footway crossing has been reinstated with full height kerbs.

In the interests of highways safety and in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document.

Regulatory/ongoing conditions

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

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document.

8. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

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 16 August 2023.

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. Highways

HIGHWAY LICENCES

1. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway MAY be occurring and licences will be required. Please contact them via highway.approvals@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

PREVENTION OF MUD ON THE HIGHWAY

2. It is an offence under Section 148 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.

SECTION 278 AGREEMENT

3. In order to carry out the off-site highway 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 the applicant has no control. In order to undertake works you will need to enter into an agreement under Section 278 of the Act. The applicant must contact the Technical Services Team via email at highway.agreements@nottinghamcity.gov.uk to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the



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process to be completed. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

SECTION 38 ROAD ADOPTION

4. Section 38 - road adoption If the applicant is to pursue an adopted highway, a S38 agreement is to be entered into and necessary technical details and processes followed to achieve the access and other estate roads as suitable for adoption. Vehicle tracking and other technical assessment details are necessary. The applicant is to contact highway.management@nottinghamcity.gov.uk to pursue further.

COMMUTED SUMS

5. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is c.£1,500 per tree. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Highway Technical Services & Systems via highway.management@nottinghamcity.gov.uk.

TRAFFIC CALMING & STREET TREES

6. The applicant is to consider providing traffic calming on the new adopted highway with street tree build outs. Please contact Alex.Begg@nottinghamcity.gov.uk to pursue tree species and placement alongside the S278 works.

TRAFFIC REGULATION ORDERS (TROs)

7. Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management via highway.approvals@nottinghamcity.gov.uk to instigate the process. For TRO advice and further information the applicant is advised to contact: traffic.management@nottinghamcity.gov.uk.

8. Residents parking scheme - The new parts of highway will require a 20mph speed order to ensure consistency with neighbouring streets - we generally look to charge £8,000 for a speed order and would expect the developer to install all associated speed limit signing.

9. A Traffic Regulation Order will also be required for the Permit scheme and will be a maximum of £15,000, this will include all required signing and lining. This is to incorporate the necessary changes to Brook Street. (Please note that the plans seem to indicate specified parking places, but this will not be the case on the highway).

10. No Entry restrictions are already in place, so potentially no further moving restrictions will be needed. The developer will need to ensure the installation of any signs/lines for these locations.

11. The parking restrictions will not be enforced by NCC until the completion of the TRO, the allocation of permits and the completion of the necessary legal agreements recording that the highway has entered the maintenance period for adoption. Until this time, NCC are legally unable to carry out any enforcement. As such, any phased completion of construction works may impact on the finalisation and enforcement process.



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12. The applicant WANTS a residents parking scheme to be implemented but this does not allow for any allocated parking due to on street being for any member of the public unless in a scheme. The applicant has proposed 35 NEW parking spaces but if these are in the public highway they are not under the applicant's control or management. As such NONE of the houses have any allocated car parking. This is ONLY acceptable in this location subject to the following:

- a. Cycle parking at each residence with details of cycle parking provision that is lit, secure and covered - this needs to be shown on the submission
- b. Cycle parking provision of parking within the 'square' for visitors
- c. Good 2m width pedestrian footways with good lighting and an ability to support mobility impaired and vulnerable road user groups
- d. Travel Plan packs for each dwelling with submission of what this will contain to promote sustainable transport
- e. A consideration for an on street, car share scheme
- f. A consideration for any on street electric vehicle charging points (EVCP) - discussions as to potential sites with rasita.chudasama@nottinghamcity.gov.uk

CYCLE PARKING

13. If the applicant requires information on cycle parking including stands and cycle maps please contact the email address requesting support: CyclingTeam@nottinghamcity.gov.uk. All associated costs for cycle storage and promotional material at the applicant's expense.
SUSTAINABLE TRANSPORT

14. For details of the Travel Plan and packs the applicant is to contact Tim Bellenger tim.bellenger@nottinghamcity.gov.uk

PARKING

15. Electric Vehicle Charging Points (EVCP) - the applicant is to consider provision for on street rapid EVCP as These are to have infrastructure that is safe and secure for use in a public car park.

16. The applicant is to IMPLEMENT on street, car parking management plan with either a RESIDENTS PARKING PERMIT SCHEME or with TRO's. This is to control car parking allocation of space. The on street parking spaces are NOT ALLOCATED to residents and will be available as public facility spaces.

WASTE COLLECTION & BIN STORE

17. Bins left unattended on our highway are fined and should not block any footway or carriageway. Bin store locations may require a kerbside collection point to store individual dwelling bins. Waste operatives should not need to enter onto private property to carry out refuse collection. The applicant is to contact Jason Martyn Jason.Martyn@nottinghamcity.gov.uk in the first instance to liaise on an acceptable waste management strategy and collection agreement.

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: 23/01379/PFUL3 (PP-12344961)

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 Planning Inspectorate website at <https://www.gov.uk/appeal-planning-decision>.

