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**Nottingham  
City Council**

## **Nottingham City Council Planning Committee**

**Date:** Wednesday, 20 December 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 22 November 2023
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
  - a Land Southeast Of Park View Court, Bath Street** 9 - 30
  - b Site Of St Matthew On The Hill Church, Padstow Road** 31 - 48

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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 22 November 2023 from 2.02 pm - 3.58 pm**

#### Membership

##### Present

Councillor AJ Matsiko (Chair)  
Councillor Sam Lux (Vice Chair)  
Councillor Graham Chapman  
Councillor Kevin Clarke (Agenda Items 1 - 4a only)  
Councillor Faith Gakanje-Ajala (Agenda Item 4b only)  
Councillor Sam Harris  
Councillor Imran Jalil  
Councillor Kirsty L Jones  
Councillor Anwar Khan  
Councillor Gul Nawaz Khan (Agenda Items 1 - 3 only)  
Councillor Pavlos Kotsonis  
Councillor Ethan Radford (Agenda Items 1 – 4a only)

##### Absent

Councillor Samina Riaz  
Councillor Naim Salim

#### Colleagues, partners and others in attendance:

|                |   |
|----------------|---|
| Lisa Guest     | - Principal Officer, Highway Development Management |
| James Lavender | - Governance Officer                                |
| Chris Matthews | - Conservation Officer                              |
| Rachel Mottram | - Head of Development Management                    |
| Rob Percival   | - Area Planning Manager                             |
| Martin Poole   | - Area Planning Manager                             |
| Paul Seddon    | - Director of Planning and Regeneration             |
| Nigel Turpin   | - Team Leader, Planning Services                    |
| Tamazin Wilson | - Solicitor   |

#### 16 Apologies for Absence

Councillor Samina Riaz – Personal  
Councillor Naim Salim – Unwell

#### 17 Declarations of Interests

None.

#### 18 Minutes

The minutes of the meeting held on 19 July 2023 were confirmed as an accurate record and signed by the Chair.

**19 Planning Applications: Reports of the Director of Planning and Regeneration**

**20 Land Southeast Of Park View Court, Bath Street**

Paul Seddon, Director of Planning and Regeneration, and Rachel Mottram, Head of Development Management, left the room for this item due to having a shareholder interest in Blueprint Regeneration Ltd, who are the Applicant in this planning application.

Martin Poole, Area Planning Manager, presented planning application 23/01379/PFUL3, which sought full planning permission for the construction of twenty-two townhouses, four duplex apartments and an ancillary commercial building located between Bath Street and Brook Street and south-east of Park View Court. The following information was highlighted:

- (a) the site lies within the setting of Grade II listed buildings (including The Ragged School, Park View Court and the Bath Inn) and it falls partly within the Sneinton Market Conservation Area;
- (b) the area is allocated for residential development within the Council's Land and Planning Policies Document (LAPP);
- (c) site photographs, dwelling designs and CGI renderings were presented to the Committee;
- (d) the townhouses consist of two residential blocks, with the duplex apartments contained within two four-storey buildings on the corners of Bath Street and Brook Street. Each of the townhouses will have a small private back yard area at the rear of the property;
- (e) the published update sheet addresses concerns from the City Archaeologist and recommends conditions regarding flood risk management and highway parking arrangements;
- (f) one public objection was raised around the lack of sustainable travel options for the development, for example, no provision for cycle parking;
- (a) the application is referred to the Committee due to the proposed waiving of S106 contributions due to the conclusion of the viability appraisal which was independently assessed by the Council's consultants and concluded that no S106 contributions are justified in this instance;

Members of the Committee made the following comments:

- (b) any potential flood risks should be mitigated;
- (c) the Council should aim for 10% green space on new residential developments;
- (d) conditions for cycling parking and storage should be provided;

- (e) parking spaces should be allocated for the development;
- (f) CP Viability, the independent viability assessors for the Council, should attend the Committee to explain the reasoning behind their conclusions of the Developer's viability appraisal;
- (g) the roof of the corner building on Bath Street which houses the duplex apartments should be modified as it is not aesthetically pleasing to look at;
- (h) the development should make more use of solar panels;
- (i) a deeper understanding of what the Council's Carbon Neutral Team expect from a new residential development would be beneficial;
- (j) more background documents regarding the criteria of viability appraisals would be useful for future Planning Committee meetings;

The following responses were provided by Officers:

- (k) the request for a detailed surface water drainage scheme is included in the update sheet;
- (l) various protection measures and ecological enhancement measures have been recommended through a planning condition to enhance the biodiversity of the site, including bird nest boxes, bat bricks, and holes in the fences for hedgehogs;
- (m) the development was designed to be car-free, with residents encouraged to use public transport and no spaces are proposed within the curtilage of the proposed dwellings. However, parking would be available on the adopted highway and it is proposed that on-street parking provision will be controlled through Council parking permits subject to the making of a resident parking scheme. A resident parking scheme can be applied for by the Applicant, but the decision whether or not to make such a scheme is subject to a separate legal process and public consultation;
- (n) cycling storage will be included in the conditions of the planning permission;
- (o) the Council cannot require a developer to provide EV charging points along a public highway, however the Council may be able to provide EV charging points in the future and would be a separate scheme;
- (p) planning officers are acutely aware of councillor concerns regarding waiving S106 contribution requirements. Where developers submit viability appraisals as part of their application, as per Government guidance, the Council instruct an independent consultant, CP Viability, who are experts in their field, to assess the developers' viability appraisal. CP Viability agrees that the scheme is unable to provide a policy compliant S106 and that no S106 contributions are justified in this instance. There are no real grounds to challenge the expert opinion. A separate training session with CP Viability could help the Committee understand how viability appraisals are conducted;

- (w) The building on the corner of Bath Street could feature a flat roof;
- (x) solar panels can be requested of the Developer but not required; it is noted that these dwellings already exceed building regulations and are of a high-standard. The costings involved may be difficult due to the current viability issues already identified;
- (y) the dwellings do contain air source heat pumps.

