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**Nottingham  
City Council**

## **Nottingham City Council Planning Committee**

**Date:** Wednesday, 21 February 2024

**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:** Catherine Ziane-Pryor

**Direct Dial:** 0115 876 4298

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** 3 - 4  
Of the meeting held on 17 January 2024, for confirmation.
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
  - a Land Northern Parcel Between Clifton Wood and Clifton Phase 4 Development, Yew Tree Lane, Nottingham** 5 - 26
  - b Franciscan Friary, Gordon Road, Nottingham City NG3 2LG** 27 - 36

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

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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 17 January 2024 from 14.03 - 14.19**

#### Membership

##### Present

Councillor AJ Matsiko (Chair)  
Councillor Sam Lux (Vice Chair)  
Councillor Graham Chapman  
Councillor Sam Harris  
Councillor Imran Jalil  
Councillor Kirsty L Jones  
Councillor Pavlos Kotsonis  
Councillor Samina Riaz  
Councillor Naim Salim

##### Absent

Councillor Kevin Clarke  
Councillor Faith Gakanje-Ajala  
Councillor Anwar Khan  
Councillor Gul Nawaz Khan  
Councillor Ethan Radford

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

Paul Seddon	- Director of Planning and Transport
Rob Percival	- Area Planning Manager
Rachel Mottram	- Head of Development Management
Gillian Bradbury	- Business Development and Technical Support Manager
Nigel Turpin	- Team Leader, Planning Services
Ann Barrett	- Team Leader, Legal Services
Catherine Ziane-Pryor	- Governance Officer

#### 27 Apologies for Absence

Councillor Kevin Clark – work commitments  
Councillor Faith Gakanje-Ajala – work commitments  
Councillor Anwar Khan - personal

#### 28 Declarations of Interests

None.

#### 29 Minutes

The minutes of the meeting held 21 December 2023 were confirmed as a true record and signed by the Chair.

#### 30 10 Brownlow Drive Nottingham NG5 5AB

Rob Percival, Area Planning Manager, presented application 23/01413/PFUL3 by Miss Julia Karoly on behalf of Mr Wetherell, for planning permission to erect a single storey garage with workshop area. The application is brought to Committee because it has generated significant public interest relative to the scale of the proposal that is contrary to the recommendation.

Rob Percival delivered a presentation showing a map view of the current site in the local context, including aerial views, a plan of the proposed development, including floor plan with front, back and side elevations, and a street view of the rear of the property from Abbotsbury Close.

The following points were highlighted and members' questions responded to:

- a) Objections are summarised in the report and have been received from neighbouring properties, mainly those on Abbotsbury Close, as it is proposed for the domestic double garage development to the rear of the property to be accessed from Abbotsbury Close;
- b) Whilst it has been claimed that 10 Brownlow Drive does not have the legal right to access that property from Abbotsbury Close, that is not a material planning consideration and planning permission is not in itself required for a vehicle access to the rear of the property; it is also noted that the rear boundary previously included double gates for occasional access;
- c) Neighbouring residents of the Close expressed concerns including that the new access will be in regular use, causing additional traffic flow, restricting the current parking availability and impeding the turning head of the Close;
- d) Following the initial planning permission consultation period, the proposal was revised, and the roof reduced in size;
- e) The proposal is found to be appropriate for the character of the local area and this standard domestic double garage would have no significant adverse impact on neighbouring properties or the street scene in terms of its use or appearance;
- f) Whilst the objections of neighbouring residents are acknowledged, there are no legitimate planning grounds to refuse the application in relation to any of the points raised in the objections;
- g) There is no indication that the premises are to be used for business or trade purposes and were any business use to occur in the future consideration could be given to enforcement action should the change of use be considered material as opposed to merely ancillary.

The Chair noted the concerns and objections of neighbours and was satisfied that all had been properly considered in relation to planning legislation.

**Resolved to grant planning permission subject to the conditions listed in the draft decision notice at the end of the report.**

**Wards Affected:** Clifton West (May 2019)

**Item No:**

**Planning Committee  
21st February 2024**

## **Report of Director of Planning and Regeneration**

### **Land Northern Parcel Between Clifton Wood And Clifton Phase 4 Development, Yew Tree Lane**

#### **1 Summary**

Application No: 23/00674/PRES4 for approval of reserved matters

Application by: Avant Homes Midlands Homes

Proposal: Application for the approval of reserved matters (site layout, scale, appearance and landscaping) of outline planning application 18/00056/POUT (resubmission of 22/00642/PRES4) - for 265 dwellings with associated infrastructure and public open space

The application is brought to Committee because it is a major application on a prominent site and is of significant public interest.