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible, quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.



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Wards Affected: Castle (May 2019)

Item No:

Planning Committee

Report of Director of Planning and Transport

8 Clinton Terrace, Derby Road

1 Summary

Application No: 22/00587/PFUL3 for planning permission

Application by: Swish Architecture Ltd on behalf of Clinton View Ltd

Proposal: Proposed Part Demolition of Existing Offices for a 4 Storey Building (along with Lower Ground Floor) Block of Flats

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation; because it is a major application on a prominent site where there are important design and heritage considerations, and; because it is recommended for approval, but where the planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should be determined by 30 November 2023, with an agreed extension of time

2 Recommendations

2.1 **GRANT PLANNING PERMISSION** subject to conditions substantially in the form listed in the draft decision notice at the end of this report, with power to determine the final detail of the conditions to be delegated to the Director of Planning and Transport.

3 Site and background

3.1 The application relates to a currently vacant office building, along with its forecourt and rear car parking area. The building is attached to the western end of Clinton Terrace, a prominent, four storey Victorian terrace designed by the celebrated local architect TC Hine, which fronts onto Derby Road. It currently comprises a mix of commercial/office and residential/apartment uses. The application property is a two-storey flat roofed building with a large extent of curtain wall glazing to the front elevation, dating from the 1960/70s. The land to the rear of the main building is lower and here there is further single storey element, such that the property reads as three stories from the rear. To the west is a modern apartment block known as The Octagon.

3.2 Clinton Terrace is part of a wider frontage to Derby Road that forms the northern periphery of the Park Conservation Area. The terrace is identified as a row of Original Estate Houses within The Park Conservation Area Appraisal and Management Plan (CAAMP). The site is located close to the City Centre boundary as defined by the LAPP.

3.3 The main access to the premises is via Derby Road, with a secondary access to

the car park at the rear from Western Terrace. The building's frontage is entirely hard surfaced and used for parking. To rear of the site is also entirely hard surfaced as use as a further car park. Beyond this is a tree covered slope that runs down to Newcastle Drive.

- 3.4 Permitted development 'prior approval' was given in January 2022 for the conversion of the existing building from B1(a) offices to 6 x C3 residential apartments. This permission is extant and expires 25 January 2025.

4 Details of the proposal

- 4.1 Permission is sought to demolish the existing building and to erect in its place a detached four storey building (plus lower ground floor) to comprise 15 apartments; 14 x 1 bed and 1 x 2 bed. The three lower ground floor apartments would be accessed from the rear of the site and would each have their own front door. The other apartments would be accessed from the front of the property facing onto Derby Road, via a communal entrance.
- 4.2 The lower ground floor footprint of the building would be deeper than the existing, but the same width. A gap would be created between the proposed development and end of Clinton Terrace.
- 4.3 The building has been through significant re-design during the life of the application. The revised iteration now presented for consideration has a contemporary aesthetic but one that references some of the architectural characteristics of Clinton Terrace, a row of townhouses with a Georgian fenestration pattern and parapet roof edge, some Italianate arched openings, external corncicing and pronounced window surrounds. The building has been designed with a series of strong vertical elements, both projecting bays of varying width and tall apertures with prominent surround detailing. Most of the building is to be faced in brickwork but incorporating a significant element of stone detailing. Part of the fourth storey is to be recessed and clad in a standing seam zinc, reminiscent of a roof finish.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

83 neighbouring properties on Derby Road, Newcastle Drive, Clinton Terrace, Western Terrace and within the Octagon have been consulted twice in relation to this application, once in April 2022 when the original application was received and again in April 2023 after final revisions were made to the scheme. The last consultation period expired 6th May 2023. The application has also been advertised through press and site notice.

Summary of responses received April 2022 (Original scheme - 12 flats of student accommodation)

25 representations were received in relation to the initial consultation in April 2022, which raised the following matters:

- (i) Use Concerns
- Student accommodation would conflict with local plan policies to increase

- stock of entry level housing for professionals in Nottingham
- The site is not in a location identified for housing
- Student use is incompatible with the immediate and local neighbourhood
- Student accommodation will give rise to noise, litter and anti-social behaviour
- The use will impact on the character of the area
- Site would be better suited for housing aimed at entry level professional housing or office accommodation

(ii) Design Concerns

- The proposal would provide an opportunity to remove an existing building which is out of keeping with the area and an eyesore
- New building would appear to be more attractive than the existing building, despite it not being in keeping with the historic façade of Clinton Terrace
- Proposal does not respond appropriately to this sensitive location, on a prominent boundary to The Park Conservation Area
- The Park Conservation Area Plan has been completely ignored
- The scheme would not enhance the Conservation Area
- Density and mass of scheme is inappropriate
- Concern over choice of materials proposed
- Design details of the proposed scheme will not respond appropriately to the Regency and Victorian buildings in the locality
- Concern about the height of the building in relation to neighbouring buildings
- No sustainability measures have been incorporated in the scheme
- Lack of waste storage facilities
- Lack of cycle parking
- Lack of landscaping and no consideration given to existing trees on site
- Access and car parking layout is badly designed