The Committee felt that it was unable to take a decision on this application and requested that CP Viability be invited to attend a future meeting to answer questions about how it came to agree with the Developer's viability appraisal that the development would not be viable if any S106 contributions were required by the Council. The Committee also requested that the developer should be approached in relation to whether solar panels can be provided on the roofs of each dwelling.

**Resolved to defer the application to a future meeting.**

The Chair called for a comfort break at 3:10pm. The meeting resumed at 3:15pm.

**21 8 Clinton Terrace**

Rob Percival, Area Planning Manager, presented planning application 22/00587/PFUL3 which sought full planning permission for the demolition of existing offices and the erection of a four-storey building in its place, which would be comprised of fifteen apartments. The following points were highlighted:

- (a) the site is a two-storey flat roof office block from the 1960s/1970s, which lies on the western end of Clinton Terrace, a prominent four-storey Victorian terrace. To the west of the site is a modern apartment block known as The Octagon. The site lies within the northern periphery of the Park Conservation Area;
- (b) site photographs, maps, dwelling designs and CGI renderings were presented to the Committee;
- (c) a pre-application proposal for a 48-bed student accommodation was submitted to the Planning Department, however these proposals were revised in favour of the current proposals;
- (d) Clinton Terrace has been used for architectural reference and the some of the characteristics of the building reflect this;
- (e) a number of objections have been received from the residents of Western Terrace, Clinton Terrace and the Octagon which are based on the impact upon residential amenity resulting from this development;
- (f) the update sheet notes that the description of the proposal has been altered from a part demolition of existing offices to the complete demolition of existing

offices on the site, and that the new building will be all electric, feature a flat roof, EV charging points and water saving features;

Members of the Committee made the following comments:

- (g) can the Council require a revaluation of whether S106 contributions should be sought at a later date in the event that the development is more profitable than currently projected;
- (h) the development lay within the Castle Ward and the designs were favourable to the area;
- (i) solar panels should be included on the 150 sqm of flat roofing;
- (j) local authorities do facilitate good developments such as this, in the right economic environment;

The following responses were provided by Officers:

- (k) re-visiting viability would create uncertainty for the developer. Requiring a re-evaluation of a viability appraisal of a development is possible, but only where a development is proposed over a number of phases to be built over a period of multiple years. The current scheme is a 'one start, one finish' development;
- (l) if approved, the final detail of the scheme, to include the amount of solar panels on the roof, would need to be submitted to the Council by the Applicant and agreed by the Council as a condition of planning permission;
- (m) the viability appraisal and independent assessment of the viability appraisal set out the costs and values of the assessed scheme. In the event that this scheme's proposed flats were sold on the open market the assessed profit margin would be at the lower end of the usual profit margin sought by developers. However, that margin would be considerably lower if the flats were retained and rented out as the profit margin is lower where the asset is retained. This is a complex issue and both options have been considered in detail in the viability appraisal and subsequent independent assessment, which concluded that there are insufficient profits to justify requiring any S106 contributions are payable in relation to this scheme;
- (n) the building materials for the top floor can be negotiated with the developer. The aim of using a dark cladding is to reduce the scale of the building. An alternative-coloured brick can be used. Building materials are dealt with through the conditions of the planning permission. The contrast of dark cladding on brick buildings is typical of this sort of residential development;
- (o) part of the hard surfacing could be removed to provide gardens or green space which will be a biodiversity net gain;
- (p) the Council is in a good position in finding a developer willing to invest and build residential properties in a site which is otherwise vacant.

**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.**



**Wards Affected:** St Anns

**Item No:**

**Planning Committee  
20<sup>th</sup> December 2023**

## **Report of Director of Planning and Transport**

### **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 Director of Planning and Transport.

#### **3 Background**

3.1 At the previous meeting on 22 November, Committee resolved to defer a decision on this application for the following reason:

“The Committee felt that it was unable to take a decision on this application and requested that CP Viability be invited to attend a future meeting to answer questions about how it came to agree with the Developer’s viability appraisal that the development would not be viable if any S106 contributions were required by the Council. The Committee also requested that the developer should be approached in relation to whether solar panels can be provided on the roofs of each dwelling.”

3.2 Although for CP Viability will not be attending the meeting, committee members have been given the opportunity to raise any specific concerns about the viability report prepared by them. Any questions will be addressed in an update and at the meeting.

3.3 Committee’s resolution to defer a decision on this application has also been conveyed to the applicant. The response received from the applicant states:

“With respect to sustainability and carbon emissions, the proposals at Fruit Market already go above and beyond the performance offered by a typical new home and is certainly well above and beyond your Local Plan Policy requirements. The building fabric is significantly more thermally efficient than the minimum standards required by Building Regulations and the heating and hot water is provided by air source heat pumps that are up to 300% efficient. The combination of the improved fabric and highly efficient heating system means that the proposed homes are designed to achieve a 68% reduction against the relevant carbon emissions target in current Building Regulations. Given the City’s important ambition to be zero carbon by 2028 we believe that the Fruit Market (and other Blueprint schemes) are making a positive contribution to this aim which other projects do not appear to be making.