To meet the Council's Performance Targets this application should have been determined by 27th July 2023. An extension of time has been agreed until 23rd February 2024

#### **2 Recommendations**

**GRANT RESERVED MATTERS APPROVAL** 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 and Planning History**

3.1 This Reserved Matters (RM) submission relates to a 9.6 hectare site located on the south western edge of Clifton. The site comprises of a disused playing field formerly owned by Nottingham Trent University (NTU) and an agricultural field formerly owned by Nottingham City Council. The site is irregular in shape and largely bordered by mature hedgerows and in places by mature trees. A central row of trees crosses the site from east to west, which forms the predominant landscape feature on the site. The topography of the site is reasonably flat with a gentle slope from south to north.

3.2 The site is adjoined to the east by part of the existing Trent Valley Bridleway with the Barton Green housing estate beyond. To the west lies Clifton Wood, which forms a Grade II Registered Park and Garden associated with Grade 1 Listed Clifton Hall to the north. The wood is also an ancient woodland, a Local Wildlife Site (LWS) and forms part of the Clifton Grove, Clifton Woods and Holme Pit Local Nature Reserve (LNR). The wood extends along the entire western limit of the site. The site is adjoined to the south by the Trent Valley Bridleway with pockets of woodland, forming part of the above LNR and Fox Covert LWS and agricultural

grazing land beyond. To the north is a mix of agricultural land, a tree plantation and residential development on Clifton Hall Drive, built within the grounds of the Grade 1 Listed Clifton Hall. The Hall and associated listed Grade II Listed stable block is located further to the north west of Clifton Hall Drive. The Grade 1 Listed Church of St Mary the Virgin and associated Grade II listed structures; Grade II listed 1 and 2 Home Farm Cottages and Grade II listed Yew Tree Grange and associated structures sit to the north and north east of Clifton Hall Drive.

- 3.3 The site also sits within the Clifton Fox Covert Lane Archaeological Constraint Area and falls within a Minerals Safeguarding Area. The edge of the Clifton Village Conservation Area runs along the north and western boundaries of the site, incorporating Clifton Woods. The Nottinghamshire Green Belt abuts the west and southern boundaries of the site. The Holme Pit Site of Special Scientific Interest (SSI) is located 0.2km to the west of the site. The site also sits within a Landscape Character Area as defined by the Greater Nottingham Landscape Character Assessment.
- 3.4 There is currently no vehicular access to the site. Informal footpaths from the adjacent bridleway cross the site to gain access into Clifton Woods.
- 3.5 Within the LAPP the site is allocated for family housing (Allocation SR49) with the access to the site from Hawksley Gardens and Finchley Close being safeguarded under Policy TR2.16 of the LAPP.
- 3.6 Outline planning permission was conditionally approved at a Planning Committee meeting on 19 December 2018 for residential development of the site, with access arrangements being the only detailed matter submitted for approval at that stage. The City Council and NTU were joint applicants for the planning application, as landowners.
- 3.7 The submission included an illustrative masterplan which indicated how up to 278 dwellings could be accommodated on the site. A Design Code was also submitted to inform the design and layout of future residential development, the streets, associated open spaces and a proposed landscape framework.
- 3.8 The main access to the site is to be through the existing Barton Green estate. Existing access to the estate is taken from the A453 Trunk road, at the Crusader roundabout, onto Hartness Road, which forms the sole existing distributor road serving the Barton Green estate. From Hartness Road direct access to the site is to be via an extension to Hawksley Gardens, which currently forms a cul-de sac serving approximately 36 properties. An additional (emergency only) access is to be built off Finchley Close, a further cul-de-sac serving approximately 14 properties. Both accesses are to cross the existing bridleway, which runs along the western boundary of the estate, via appropriate crossing facilities at these points.
- 3.9 Following lengthy negotiations regarding the S106 Agreement, the permission was finally issued on 9<sup>th</sup> December 2020 (reference18/00056/POUT). The S106 Agreement included:
  - A requirement to provide 20% affordable housing on site should any subsequent reserved matters submission comprise of 25 dwellings or more.
  - A financial contribution towards the enhancement of public open space off-site.