(iii) Neighbour Amenity Issues

- Overshadowing and loss of daylight
- Overlooking and loss of privacy
- Impact on ventilation of neighbouring properties
- Impact on outlook
- Loss of views
- Impact on the private entrances to neighbouring properties and occupants sense of defensible space
- Extent of the building footprint together with the proposed car parking layout for the units will affect access to neighbouring properties and their car parking areas
- Noise and disturbance during construction

(iv) Future Occupant Amenity Issues

- Concerns over internal layout and lack of circulation space proposed
- Lack of amenity space for future occupants
- Inconvenient and confusing access routes to the building for future occupants

(v) Car parking and Highways Issues

- Insufficient number of car parking spaces
- Too many car parking spaces are proposed
- Scheme does not promote alternative forms of travel
- Scheme will increase traffic to and from the site
- Concerns over the suitability of the proposed vehicular access arrangements to the site and potential impact on highway safety

(vi) Other Matters

- Land ownership queries raised in regard to the footprint of the proposed building and the car parking layout
- Difficulty in interpreting the drawings
- No community engagement was undertaken with the local community
- The proposal could raise party wall issues
- Impact on local property values
- Design and Access Statement submitted falls short of requirements
- No objection to the prior approval application to allow the existing building to be converted into 6 flats

Nottingham Local Access Forum: Objects to the application as it makes no provision for sustainable transport. More cycle parking is required. It is requested that a condition is imposed to secure the provision of cycle parking. It is also requested that soft landscaping is provided to the Derby Road streetscape.

Nottingham Civic Society: Objects to the scale and design of the proposed extension to Clinton Terrace in the Park Conservation Area and adjacent to the Canning Circus Conservation Area. When viewed from Derby Road, the principal elevation of Clinton Terrace, replacing the existing two storey twentieth-century extension with a four-storey extension, would interrupt and obscure views of the western elevation of Clinton Terrace. The latter is a prominent terrace designed by Victorian architect TC Hine, well-known for his distinctive buildings in Nottingham, many of them listed. The height and footprint of the proposed new building would obscure the decorated western elevation of Clinton Terrace with its triple arched and deeply moulded second floor windows.

The height of the existing mid twentieth-century extension was constrained to leave this decorative end wall feature unobstructed in views from Derby Road and Western Terrace. The modest height and mass of the earlier extension also preserved some of the view through to the character of the Park Estate behind the 'commercial' frontage, where the complex roofs and gables of a building on Western Terrace can be glimpsed. Any replacement building on this site should demonstrate how the view of the western elevation of Clinton Terrace is preserved on the approach from the west.

The layout of the proposed residential development fails to provide any outdoor amenity space for the future occupants. Part of the existing rear car park should be re-purposed as landscaped amenity space. The Derby Road frontage should be improved with landscaping and minimal servicing space to re-establish the semblance of a residential 'front garden' in the interests of amenity and sustainability. Student accommodation in such a sustainable location does not need the level of off-street parking being proposed here to the detriment of the appearance of the conservation area. Secure cycle parking should be accommodated instead.

The materials proposed for the new building should be guided by the Park Conservation Area Appraisal and Management Plan, concentrating on brick, stone and natural materials in place of metal cladding which is not characteristic of these conservation areas.

The current scheme is unacceptable because it fails to preserve or enhance the character and appearance of the Park Conservation Area contrary to local plan policy.

Summary of responses received April/May 2023 (Revised scheme – 15 flats, not student accommodation)

26 representations were received in relation to the second consultation in April/May 2023. The application was incorrectly described as being for 15 flats (1 x 2 bed and 14 x 3 bed) (Revised plans received 11th April 2023). However, the description was corrected and it is noted that the revised plans did provide an accommodation schedule.

These representations raised concern that the proposed accommodation would still be attractive for students, as the majority of the units are 1 bed roomed. It was noted that architecturally the revised scheme provided a better response to Clinton Terrace and other historic buildings in the area, but quality materials would be required. It was also noted that the gap provided between the new building and Clinton Terrace would be visually useful and may lessen some of the amenity concerns raised by neighbouring occupants. Additionally, the re-location of an entrance door from the east side of the building addresses concerns raised in relation to the new development sharing an existing entrance to neighbouring properties within Clinton Terrace.

Concerns were raised that the increased height of the building would cause more impact on the occupants of Clinton Terrace and The Octagon.

Issues were raised in relation to the quality of the revised drawings and the lack of a revised Design and Access Statement.

Nottingham Local Access Forum: The revised scheme does not address their concerns. More cycle parking is required. It is requested that a condition is imposed to secure the provision of cycle parking. It is also requested that soft landscaping is provided to the Derby Road streetscape.