PV panels are to be offered as an optional extra to customers purchasing a home at Fruit Market along with a system that would connect the PV panels to the hot water cylinder. To include PV panels as standard would result in a blanket increase in pricing that would impact the affordability of the homes and is thought to be difficult to achieve in current market conditions.

With respect to viability, the financial appraisal provided by Blueprint in support of the application has been independently and rigorously evaluated in accordance with national and local planning policy.

Blueprint has worked on the regeneration strategy in the Sneinton Market area of Nottingham since 2008, initially with Nottingham Regeneration Limited and subsequently with Nottingham City Council. The vision has always been to create a bridge between the City Centre and residential neighbourhoods to the east by undertaking transformative development alongside significant public investment in infrastructure and buildings.

The Fruit Market development supports the regeneration aspirations of the area in that it provides diversity to the housing mix via the delivery of large, low-carbon family homes in the City Centre. The Fruit Market project is recognised as being innovative and of high design quality and was recently awarded the ‘Building for a Health Life’ award at the 2023 Housing Design Awards - the only awards that are promoted by all 5 of the major institutions – RICS, RIBA, RTPI, Landscape Institute and Chartered Institute of Architectural Technologists.

Fruit Market falls below Blueprint’s typical financial performance thresholds without any S106 contributions. Its proposed delivery is testament to the importance that Blueprint also places on the environmental and social outputs of projects. Fruit Market excels in these areas, providing large, low-carbon, high-quality townhouses in the City Centre where market provision is currently limited to apartments and student accommodation. It is highly doubtful that any other developer would promote a scheme of such high standards of sustainability in the absence of a Local Plan Policy requiring such performance standards.”

- 3.4 It is therefore considered that no further amendments are appropriate and that the application be determined in accordance with the above recommendation. The draft decision notice reflects amendments to the conditions in line with the consultee comments previously reported as updates.

## Previous Report (incorporating updated consultee comments)

- 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.

Update: In confirming the recommendation to approve subject to conditions, it is advised that the highway authority will only adopt areas that serve a public utility purpose or provide access. Other areas are to be maintained by the applicant. Details can be resolved through the S38 process. A residents parking scheme will need to be put in place which comes with its own timescales, consultations and processes at cost to the applicant. Travel Packs for each dwelling are required to promote sustainable travel choices so that residents do not own a private car.

**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.

Update: The cave probe locations and spacings have been agreed, focussing on the area around the historic site of the Red Cow. Caves in this area are most likely to be associated with beerhouses and other drinking establishments, so there is low potential for caves away from the known beerhouses/pubs/inns.

**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.

Update: Have reviewed the information provided and recommend conditions relating to (i) detailed design and associated management and maintenance plan of surface water drainage, (ii) management of surface water on site during construction of the development, and (iii) pre-occupation verification that the drainage system has been constructed as per the agreed scheme.

## **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

Policy IN4: Developer Contributions

Policy SA1 - Site Allocations (SR54 Creative Quarter - Brook Street East)

Policy TR1: Parking and Travel Planning

## **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.

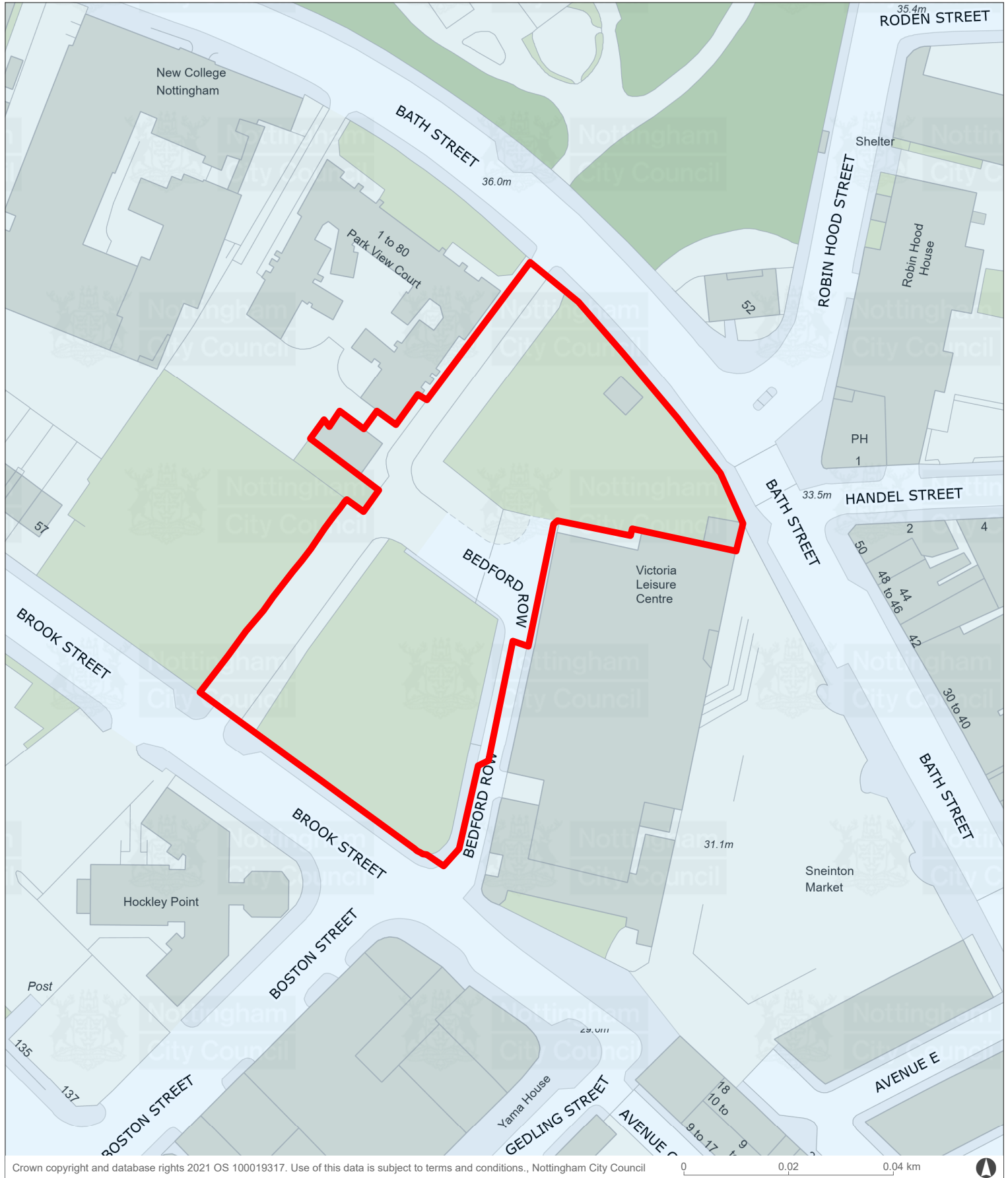
Education Contributions from Residential Developments Supplementary Planning Document