- A financial contribution towards the expansion and/or enhancement of education facilities in the area.
- A financial contribution of £25,000 towards the enhancement and improvement of existing footpaths in the adjacent Clifton Woods.

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

- 4.1 The site was subsequently acquired by Avant Homes who have submitted the current application which seeks approval for the outstanding reserved matters relating to layout, scale, appearance and landscaping. It is proposed to develop the site with 265 dwellings comprising 16 x one bedroom, 57 x two bedroom, 105 x three bedroom, 82 x four bedroom and 5 x five bedroom dwellings. These are to be provided as a mix of detached, semi-detached and terraced houses, all with associated parking. The dwellings are largely 2 storey in height, with some 2.5 storey dwellings (incorporating rooms in the roof and dormer windows), and of broadly traditional design with brick facades and pitch tiled roofs.
- 4.2 The layout has evolved the principles of the masterplan and proposes character areas that are defined by a street hierarchy. There are five Character Areas comprising the 'Gateway' at the entrance of the site, the 'Main Street' which forms the main vehicular route through the site, the 'Green Edge' which surrounds the edges of the development, the 'Boulevard' which runs either side of the central retained trees and hedgerow, and the 'Central Core' streets at the centre of the layout.
- 4.3 A key feature of the layout and landscape proposals is the creation of a green edge to all boundaries of the site, with new residential areas and streets set within this. This includes an undulating green buffer along the western edge of the site with Clifton Woods that would have a minimum width of 15m, retention of the central spine of mature trees and, the creation of a green space and a surface water attenuation pond to the northern entrance to the site.

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

513 neighbouring properties were notified and the application has also been publicised through the display of a site notice and the publishing of a press notice.

43 representations have been received from local residents.

Residents of Hawksley Gardens and the Barton Green Estate are not opposed to the housing. However, they urge Councillors to delay any decisions regarding the current application until further consideration has been given to a number of issues:

- The proposed access from Hawksley Gardens, a small residential cul de sac will be extremely problematic, especially as it crosses over a well used bridleway. There will be a significant increase in traffic to serve 265 houses
- There is only one way on and the same way off the whole Barton Green estate (at the Crusader island)
- A new transport survey (including a video footage survey) at the junction of Hartness Road/Crusader island needs to be commissioned as the one day survey (conducted on 28 March 2017) on which outline permission was granted, is out of date
- Traffic monitoring is required to assess the significant increase in traffic since then and to understand whether any mitigation is needed for Hartness Road

- At least for the construction phase (which could be over 6 years) an alternative route from Mill Hill island, Green Street and Fox Covert Lane needs to be secured (it is feasible and was used for recent survey work)
- Details of a Noise Impact Assessment and Dust Management Plan (based on an air quality and dust risk assessment) are needed
- Could the developer be asked to incorporate adequate provision for addressing any abnormal wear and tear to Hartness Road and Hawksley Gardens (and to neighbouring properties) caused by heavy plant and machinery?

Although not all of relevance to the current Reserved Matters application, the comments received also make reference to details that have been submitted separately, to discharge other conditions of the outline approval. These conditions generally concern detailed matters that, as is common practice and was the case with the outline approval, are delegated to officers to discharge following consultation with the relevant service areas. To avoid any prejudice to the comments received, all are reported below, regardless of whether they concern the Reserved Matters application or the discharge of condition submissions:

### **Bridleway**

- There are insufficient details (just a diagram) to address Conditions 3 and 4 (Access Road and Emergency Access Road) e.g. length of any raised crossing over the bridleway, how pedestrian and animal safety would be addressed etc.
- The bridleway is well used on a daily basis by dog walkers, cyclists, pedestrians, children, horse riders, rambling groups etc.
- The potential for accidents when vehicles (including cars, lorries and delivery vans) are crossing it is a grave concern.
- Proposals for a horse holding area do not seem practical – how will horses move into a ‘horse holding’ area and not get jittery when vehicles are crossing so closely to them?
- How will the noise impact on local properties from any traffic calming measures over the bridleway be assessed and prevented?
- The diagram shows a raised crossing to reduce vehicle speeds – how long will this be?
- How will the impact on neighbouring properties/residents (e.g. getting off their drives) when cars are constantly slowing down, be addressed?