Nottingham Civic Society: Continues to object to the revised scheme for a 4-storey extension for student accommodation at Clinton Terrace within the Park Conservation Area and adjacent to the Canning Circus Conservation Area. When viewed from Derby Road, the principal elevation of Clinton Terrace, the additional height of the proposal above the existing extension would still interrupt and obscure TC Hine's decorative western elevation of the terrace with its triple arched and deeply moulded second floor windows.

The Civic Society notes that the applicant stresses the sustainable location for student accommodation, in which case, there is no need to provide so much car parking for student use. Secure cycle parking should be accommodated instead. Part of the existing rear car park should be re-purposed as landscaped amenity space for the occupants. The Derby Road frontage should be improved with

landscaping and minimal servicing space to re-establish the semblance of a residential 'front garden' in the interests of sustainability and the character of both the Park and Canning Circus Conservation Areas.

The current scheme still fails to preserve or enhance the character of either conservation area, as such should not be supported.

Additional consultation letters sent to:

Environmental Health and Safer Places: The issues in relation to this scheme would be noise and the provision of Electrical Vehicle (EV) charging points. Conditions are requested to secure an Environmental Noise Assessment and sound insulation and ventilation scheme, and appropriate EV charging points.

Traffic Management: No highway objections, subject to conditions to secure a Construction Traffic Management Plan, reinstatement of damaged highway, provision of car parking, cycle parking and residential travel packs.

Conservation Officer: Revised scheme –

This is a significant historic location within the Park Conservation Area. It was originally developed during the mid-nineteenth century as a garden belonging to the westernmost house of Clinton Terrace. Clinton Terrace is a positive heritage building designed by T. C. Hine and demonstrates the gradual shift in design from classical to Italianate/Romantic that was occurring in the Park Estate at that time. As such Clinton Terrace is a mixture of Georgian grid-based proportions and Italianate details, such as semi-circular arched fenestration, decorative brickwork, external corncicing and pronounced window surrounds. During the post-war period the fortunes of the Park Estate were in decline, which led to various unsympathetic infill schemes, such as the modernist low-rise office block that was built on this very location. Given the above considerations it is important to carefully assess any proposal to develop this site.

The applicant has proposed to demolish the unsympathetic modernist office building and replace this with a block of residential accommodation. The design is sympathetic to the ethos of this location as it a contemporary interpretation of a grid-based townhouse with Italianate arched fenestration, external corncicing and pronounced window surrounds. Its height and massing are subordinate to its immediate neighbours on Derby Road and the block is separate from any historic building. This scheme is therefore acceptable from a conservation perspective upon the condition that the material details are of a suitable quality for this location. As such the brickwork should be Flemish bond. Detailed drawings of the windows should also be submitted to show the profile of the margin lights. The rear car park should be set with permeable pavers and perimeter garden planting. These items can be secured by conditions to ensure that this development will be a significant contextual improvement upon the structure that it is replacing.

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) (2023)

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 126 notes that the creation of high quality, beautiful and

sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 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.

In determining applications that may affect heritage assets paragraph 189 advises that such assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 194 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 197 of the NPPF then states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm

amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of) the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 of the NPPF indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 17: Biodiversity

Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EE3: Change of Use to Non-Employment Uses

Policy EE4: Local Employment and Training Opportunities

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

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

Policy IN4: Developer Contributions

Statutory Duties

When considering whether or not to grant planning permission for development that affects a Conservation Area there is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that a Local Planning Authority, pay

special attention to the desirability of preserving or enhancing the character or appearance of such areas.

The Park Conservation Area Appraisal and Management Plan (CAAMP) (2023)

The CAAMP identifies the existing building as making a neutral or poor contribution that has created a substantial change and has limited to no architectural/historical interest.

7 Appraisal of proposed development

Main Issues

- (i) Principle of the Development
- (ii) Design and Conservation Area Considerations
- (iii) Impact on Residential Amenity
- (iv) Planning Obligations
- (v) Sustainability and Biodiversity

Principle of the Development (Policy 8 of the ACS, and Policies EE3 and HO1 of the LAPP)

- 7.1 Policy EE3 of the LAPP provides a number of criteria that need to be considered when assessing proposals that result in the loss of employment premises. One of those allows comprehensive redevelopment which would benefit the wider area. As noted by the Conservation Officer, the existing building makes an unsympathetic contribution to the Conservation Area and the proposed scheme presents an opportunity to replace this with a more sympathetic development. It is also recognised that the current office building could be converted to apartments as permitted development, ie. without the need for planning permission. Given this fallback position and the wider benefits of the scheme, it is considered that the proposal complies with Policy EE3 of the LAPP.
- 7.2 A number of the representations received object to the use of the property as student accommodation. As revised, the scheme is no longer proposed for this purpose. It is recognised that the flats could still be occupied by students but by virtue of their size and the accommodation on offer, they are clearly not designed for this purpose, and would only permit a very low density of occupation.
- 7.3 Policy 8 of the ACS and Policy HO1 of the LAPP place an emphasis on providing family homes within Nottingham City on sites outside of the City Centre, as is the case here. Policy HO1 additionally provides criteria for assessing whether sites are capable of accommodating family housing, including whether the development would be in character with the local area and whether the resulting development would fulfil other regeneration aspirations. This part of Derby Road is on the fringe of the City Centre and characterised by larger/taller buildings accommodating flats within a mixed residential/commercial environment. This context would suggest that a building of comparable stature would be the appropriate solution in townscape terms when redeveloping the site, pointing to a development of flats rather than family housing. It is also recognised that redevelopment of the site presents an opportunity to remove an existing building which detracts from the overall character and appearance of the Park Conservation Area. The proposal is therefore considered to be acceptable in principle, in accord with Policy 8 of the