### **Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

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

# Nomad printed map



Key  
 City Boundary

Printed map generated by a Nomad user on 12/12/2023. This map is not suitable for publishing, for high quality maps please contact [gl@nottinghamcity.gov.uk](mailto:gl@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 Regeneration 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 Regeneration 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. No phase of the approved development shall be commenced until a Construction Traffic Management Plan for that phase 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 and Policy DE1 of the Land and Planning Policies Development Plan Document.*



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Continued...

3. No phase of the approved development shall be commenced until a detailed design and associated management and maintenance plan of the surface water drainage for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

*Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document.*

4. No phase of the approved development shall be commenced until such time as details in relation to the management of surface water on site during construction of that phase has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document.*

5. No above ground development of each phase of the approved development shall be commenced until sample panels of all proposed external materials to be used in the construction of that phase 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)

6. Prior to first occupation of the development of each phase of the approved 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.*





7. Prior to first occupation of each phase of the approved 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.*

8. Prior to the first occupation of each phase of the approved development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system for that phase has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

*Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document.*

9. Prior to first occupation of each phase of the approved development, cycle parking provision for that phase shall have been implemented and available for use in accordance with the approved details.

*Reason: In the interests of encouraging sustainable modes of transport in accordance with Policy TR1 of the Land and Planning Policies Development Plan Document.*

10. 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)

11. The approved landscaping scheme for each phase of the approved development shall be carried out in the first planting and seeding seasons following the occupation or the completion of that phase 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.*

12. 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](mailto: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](mailto: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 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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.

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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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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# **DRAFT ONLY**

## **Not for issue**

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**Wards Affected:** Bestwood

**Item No:**

**Planning Committee  
20 December 2023**

## **Report of Director of Planning and Transport**

### **Site Of St Matthew on The Hill Church, Padstow Road, Nottingham**

#### **1 Summary**

Application No: 23/01745/PFUL3 for planning permission

Application by: Allan Joyce Architects Ltd on behalf of Framework Housing Association

Proposal: Proposed 15 units of supported accommodation and communal facilities on the site of the former St Matthews Church. External cycle and refuse storage proposed alongside landscaping and 6no. parking spaces.

The application is brought to Committee because of the level of public interest generated by the application.

To meet the Council's Performance Targets this application should be determined by 11<sup>th</sup> January 2024.

#### **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 details of the conditions to be delegated to the Director of Planning and Transport.

#### **3 Background**

- 3.1 The application site is the former site of the St Matthew on The Hill Church, which was demolished in 2019 following damage from an arson attack in 2009. The site has four individual trees and an area of woodland that are protected by a Tree Preservation Order (TPO799)..
- 3.2 To the north of the site are two storey residential dwellings along Peary Close with an intervening footpath. These dwellings have their front elevations facing towards the application site (onto the footpath) and their rear elevations to the road. The footpath is approximately 4.4m lower than the ground floor of the proposed building.
- 3.3 To the west of the site are two storey dwellings at 12-24 Padstow Road. To the south of the site is an intervening paved access track. This provides pedestrian access into the new build housing, although it is not adopted highway or a public right of way.
- 3.4 Beyond this access track will be a small group of new build affordable housing (two

one-bedroom bungalows and six one-bedroom maisonettes) which is part of the wider new build housing to the east of the application site. To the south of this housing is Henry Whipple Primary School with a pedestrian entrance to the school 5m from the access track that leads to the application site. To the east of the site is also part of the new build development currently being developed by Countryside Properties (UK) Limited, but the land directly adjacent to the site will be retained as scrub and grassland.