### **Access**

- Have emergency services been consulted? Is the proposal acceptable to them, especially the emergency access? (which will only be opened in an emergency – it does not give a second access point onto the development).
- Taking access from the Barton Green estate will cause a significant increase in traffic and impact on the whole estate and especially Hartness Road and Hawksley Gardens.
- When outline planning permission was granted, the Transport Assessment (by BSP Consulting 2017) was based on a one-day transport survey (conducted on 28 March 2017).
- The Local Plan which also confirmed access from Hawksley Gardens is dated 2005, almost 20 years ago.
- The ‘proposed development percentage impact’ on Hartness Road is stated in the same report as 69.5% (am peak hours) and 63.7% (pm peak hours).
- Since 2017 traffic has significantly increased at the Crusader junction
- Figures from Highways England show increases in traffic (since 2017) on the A453 of 13.3% (weekdays) and 56.6% (weekends).



- The Fairham Pastures development (currently underway) on the Gotham Road is for 3,000 new houses, industrial units and a school. Vehicles from this development will significantly increase the amount of traffic using the Crusader island.
- Traffic generated from another 265 new houses on the Barton Green estate will cause more tailbacks and delays for vehicles exiting Hartness Road at the Crusader island.
- There is only one way on and the same way off the Barton Green estate.
- Residents have no other route onto or off this estate.
- An access point from Mill Hill needs to be fully considered.
- Only four cars can safely exit Hartness Road before the traffic lights change.
- Coming back on to the estate is already problematic as there are only 3 safe waiting spaces on the island. It is dangerous already.
- Highways England say an additional lane is planned for the A453 (north and south bound) at the Crusader island (once 1,500 houses have been built at Fairham Pastures).
- But Highways England also confirm there are no mitigation measures planned for Hartness Road.
- The right turn into Hawksley Gardens is already dangerous because of the bend and parked cars on Hartness Road – this will worsen with more traffic.
- The use of Finchley Gardens as an emergency access is questioned. The close consists of privately owned properties and they consider that the emergency access should be taken from Juniper Close.
- Sustainable transport proposals to reduce car usage (except perhaps cycling) are unrealistic. Are additional bus services proposed?
- The nearest tram stop from the entrance to the proposed development is one mile away. For most people, it is too far and takes too long to walk.
- Residents of Barton Green already drive to the tram park and ride. It has not and will not reduce the amount of traffic on and off this estate.
- There is a proposal for a quarry to be built at Barton in Fabis, which will be very close to this development.
- The proposed access route for the quarry is from Green Street. So, if a road will be put in to serve the quarry from Green Street, residents cannot understand nor accept that a road cannot be built from the same place to serve this new development. It would be better for all stakeholders.

### **Access for Construction**

- A route from Mill Hill island, Green Street and Fox Covert Lane needs to be constructed. It is feasible and was used to enable access for survey work
- Otherwise, huge lorries, plant and machinery coming onto Hartness Road and Hawksley Gardens will be dangerous and will likely get stuck (as buses already do) at the Crusader junction where there are also parked cars daily.
- If construction traffic does come through Hawksley Gardens, how would the bridleway be protected?
- There will be long delays for vehicles coming onto or leaving the Barton Green estate.

### **Road widths**

- What are the road/pavement widths in the development itself?
- There are inconsistencies in widths between the Transport Assessment, the proposed Site Access arrangements and the Avant Homes Engineering layout diagram.

## **Houses**

- Some are clearly 2.5 storey.
- The Dec 2018 Planning Committee report states houses will be 'max 2 storey' (para 7.42) and 'building heights are restricted to two storey's (para 7.67).
- Given the importance of not lighting up the hedgerows or Clifton Woods which is designated as ancient woodland, 2.5 storey seems inappropriate.

## **Additional comments received from residents in the wider area concerning Drainage**

- Residents believe the proposals may not be sufficient to prevent potential flooding into Hawksley Gardens as the discharge rate appears to be high.
- This could also affect other roads such as Osprey (where a resident's garden was flooded in the recent storms caused by water from the flooded bridleway).
- This raises concerns about water flowing onto Hawksley Gardens if the drains can't cope especially as some properties are at a much lower level than the proposed development.
- Does the sewer capacity include the northern end of Hawksley Gardens?