ACS and Policy HO1 of the LAPP.

Design and Conservation Area Considerations (Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP)

- 7.4 This application presents an opportunity to remove an existing building that is harmful to the site, streetscene and wider conservation area. Its low scale, horizontal emphasis, architectural language and materials are all at odds with its surroundings, and its attachment to Clinton Terrace is particularly incongruous and harmful to the appearance and setting of this prominent heritage asset.
- 7.5 The proposed scheme has been through significant design development in response to some key design parameters that have been established through an assessment of the site and its context. These are:
- Removal of the existing building is welcomed
 - The building should be detached from Clinton Terrace
 - The building should be of greater scale than the existing and more in keeping with the scale and mass of those adjacent
 - Noting the point above, the building should be subordinate to Clinton Terrace
 - The building should have a strong vertical emphasis, rather than the horizontal emphasis of the existing building
 - The building should reference some of the architectural characteristics of Clinton Terrace
 - The palette of external materials should reference the historic context, particularly Clinton Terrace
 - The frontage to Derby Road would benefit from soft landscaping in place of the current car park
- 7.6 As revised, it is considered that the proposal successfully responds to these parameters and would present an attractive addition to this important and prominent frontage of Derby Road, in particular resulting in a sympathetic and subordinate relationship with Clinton Terrace. As a replacement of the existing office building, the proposal would make a positive contribution in this context and enhance the character and appearance of the Park Conservation Area. The gap being created between the new building and Clinton Terrace is a particularly positive aspect of the scheme that would better reveal the bay window and brick detailing on the west elevation of this building. The comments of the Civic Society are noted in this regard, but it is felt that the right balance has been struck between exposing this western end of Clinton Terrace whilst also achieving an appropriate scale and height that better respects its setting. The scheme also achieves a generous separation with The Octagon to the west, allowing a retained view of the Park beyond, particularly 1 Western Terrace, when viewed from Derby Road.
- 7.7 The proposal to remove the existing car park at the frontage of the site and its replacement with soft landscaping is also welcomed and would further enhance of the Conservation Area. Car parking is to be retained to the rear of the property, although this can only accommodate approximately 6 spaces. However, this is an acceptable level of provision given that the site is in a sustainable location, close to the City Centre and on a principle public transport corridor. Precise details of the car parking layout can be secured by condition.
- 7.8 Overall, it is considered that the proposed development, including the removal of the existing building, would make a positive contribution to the character and

appearance of the Conservation Area in accord with Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

- 7.9 In reaching the above conclusion the Council has fulfilled its duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance.

Impact on Residential Amenity (Policy 10 of the ACS and Policy DE1 of the LAPP)

- 7.10 Changes have been made to the scheme to address the concerns raised by existing occupants of the lowest apartment in 7 Clinton Terrace, the property at the western end of the Terrace. Windows and the front door to the lower ground floor flat closest to ground floor entrance to 7 Clinton Terrace have been relocated, to reduce any loss of privacy. Windows that are located on the eastern elevation of the proposed building are not primary windows and as such their opening can be restricted to be obscurely glazed by condition, which would address any overlooking issues towards apartments in 7 Clinton Terrace. Concern has also been raised regarding a loss of outlook from and, overbearing impact on, the upper floor flats within 7 Clinton Terrace, which currently have windows that face west and look over the top of the current office building. It is acknowledged that there would be some impact in this regard, in spite of the fact that these windows are situated directly on the boundary with a neighbouring property and a view over third party land cannot be protected. However, the floor plans approved for the conversion of 7 Clinton Terrace into flats (under planning application reference 97/00617/PFUL3) show that the room on the second floor which is served by a west facing window, was approved to be a kitchen which also benefits from additional windows facing north and south. On the third floor, the west facing windows are shown as serving a cloakroom and a bathroom. On this basis, the relationship between the proposed development and the western end of Clinton Terrace is considered to be acceptable, and that a refusal of the application in this regard would not be justified.
- 7.11 Windows are also proposed in the west elevation of the proposed building, facing The Octagon apartment building. Again, these windows are not primary and can be conditioned to be obscurely glazed. At the lower ground floor level the gap between The Octagon and the proposed building would be the same, whilst from the ground floor upwards the gap between would be just over 11m, which is approximately 3m closer than the existing office building. It is therefore recognised that the proposed development would clearly have some impact upon the flats within The Octagon that have east facing windows overlooking the development site. The Octagon was converted from offices to flats under planning application 00/00262/PFUL3, and the approved floorplans show that the two flats (per floor) on the eastern side of the building have windows facing the application site that serve kitchen and dining areas that form part of a larger open plan living room arrangement. These open plan living areas are also served by other windows that either face north or south, so are not solely reliant on an east facing aspect. Given this arrangement it is not considered that the proposed development would unduly impact occupants within The Octagon to an extent that would substantiate a refusal of the scheme.
- 7.12 Concern has also been expressed from occupants within the flats at 1 Western Terrace, one of the Original Estate Houses within the Park Estate, about the impact of the proposed building upon their property. 1 Western Terrace sits to the rear/south west of the proposed development and is orientated at an angle from the site, so the buildings would not face each other directly. At their closest point the