#### **4 Details of the proposal**

- 4.1 The proposal is for the erection of a two/three storey building to provide 15 studio/one bedroom supported accommodation units along with communal facilities along with external cycle and refuse storage, landscaping and six parking spaces.
- 4.2 The building is proposed to be located centrally within the site, 5.4m from the southern boundary with the new build housing. It would be 58m from the eastern boundary, 21m from the northern boundary with the footpath along Peary Close and 54m from the boundary with the properties along Padstow Road.
- 4.3 The southern side of the building would be three storeys, stepping down to two storeys towards the north. It would have mono-pitched south sloping roofs with photovoltaic panels. The roof would have a maximum height of 10.5m. The majority of the windows would be on the east (rear) and west (front) elevations, with upper floor side elevation windows serving hallways. The maximum width would be 34m and depth of 14m.
- 4.4 The accommodation would be on the ground, first and second floors with each unit either being a one-bedroom (single bed) unit with its own bathroom and living space, or an open-plan studio with space for a double bed which is used for the two accessible units on the ground floor. The ground floor also has a laundry room, a resident's day room leading to a secure garden space, a training room for residents and various staff facilities such as offices and a kitchen.
- 4.5 The external layout of the site would make use of the existing turning circle remaining from the former Church. The site frontage would have six parking spaces (two of them with electric vehicle charging points) and external bike storage with 12 cycle parking spaces. The external landscaping will include retaining many of the existing trees and vegetation at the site, with a secured rear amenity space to the rear (east) of the building and a 1.2m high fence to protect the group TPO area.

#### **5 Consultations and observations of other officers**

##### **Adjoining occupiers consulted:**

38 neighbours along Padstow Road and Peary Close were consulted, which also included Henry Whipple Primary School and Countryside Properties (UK) Limited. Two site notices were erected – one on a lamppost along Padstow Road near to the entrance to the application site and another on a lamppost on the raised footpath along Peary Close.

14 objections have been received raising the following concerns:

- (i) *Security and Safety Issues*
  - Not appropriate for the development to be located next to a primary



- school. Could cause disruption and safety issues for children. Children would be exposed to those with complex mental health and/or addiction.
  - School children currently congregate directly outside of building before and after school. Development may be a safeguarding hazard
  - Not appropriate for the development to be located close to families. Could cause families to move out of the area.
  - Residents may have complex mental health issues and substance misuse. Creates high risk of anti-social behaviour, criminal damage, drug use and burglaries.
  - May make area unsafe at night for women, elderly, vulnerable neighbours, and young children.
- (ii) *Parking and Road Safety Issues*
- Current road and parking conditions pose a risk to pedestrians and motorists, especially during peak school hours.
  - The new housing with limited parking exacerbates existing issues.
  - Any additional construction and building will exacerbate road safety risk because of additional traffic.
- (iii) *Amenity/Overlooking Issues*
- Any building and windows that would directly overlooking the school and playground could pose a safeguarding risk to children as well as adjoining residents who would be overlooked.
  - Current housing development is major disruption to teaching and learning at Primary School due to heavy plant noise and ground vibrations. Further building would cause this to be ongoing and affect health and well-being of both children and staff.
- (iv) *Biodiversity and Sustainability Issues*
- Already a huge amount of development in the area which has taken up so much green space and impacting wildlife.
  - With climate change we need to protect green areas and trees.
  - Area cannot afford to lose more green areas and trees.
  - Used to see bats regularly in area but do not anymore.
  - Area is home to many species of wildlife, foxes, rabbits, native birds and bats. Due to the new homes on the Padstow site these creatures are being driven out of their environment. Land should be preserved for them.
  - What is to stop more trees being removed from the site?
- (v) *Impact on Wider Area*
- Area can't afford to have more low-income families or single people to support.
  - With the new housing there are not enough resources in the area. Schools are full and can't get GP appointments.
  - St Matthews Church was a community asset and surely this land should be used for the community.
- (vi) *Other Issues (not material planning considerations)*
- Who will pay to improve the boundary between the site and Henry Whipple Primary School?
  - There has been no communication with Henry Whipple Primary school to ascertain any concerns on the statutory requirement of safeguarding the school children.

- May lower the price of houses.
- Would be better to use the site as a park or play area for children.
- To only be given 21 days to reply to the application is very poor practice. A tiny notice on a pole is not enough.
- Would be better if the site was to be used for social housing for local families.

**Biodiversity:** Welcome the retention and protection of existing mature habitats within the site. A Biodiversity Management Plan for the site will be included as a pre-commencement condition. The BMP should include an Ecological Enhancement Plan showing the types and locations for bat, bird and hedgehog boxes and ongoing maintenance of these features. A Construction Environment Management Plan should be conditioned in order to protect wildlife during construction.

**Carbon Neutral Policy Team:** Positive to see many of the ecological features will be retained and enhanced, with 2 of the 6 parking spaces being for electric vehicles. No energy or sustainability statement has been provided so unable to assess the carbon impact on the building. Cannot assess the proposal and therefore have a neutral stance on the proposal.

**Drainage (Flood Risk Management Team):** no objection in principle subject to adequate drainage details, including sustainable drainage systems, being secured through condition.

**Education:** no contributions required.

**Environmental Health:** no response received.

**Highways:** Raise no objection, subject to recommended conditions. Nature of occupiers mean that occupancy car ownership likely to be low. There is staff parking and bike storage. Site is close to NCT bus routes. The former use of the Church would have likely generated more parking and traffic than the proposed use. Recommend conditioning a Construction Management Plan with reference to the adjacent school, a Staff Travel Plan to encourage sustainable transport and a condition that all damaged areas of the public highway are reinstated.

**Head of Housing & Regeneration:** From the perspective of the Council's Homelessness Strategy, I want to support this provision which is a key plank of the Council's provision for homeless singles. This unit will provide accommodation for single homeless women and the fact that this is a women's only unit does make it inherently less risky than a unit for men in a number of important ways.