Representations in addition to the above received from residents in the wider area are summarised below:

- Impact on the look and feel of the adjacent Clifton Village.
- The size of the buffers to prevent encroachment and impact on Clifton Woods, an ancient woodland and nature reserve. Concern that the current width of buffer is not sufficient in depth. Reference was made by the Woodland Trust, Biodiversity Officer and Conservation Officer that the buffer should be 30m wide.
- The need for appropriate fencing to the Clifton Woods buffer.
- How will ecological enhancements be delivered and what guarantees will be given that site clearance will take place outside of the bird breeding season.
- Proposed lighting needs to protect adjacent woodlands and hedge.
- The level of informal green space is considered to be inadequate and not in keeping with its woodland setting.
- The need for a new bat survey.
- Need to enhance access routes in Clifton Woods.
- Need to ensure that the proposed development addresses any comments from Historic England.
- Height of the new dwellings should be kept at 2 storey adjacent to the boundary and buffer zone between the new development and Barton Green Estate Plan to ensure no loss of privacy to neighbouring properties.
- No reference to children's play area in the site.
- The appearance of the new dwellings should meet design quality standards.
- The need for sufficient parking for each dwelling and electric vehicle charging points.
- No sustainability in the proposed construction methods and materials.
- The development should be skewed towards 4 and 5 bedroom dwellings to compete with other housing developments in the area.
- The percentage of affordable housing is too high given the neighbouring estate is predominantly affordable housing.
- There is a need for a residents parking scheme across the Barton Green estate due to increased pressure for on-street parking.
- Insufficient GP's and dentists in the Clifton area to cope with new residential developments.
- No need for further housing development given the amount of housing

development in the area.

- Development for profit at the expense of local residents.
- The lack of community engagement by Avant with local residents.
- Concerns that Avant Homes is not a responsible developer given their history of poor standards and not completing new estates in other parts of the city. Assurances required that this estate will not be the same.
- Concern that problems with the Council's website has prevented objections being registered.

**Highways England:** No objection.

**Historic England:** No advice is offered. They suggest that the Council seeks specialist advice from the Councils conservation and archaeological advisers.

**Natural England:** Natural England (NE) raise no objection and consider that the proposed development will not have significant adverse impacts on the designated Holmes Pit Site of Special Scientific Interest. The following comments are also made:

1. Ancient woodland and veteran trees: Reference is made to NE's Ancient woodland inventory and standing advice. In light of these, NE welcomes the submission of a Ancient Woodland Mitigation Strategy. This includes a minimum 15m buffer as outlined in standing advice and indicated in last correspondence relating to the outline planning application 18/00056/POUT.
2. Biodiversity Net Gain: BNG was to be statutory obligation in November 2023 but was delayed until the 15<sup>th</sup> February 2024. NE would welcome early adoption to ensure suitable gains for nature through the development.
3. Green Infrastructure: the need for the development to contain Green Infrastructure Framework.
4. General standing advice in relation to protected species and other natural environment issues.

**Highways:** No objections subject to conditions a construction traffic management plan to include a construction traffic routing agreement, parking, cycle provision and electric vehicle charging points.

The Rights of Way officer and Highway Network Management have reviewed the revised design drawings for the proposed vehicular access from Hawksley Gardens and the emergency access from Finchley Close. They consider the principle of the design to be acceptable subject to receiving all necessary requirements for the S278 that is additionally required for the bridleway works. They have previously advised the applicant's consultant to submit a combined S278 and S38 application to see how the bridleway crossover links into the new estate road. They also wish to be informed of how it is intended to temporarily divert the bridleway while the two access roads are constructed.

The revised layout shows a series of "gateway" seating areas to be built between the bridleway land and the development, which is actually on the bridleway land and will require these areas of the bridleway to be stopped up. A further revised layout plan has been requested to remove the seating areas due to impact on the bridleway and to avoid further loss of the mature hedgerow running along the boundary of the site with the bridleway.