buildings would be approximately 10m apart; there is a relatively small number of windows in the north east elevation of 1 Western Terrace that primarily overlook the car park, with a greater window to window separation distance across this. Furthermore, sitting to the north, the proposed development would not result in an overshadowing impact on 1 Western Terrace. In conclusion, the impact upon the occupants within this building is considered to be acceptable.

7.13 The proposed flats meet Nationally Described Space Standards in terms of the size of accommodation provided, and all benefit from an appropriate outlook, acknowledging that this is more restricted for the lower ground floor flats to the rear of the building.

7.14 Some of the representations received reference concerns in relation to vehicular access, the level of parking provision and traffic generation. As discussed above, the level of current parking provision serving the office is to be significantly reduced, and the number of spaces now proposed is considered to be appropriate given the sustainable location of the site. The retained car park to the rear is served by an existing and longstanding access that also serves further parking to the rear of Clinton Terrace.

7.15 Details of bin storage and cycle parking can be secured by condition.

7.16 The proposed development therefore complies with Policy 10 of the ACS and Policy DE1 of the LAPP.

Planning Obligations (Policy 19 of the ACS and Policies HO3, EE4, EN2 and IN4 of the LAPP)

7.17 The proposed scheme would require the following contributions to be secured by a section 106 agreement:

Affordable housing - £162,979.50

Open Space – £26,391.55

Education - £1,417.11

Employment and Training - £49,981

7.18 The total contribution sought would be £195,769.19

7.19 However, the applicant has submitted a Viability Appraisal which has been reviewed by an independent assessor appointed by the Council. The assessor has advised that the scheme is only marginally viable before S106 contributions are factored in and as such, they concur with the applicant's conclusion that the scheme is unable to meet the required S106 contributions.

7.20 Policy 19 of the ACS and IN4 of the LAPP allow S106 contributions to be waived if it is demonstrated that the viability of the proposal would be affected and render the scheme undeliverable. Given the conclusions of the independent assessor, it is accepted that no S106 contributions are justified in this instance, in accord with Policy 19 of the ACS and Policy IN4 of the LAPP.

8 Sustainability and Biodiversity (Policies 1 and 17 ACS and Policies CC1, CC3 and EN6 of the LAPP)

8.1 Details of the sustainability measures to be incorporated within the scheme can be

secured by condition.

- 8.2 As indicated above, the frontage of the site is to be soft landscaped, which would introduce planting and biodiversity to a site where there is currently none. Further details of the planting can be secured by condition, along with a provision for bird and bat boxes to be incorporated within the design of the building. No changes are proposed to the rear of the site that would affect existing trees.
- 8.3 Through the use of conditions, the scheme complies with Policies 1 and 17 of the ACS and Policies CC1, CC3 and EN6 of the LAPP.

9 Financial Implications

As detailed above, a viability assessment of the scheme has been undertaken and in this instance no contributions are to be sought. The scheme has been considered in accordance with Policy 19 of the ACS and Policy IN4 of the LAPP.

10 Legal Implications

The duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that a Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining a planning application within a conservation area.

While the duty with regard to preserving or enhancing may only require that no harm should be caused, it nonetheless creates a “special presumption” and “considerable weight and attention” as a material planning consideration, should be given to any harm found to arise with regard to the character or appearance of the area.

The above duty means there is a strong statutory presumption against granting planning permission which does not so preserve or enhance. This must be placed in the planning balance in determining the application. However, that presumption may be outweighed by other material considerations.

The weight to be attached to each of the relevant historical dimensions or ingredients of the judgment is a matter which section 72 clearly leaves to the decision-maker in each individual case. The Committee must afford considerable importance and weight to the desirability of preserving or enhancing the character or appearance of a Conservation Area irrespective of the level of any harm to their significance.

Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), requires clear and convincing justification. Here the Planning Officer offers the opinion that the scheme would cause no harm and have a positive impact on the Conservation Area. The remaining 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 would need to be designed to be compliant with current building regulation standards in terms of accessibility and requirements under the

Disability Discrimination Act.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a site with a high-quality residential development

Safer Nottingham: The development would contribute to a safer and more attractive neighbourhood

14 Crime and Disorder Act implications

The development would provide natural surveillance in and around the site.

15 Value for money

None.

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

1. Application No: 22/00587/PFUL3 - link to online case file [Simple Search \(nottinghamcity.gov.uk\)](https://www.nottinghamcity.gov.uk) using application reference quoted

2. Application No: 97/00617/PFUL3 - link to online case file [Simple Search \(nottinghamcity.gov.uk\)](https://www.nottinghamcity.gov.uk) using application reference quoted

3. Application No: 00/00262/PFUL3 - link to online case file [Simple Search \(nottinghamcity.gov.uk\)](https://www.nottinghamcity.gov.uk) using application reference quoted

17 Published documents referred to in compiling this report

NPPF (2023)

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

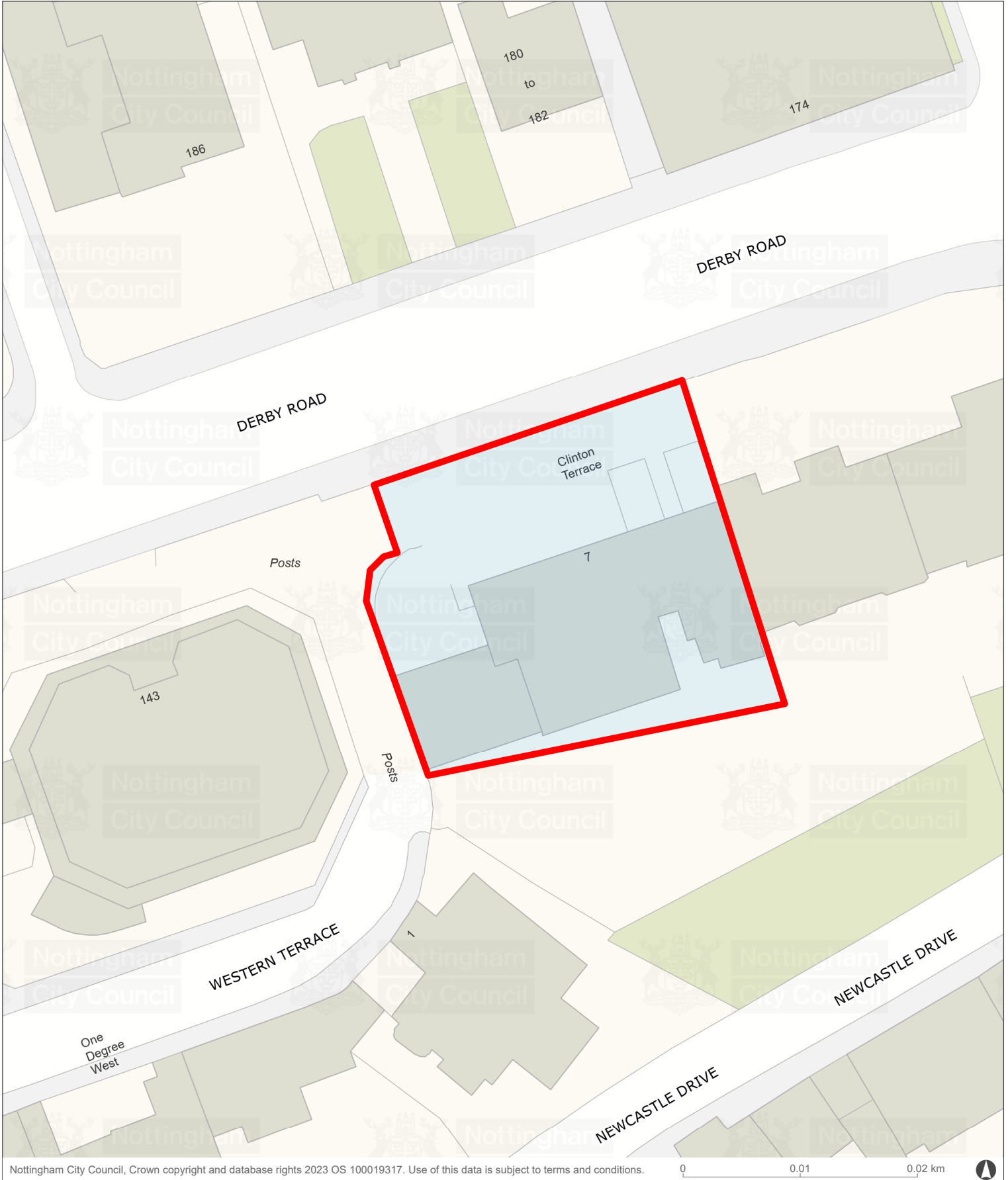
The Park Conservation Area Appraisal and Management Plan (CAAMP)

Contact Officer:

Jennifer Curry, Case Officer, Development Management.