The provision will involve 24-hour double staff cover to ensure it is properly managed and that the individual units are self-contained. The unit aims to support people to settle into stable living patterns within communities, so it is entirely appropriate that this is located within a residential neighbourhood and is within reasonable distance from appropriate services and facilities. The Council needs to source appropriate provision for this client group and no matter where these are proposed there are often objections that are based primarily on the nature of the provision, or which would apply in almost any realistic location which could be sourced within a dense urban area like Nottingham. It is important that the decision over this provision recognises these challenges and also how this provision is

required to deliver on the Councils agreed objectives to address and reduce homelessness.

An objection that often raises more concern in planning terms for provision of this nature relates to whether there is an over-concentration of similar provision in an area, however this isn't the case in the locality that this facility is proposed.

**Police (Designing Out Crime Officer):** no objection. Recommend an informative note around achieving 'Secured by Design' standards.

**Tree Officer:** proposal is acceptable, and Arboricultural Method Statement should be conditioned.

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (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 47 states planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.

Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 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.

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

Policy A - Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

### **Land and Local Planning Policies (LAPP) (Local Plan Part 2 Document)**

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy HO4: Specialist and Adaptable Housing

Policy HO5: Community Facilities

Policy DE1: Building Design and Use

Policy DE2: Context and Place making

Policy LS5: Community Facilities

Policy TR1: Parking and Travel Planning

Policy TR2: The Transport Network

Policy EN6: Biodiversity

Policy EN7: Trees

### **Supplementary Planning Documents**

Biodiversity (2020)

## **7. Appraisal of proposed development**

### **Main Issues:**

- (i) Principle of Development and Amenity
- (ii) Layout, Design and Appearance
- (iii) Highways and Access
- (iv) Flood Risk and Drainage
- (v) Trees, Biodiversity and Sustainability

**Issue (i) Principle of the Development** (Policies 1 and 10 of the ACS, Policy HO4, HO5 and EE4 of the LAPP)

- 7.1 The development provides 15 self-contained studios and one-bedroom flats to provide supported living accommodation. Policy HO4 (Specialist and Adaptable Housing) of the LAPP states in residential areas planning permission will be granted for specialist housing for older people, other vulnerable groups and for hostel accommodation provided that:

- a) a satisfactory residential environment can be achieved for the benefit of the intended occupants;

- b) the amenity of existing local residents would not be compromised;
- c) the use would not result in over-concentration of similar uses in any one area leading to a material change in character;
- d) the site is accessible to public transport and other services; and
- e) there will be satisfactory management arrangements in place to ensure amenity of nearby occupiers is maintained.

- 7.2 The proposed residential units are studios/one bedroom that are 30sqm, which is 7sqm (19%) smaller than the 37sqm minimum required by the Nationally Described Space Standards, although residents will also have access to a 30sqm 'Day Room' and approximately 450sqm of secure rear amenity space.
- 7.3 The agents have stated that the unit size is limited due to funding constraints. The project is being funded under the Government's 'Single Homeless Accommodation Programme' with an agreement between Framework Housing Association (the applicants) and Homes England. The funding constraints mean it would not be possible to deliver units which are more than 30sqm.
- 7.4 On balance, given the need for supported accommodation, the availability of shared facilities within the building and the significant area of external amenity space, it is considered the future occupiers would have an acceptable standard of amenity.
- 7.5 The proposed building would be 5m from the southern boundary, which adjoins the pedestrian footpath with a new build bungalow beyond. Beyond the bungalow is Henry Whipple Primary School. There are two first floor windows on this south (side) elevation which will be conditioned to be obscurely glazed. Given these windows serve a hallway, it is considered it would not have a significant negative impact on the amenity of the bungalow or the school beyond. The building would be at least 20m from all other boundaries.
- 7.6 Given the separation distances to the northern and western properties (over 21m), it is considered the building height and openings would not impact neighbour amenity. The building would be close to the southern boundary, but the upper floor windows would be obscurely glazed and would serve hallways, not living space. It is considered the building would not significantly impact the amenity of the new dwellings to the south and east, or Henry Whipple Primary School.
- 7.7 The nearest purpose-built building for housing rough sleepers is Sunrise House. The applicants (Framework Housing Association) operate Sunshine House which provides 16 units of accommodation along Pedmore Valley (planning reference. 14/01822/PFUL3) and is 1km from the application site. It is therefore considered there is not an over-concentration of similar uses in the area.
- 7.8 The site is considered to be accessible to public transport with two bus stops 350m from the site served by NCT Brown Line 15 and 16 with regular busses to Nottingham City Centre. The site is also close to amenities such as Bestwood Estate Community Centre, Southglade Park Library and Southglade Leisure Centre. There is a convenience store on Southglade Road, approximately 350m away, and an Aldi supermarket 800m away.
- 7.9 The applicants (Framework Housing Association) have provided a brief statement but have not provided details on the management arrangements in place to ensure the amenity of nearby occupiers are maintained. They have stated the application

site would be women-only. However, as it is considered unreasonable to restrict this as part of the planning process, this has not been given weight in the process.