**Drainage (as Lead Local Flood Authority (LLFA)):** Holding objection until the applicant has submitted a drainage strategy to reflect the proposed housing layout and incorporating/resolving the following:

- Given the outline application was submitted in 2018, any information in relation to flood risk assessments and drainage assessment will need to be updated to incorporate current guidance and best practice and submitted for review.
- A clearer detailed drawing is required of the attenuation pond.
- The drainage strategy for the proposed development is to dispose of surface water using an attenuation basin before being discharged into a Severn Trent Water Sewer (no detail of outfall on plan). Further consideration is required for further SuDS components. On a site of this size and scale the LLFA would expect more than a large pond to form part of a robust drainage strategy. Further SuDS opportunities and blue-green infrastructure should be maximised across the site and integrated into the street scene to form a SuDS train.
- Review of the boundary treatment around the attenuation pond to ensure access for future maintenance.
- Nottingham City Council hold an historic record of flooding on Hawksley Gardens adjacent to the proposed site which was attributed to surface water flooding. The applicant should be mindful that the proposals should not exacerbate flood risk to and from the site. I would recommend a condition for a construction management plan that details how surface water will be managed during construction to ensure there is no risk to third parties.
- The submission of a sustainable drainage strategy or statement containing specified details.

**Biodiversity Officer:** In principle no objection to the proposed layout. The landscape plans show a wide buffer which is between 15- 23m on the side adjacent to the wildlife site/nature reserve which is great and we need to ensure this distance is kept. Clarification is sought on the number of trees to be removed from the existing central hedgerow. Further consideration is required over the seed mix for the proposed attenuation pond. The layout shows formal paths within the buffer area along Clifton Woods and seating areas which need to be removed to protect the ancient woodland and surrounding ecology (a revised layout has been sought on this basis). A few larger trees in the layout buffer areas is recommended. The development should be carried out in line with the submitted badger report and the recommendations of the ecological mitigation strategy. Bat friendly lighting, hedgehog lighting and location of bird boxes are required to be submitted.

**Environmental Health:** No objection subject to the conditions imposed on the 2020 outline planning permission.

**Carbon Neutral Policy Team:** The development could have a positive impact on reducing carbon emissions due to the intent to build with a fabric first approach and where possible adopt passive design features. There is also an indication that materials will be reused/recycled where possible and local suppliers used. Further consideration should be given to the use of air source heat pumps and PV's. There is also a need to consider biodiversity net gain, improvement to public transport and accessibility to encourage cycle and walking. The size of the buffer to Clifton Woods needs careful consideration.

**Housing Strategy:** Housing Strategy are satisfied with the proposed affordable housing mix and that it is being delivered on site, comprises 20% of the scheme, is appropriately representative of the property types on the scheme and appropriately

located.

**City Archaeologist:** No further archaeological work is needed in advance of determining this application, or as a condition of planning permission.

## 6 Relevant policies and guidance

### **National Planning Policy Framework (December 2023) (NPPF)**

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.

Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

**Making effective use of land:** Paragraphs 123-130 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

**Achieving well-designed places:** Paragraphs 131-140 are focused on achieving the creation of high quality, beautiful and sustainable buildings and places. Paragraph 131 notes that the creation of high quality beautiful and sustainable 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 135 of the NPPF states that planning policies and decisions should ensure that developments 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 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); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and 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.

**Conserving and enhancing the natural environment** - Paragraphs 183 -186 states (amongst other things) that planning decisions should protect, enhance valued landscapes, sites of biodiversity, minimise impacts on, provide net gains for biodiversity and recognise the intrinsic character and beauty of the countryside. Paragraph 175 states that when determining planning applications, Local Planning Authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and

which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and  
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

**Conserving the Historic Environment** – Paragraph 201 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 203 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 205 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 206 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. Substantial harm to or loss of:

- a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 208 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 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

## **Land and Planning Policies (LAPP) (2020)**

Policy HO1: Housing Mix  
Policy HO3: Affordable Housing  
Policy HO4: Specialist and Adaptable Housing  
Policy DE1: Building Design and Use  
Policy DE2: Context and Place Making  
Policy HE1: Historic Environment  
Policy TR1: Parking and Travel Planning  
Policy TR2.16: The Transport Network  
Policy EN2: Open Space in New Development  
Policy EN6: Biodiversity  
Policy EN7: Trees  
Policy SA1: Site allocations (SR49)

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

**(i) Principle of the Development** (Policies A, 8 and 14 of the ACS, Policies HO1, HO3, TR2.16 and SA1)

- 7.1 The principle of residential development, together with its means of access, has been established with the 2020 outline planning permission. This application concerns the details (or 'Reserved Matters') of the scheme, which specifically relate to proposals for layout, scale, appearance and landscaping.