Email: jennifer.curry@nottinghamcity.gov.uk.

Nomad printed map



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Key

 City Boundary

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Description

A map printed from Nomad.

My Ref: 22/00587/PFUL3 (PP-11112703)

Your Ref:

Contact: Mrs Jennifer Curry

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

Swish Architecture Ltd
FAO Mr Dino Labbate
Unit 2B
100 Melton Road
West Bridgford
NG2 6EP
Undefined

Date of decision:

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

Application No: 22/00587/PFUL3 (PP-11112703)
Application by: Clinton View Ltd
Location: 8 Clinton Terrace , Derby Road, Nottingham
Proposal: Proposed Part Demolition of Existing Offices for a 4 Storey Building (Along With Lower Ground Floor) Block of Flats

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 Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for each phase of development and shall provide for:
 - a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) Wheel washing facilities.
 - e) Measures to control the emission of dust and dirt during construction

Reason: In the interests of highway safety to accord with Policy TR1 of the LAPP.



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Not for issue

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3. Prior to the commencement of development, details of the existing building to be demolished and retained, together with existing and proposed site levels, final heights of the building and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The information submitted shall include before and after development site plans showing site cross sections. The development shall be completed in accordance with the approved demolition and retention plan, site levels, finished floor levels and building height.

Reason: To ensure the satisfactory appearance of the development and to accord with Policy 10 of the ACS and Policies DE1, DE2 and CC3 of the LAPP.

4. Prior to the commencement of the development, an environmental noise assessment and sound insulation and ventilation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition, it shall include predicted noise levels for any relevant premises which may not currently be operating, and plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and facade areas, commercial or residential separation).

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

The sound insulation and ventilation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy 10 of the ACS and Policies DE1 and IN2 of LAPP.

5. Prior to the commencement of development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development incorporates sustainable design features to accord with policy CC1 of the LAPP.



6. No development shall be commenced until design details of the following, including drawings and cross sections at a scale of not less than 1:20 have been submitted to and approved in writing by the Local Planning Authority:

- (i) External windows and doors, including their reveal depths
- (ii) Rainwater goods and soil pipes
- (iii) Extractor vents/meter boxes
- (iv) Brickwork Detailing
- (v) Parapet and roof detailing

Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the design quality of the development and character of the area and to accord with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.

7. Prior to the commencement of development, precise details of the materials to be used externally within the development, including mortar colour and external windows and doors (their design, colour, as well as details of proposed obscure glazing and mechanism to restrict the opening of windows to the east and west elevations) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP, and to safeguard the residential amenity of existing occupants of neighbouring properties to accord with Policy DE1 of the LAPP.

Pre-occupation conditions

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

8. Prior to the first occupation of the development, a verification report shall be submitted to confirm that the approved sound insulation and ventilation scheme has been implemented in accordance with the approved details.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy IN2 of LAPP.

9. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme for the Derby Road frontage has been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details the type, height, species and location of the proposed trees and shrubs

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

Reason: To ensure a high quality development in accordance with Policies 10 and 11 of the ACS and Policies DE1 and DE2 of the LAPP.

10. Notwithstanding any details shown on any approved plan, prior to the development hereby permitted being first occupied the area to the rear (south) of the building shall be laid out in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall show the location and dimensions of proposed car parking spaces.

Reason: To ensure that car parking is provided to accord with policy 14 of the ACS and policy TR1 of the LAPP.

11. Notwithstanding any details shown on any approved plan, prior to the development hereby permitted being first occupied external waste storage facilities and cycle parking shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall show the location, dimensions, and elevation details of the storage facilities.

Reason: To secure a development of satisfactory appearance that complies with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.

Regulatory/ongoing conditions

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

12. The windows to the east and west elevations shall at all times be obscurely glazed and at all times their opening shall be restricted in accordance with the condition 7 set out above.

Reason: To safeguard the residential amenity of existing occupants of neighbouring properties to accord with Policy DE1 of the LAPP.

13. Notwithstanding any details shown on any approved plan, the area of flat roof to the south of the ground floor entrance and to the west elevation shall at no time be used as a roof terrace or as outdoor amenity space.

Reason: To safeguard the residential amenity of existing occupants of neighbouring properties to accord with Policy DE1 of the LAPP.

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:
Drawing reference Proposed Lower and Ground Floor Plans revision 1055 03 G
Drawing reference Proposed First and Second Floor revision 1055 04 F
Drawing reference Proposed Third Floor and Roof Plan revision 1055 05 F
Drawing reference Proposed Elevations revision 1055 06 G

Reason: To determine the scope of this permission.

Informatives

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



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Continued...

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



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Continued...

RIGHTS OF APPEAL

Application No: 22/00587/PFUL3 (PP-11112703)

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 Planning Inspectorate website at <https://www.gov.uk/appeal-planning-decision>.

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible, quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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