- 7.10 Given the proximity of the site to Henry Whipple Primary School it is considered reasonable to request a Management Strategy is submitted to the Local Planning Authority prior to commencement of development, with evidence submitted that the Strategy has been prepared in direct consultation with Henry Whipple Primary School. This is in addition to a condition to provide a Local Employment and Training Opportunities Statement to accord with Policy EE4 of the LAPP.
- 7.11 Policy HO5 of the LAPP states the loss of community facilities and their sites will only be permitted if it can be demonstrated the proposal meets one of five criteria. One of these is 'the facility is no longer needed within the community and suitable alternative provision with sufficient capacity is available in the area'.
- 7.12 The Church was damaged by an arson attack in 2009 and was subsequently demolished in 2019. The site is owned by the Diocese of Southwell & Nottingham and the Design and Access Statement submitted with the application states that Church attendance in Bestwood has dropped to a level where the site is no longer required for worship. There are other Churches within the Bestwood and Top Valley area (such as Saint Philips Church and Bestwood Park Church). Given the site has not been in use since the fire in 2009 and the public benefits in providing sheltered accommodation for rough sleepers, it is considered the loss of a site previously used as a community facility is justified. As such, the proposal complies with Policy HO5 of the LAPP.
- 7.13 Overall, it is considered that the proposed development complies with Policies 1 and 10 of the ACS, Policy HO4, HO5 and EE4of the LAPP

**Issue (ii) Layout, design and appearance** (Policy 10 of the ACS and Polices DE1 and DE2 of the LAPP)

- 7.14 The proposed building has a contemporary design with mono-pitched roofs to enable photovoltaic panels on the roof. The building is three storeys to the south and two storeys to the north. The walls would be two contrasting colours of brick with a metal roof. Details of the external materials, including boundary treatments, can be conditioned to ensure that they are of an appropriate finish that is in keeping with the character of the area. The proposal therefore complies with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

**Issue (iii) Highways and Access** (Policies TR1 of the LAPP)

- 7.15 The proposal would provide six parking space and 12 cycle parking spaces. Pedestrian and vehicle access to the site would be from the existing private road from Padstow Road. This access was previously a public right of way, which has been suspended during construction of the new build houses to the west of the application site. Once construction is complete, this public right of way will be reinstated.
- 7.16 Future occupiers of the building would be unlikely to have their own private cars. There would be three staff on site during normal office hours and two staff during night cover periods. Other regular visitors to the site, such as health practitioners, would be unlikely to be more frequent than a weekly basis. In addition, the proposed use would likely generate less parking demand compared to the use of

the site as a church. On balance, it is considered six parking spaces and the cycle parking is sufficient provision and the proposal would not have a significant impact on highway safety, compared to the use of the site as a church and will comply with Policy TR1 of the LAPP.

- 7.17 A pre-commencement condition will be required for Construction Management Plan with reference to the adjacent school. A Staff Travel Plan is considered unreasonable to condition given there would be a maximum of five staff on site at any one time. A condition requiring the public highway is reinstated is considered unnecessary because no works are proposed to the public highway.

**Issue (iv) Flood Risk and Drainage** (Policy 1 of the ACS and Policy CC3 of the LAPP)

- 7.18 The application site is in Flood Zone 1 and is not at risk from surface water flooding.
- 7.19 The Flood Risk Management Team raise no objection in principle, subject to appropriate drainage strategy, including sustainable drainage systems, are submitted through condition. The proposal is therefore considered to comply with Policy 1 of the ACS and Policy CC3 of the LAPP.

**Issue (v) Trees, Biodiversity and Sustainability** (Policies 1 and 17 of the ACS and Policies CC1, EN6 and EN7 of the LAPP and Biodiversity SPD)

- 7.20 The application site is considered to be previously developed land, although since the demolition of the church, the site has become overgrown with self-set trees, shrubs and brambles. Some of these will need to be cleared but none of the mature trees or trees protected by TPOs will be removed. These will be protected during construction as outlined in the Arboricultural Method Statement, and compliance will be conditioned.
- 7.21 The proposal incorporates the retention of a large amount of the existing trees and vegetation to the east, north and west of the proposed building. This includes a 2,400sqm area to the east of the proposed building which will be protected from the main site by a 1.2m close boarded timber fence and retained as trees and tall dense vegetation.
- 7.22 In order to ensure suitable management of the biodiversity on the site, a Biodiversity Management Plan will be conditioned. It will also include an Ecological Enhancement Plan showing the types and locations for bat, bird and hedgehog boxes as recommended in the Ecological Appraisal and include the ongoing maintenance of these features and the long-term protection of trees.
- 7.23 This is in addition to the Construction Environment Management Plan which ensures that retained habitats are protected during construction. It should include measures to prevent impacts on wildlife, including bats, from lighting during construction.
- 7.24 In terms of sustainability, the roof of the building will be two south-facing mono-pitched roofs with photovoltaic panels. Two of the six parking spaces on the site will have electric vehicle charging points, in addition to the cycle storage to encourage sustainable modes of transport. Further details of sustainability measures will be required as a pre-commencement condition.

7.25 It is considered the proposal is in accordance with Policies 1 and 17 of the ACS and Policies CC1, EN6 and EN7 of the LAPP.

## **8 Financial Implications**

None.

## **9 Legal Implications**

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

## **10 Equality and Diversity Implications**

None.

## **11 Risk Management Issues**

None.

## **12 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.

## **13 Crime and Disorder Act implications**

Homeless people are vulnerable and more likely to be victims of crime. Some homeless people are involved in drug use and anti-social begging which will be reduced if people are housed.

## **14 Value for money**

None.

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

1. Application No: - 23/01745/PFUL3 link to online case file:

<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2EHAZLYLQ100>

## **16 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 (2023)

Biodiversity SPD (2020)



**Contact Officer:**

Ms Katherine Lowe, Case Officer, Development Management.

Email: [katherine.lowe@nottinghamcity.gov.uk](mailto:katherine.lowe@nottinghamcity.gov.uk) Telephone: 0115 8762435

# Nomad printed map



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## Key

 City Boundary

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## Description

A map printed from Nomad.

**My Ref:** 23/01745/PFUL3 (PP-12508528)  
**Your Ref:**  
**Contact:** Miss Katherine Lowe  
**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

Allan Joyce Architects Ltd  
16-20 Bath Street  
Nottingham  
NG1 1DF  
United Kingdom

Date of decision:

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

Application No: 23/01745/PFUL3 (PP-12508528)  
Application by: Mr Phill Collins  
Location: Site Of St Matthew On The Hill Church, Padstow Road, Nottingham  
Proposal: Proposed 15 units of supported accommodation and communal facilities on the site of the former St Matthews Church. External cycle and refuse storage proposed alongside landscaping and 6no. parking spaces.

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 commencement of the development hereby permitted, details of the proposed external bricks and roof tiles, along with details of window reveals (including sections at scale 1:20), shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP*



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3. Prior to commencement of the development hereby permitted, a Management Strategy shall be submitted to the Local Planning Authority for approval.

*Reason: To ensure there will be satisfactory management arrangements in place for the proposed specialist housing to ensure amenity of nearby occupiers is maintained in accordance with Policy 8 of the ACS and Policy HO4 of the LAPP.*

4. Prior to commencement of development hereby permitted, a Local Employment and Training Opportunities Statement shall be provided to the Local Planning Authority for approval.

*Reason: To ensure the development helps to ensure that opportunities exist for more City residents to access work and/or develop their skill base in accordance with Policy EE4 of the LAPP.*

5. Prior to the commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall ensure the existing habitats on site are protected from impacts such as damage by construction traffic, pollution including run-off and increased noise and lighting levels.

Development shall be undertaken in accordance with the approved scheme.

*Reason: In the interests of biodiversity and in accordance with policy EN6 & EN7 of the LAPP*

6. Prior to commencement of development, a Biodiversity Management Plan (prepared in accordance with the Ecological Appraisal dated 12th October 2023) shall be submitted to the Local Planning Authority for approval. The Plan shall cover:
- All areas of retained and newly created habitats,
  - An Ecological Enhancement Plan showing the types and locations for bat, bird and hedgehog boxes,
  - A timetable for implementation and a management plan,
  - Information packs for future residents to inform them of the habitat and its management.

The approved landscaping and ecological enhancements shall be carried out in accordance with the approved timetable for implementation and any newly planted 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 that the appearance of the development is satisfactory and in the interests of protecting and promoting biodiversity in accordance with Policies 10 and 17 of the ACS and Policies DE1, DE2, EN6 and EN7 of the LAPP.*

7. Prior to commencement of development, details will be provided on how the proposal will seek to maximise opportunities to incorporate sustainable design features and Innovative sustainable design solutions for energy efficiency. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure the proposal incorporates sustainable design features to comply with Policy 1 of the ACS and Policy CC1 of the LAPP.*

8. Unless otherwise agreed in writing with the Local Planning Authority, the tree protection measures outlined in the Arboricultural Method Statement (dated 3rd November 2023) shall be implemented prior to commencement of construction and retained for the duration of construction.

*Reason: To ensure adequate tree protection measures during construction in accordance with Policy 17 of the ACS and Policy EN7 of the LAPP.*

### **Pre-occupation conditions**

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

9. Prior to the occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate the drainage system has been constructed as per the Drainage Specification received 31st October 2023 and Drainage Layout (Rev A) and Drainage Statement and Maintenance Plan (Rev A) received 13th November 2023.

It shall also provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

*Reason: To ensure the Drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with policy CC3 of the LAPP.*

10. The approved development shall not be first occupied until the external areas of the site have been implemented in accordance with the approved details, including the car parking spaces, bin and cycle stores.

*Reason: In the interests of the residential amenity of occupants of the approved development and neighbouring residents in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.*

### **Regulatory/ongoing conditions**

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

11. The approved development shall not be used at any time in future other than for a total of 15 supported living dwellings with staff/communal spaces and in accordance with the approved layout plans unless varied with the prior written approval of the Local Planning Authority.

*Reason: In the interests of ensuring that any future changes to the use or internal layout of the approved development can be reviewed having regard to the amenity of neighbouring residential properties, occupier amenity and wider area in accordance with Policy 8 of the ACS and Policy HO4 of the LAPP.*

12. The obscurely glazed windows, as shown on the approved elevations, shall be retained as obscure glazing for the lifetime of the development.

*Reason: To protect the amenities of the occupiers of nearby property to comply with Policy 10 of the ACS and Policy DE1 of the LAPP.*

13. Notwithstanding any details or notes in the application documents stating or implying otherwise, the units 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 following drawings/documents:  
Location Plan, received 12 October 2023  
Plan reference Block Plan, received 12 October 2023  
Plan reference Proposed Site Plan revision A, received 13 November 2023  
Plan reference Proposed Plans revision A, received 13 November 2023  
Elevations reference Proposed Elevations revision A, received 13 November 2023

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

**Informatives**

1. 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.

2. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

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

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

**Equipment**

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

**Dust/Grit and other fugitive emissions**

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

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

Flexible plastic sheeting  
Water sprays/damping down of spoil and demolition waste  
Wheel washing  
Periodic road cleaning



3. It is recommended the development aims to meet the Secured by Design standard. Nottinghamshire Police Designing Out Crime Officers will be available to provide ongoing guidance to the developer in the adoption of the SBD standards. The SBD standards are also available to view at [https://www.securedbydesign.com/images/HOMES\\_GUIDE\\_2023\\_web.pdf](https://www.securedbydesign.com/images/HOMES_GUIDE_2023_web.pdf)

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

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



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## **RIGHTS OF APPEAL**

Application No: 23/01745/PFUL3 (PP-12508528)

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](mailto: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.



# **DRAFT ONLY**

## **Not for issue**