**(ii) Layout, Scale and Appearance** (Policies 8, 10,11 and 14 of the ACS and Policies HO1, HO3, HO4, DE1, DE2, HE1 and SA1 of the LAPP)

- 7.2 The proposed layout has been the subject of extensive negotiation and amendment in order to create a sense of place and attractive environment for future residents. It has been designed to largely accord with the with the design principles set out in the Design Quality Framework for new housing development and at 265 dwellings, the number of dwellings would be in line with the anticipated housing provision for its site allocation SR49 (SA1).
- 7.3 The proposed type and mix of housing is considered to accord with the aims and objectives of Policy 8 of the ACS and Policy HO1 of the LAPP, which seek to encourage family housing. All dwellings would meet Nationally Described Space Standards (NDSS). All of the housing is also provided with adequately proportioned gardens and each unit has dedicated parking spaces. It is considered that the proposed scheme would provide a balanced mix and size of house types to meet the future needs of the local community. The requirement for 10% of the homes to be provided to 'Accessible and Adaptable' standards, in accordance with condition HO4, is to be addressed by condition.
- 7.4 The number, siting and mix of the proposed 53 affordable housing units are considered to be acceptable and accord with Policy HO3 of the LAPP.
- 7.5 This is a relatively low density development which respects the general character of this part of Clifton. The layout has been revised to create some variance in the road hierarchy, which is defined by its Character Areas. It seeks to create an outward facing development with all properties sited to address the street to create strong active frontages whilst also having private and secure rear gardens. The new family dwellings would largely be two storey in height and would take the form of a mix of

detached, semi-detached and short runs of terraced dwellings to reflect the context of the surrounding residential properties. There are 3 house types which are 2.5 storeys in height, which include bedrooms in the roof space served by dormer windows. These are interspersed throughout the layout and are commensurate in height to the 2 storey dwellings. It is not considered that this would be incompatible with the scale of the rest of the development or existing dwellings in the surrounding area.

- 7.6 The broadly traditional design of the proposed dwellings would sit comfortably within the context of the site and would provide attractive street scenes. Dwellings occupying corner plots have been designed to address both road frontages. Bin stores are primarily proposed to be located in rear gardens, together with secure cycle storage.
- 7.7 The comments of Historic England are noted. The proposed layout, through the design development process, has ensured that built development is located away from the boundaries with neighbouring heritage assets. It is considered that with suitable landscaping, the proposed scheme would result in less than substantial harm to neighbouring heritage assets that is outweighed by the wider public benefit of housing delivery.
- 7.8 Remaining conditions on the outline planning permission would ensure that details of levels, external materials, boundary treatment and hard surfacing would be appropriately assessed.
- 7.9 Overall, the layout, scale and appearance of the proposed development are considered to be a positive well considered response to the site and its context, in accord with Policies A, 8, 10, 11 and 14 of the ACS and Policies HO1, HO3, HO4, DE1, DE2, HE1 and SA1 of the LAPP.

**iii) Landscaping and Biodiversity** (Policies 10, 11, 17 of the ACS and Policies DE1, DE2, HE1, EN2, EN6 and EN7 of the LAPP)

- 7.10 Considerable design development has been carried out to strengthen the proposed green edges of the site which aim to protect the adjacent Clifton Woods, heritage assets and ecological sites. A key feature of the original masterplan, which has been reinforced through this RM application, is the retention of large areas of informal open space and the enhancement of existing green infrastructure around the edges of the site. The position of the informal open space and attenuation pond along the northern boundary of the site would create an attractive open and green entrance into the site, as well as suitable mitigation for the designated heritage assets. Green buffers along the western and southern boundaries provide important mitigation and separation of the built development from Clifton Woods and the adjacent LNR's and LWS to the south. They would also provide a soft green edge to the development where it meets open countryside and the Green Belt. A large strip of open space is also provided by the easement to a mains water pipe that runs along the eastern boundary of the site with the bridleway.
- 7.11 The existing hedge line through the middle of the site is to be retained to create a green corridor between Clifton Woods and the bridleway. The creation of the main street through to the southern part of the site is the only requirement to punch through this, resulting in the loss of a small amount of the hedge and two trees.



- 7.12 The depth of the buffer alongside Clifton Woods has been designed to meet the guidance set out by Natural England, updated ecology surveys and the ancient mitigation woodland strategy submitted for the site. The buffer would be between 15m and 23m in depth but would be much wider at the northwest and southwest corners.
- 7.13 In the report to Planning Committee for the outline planning application, the Conservation Officer was satisfied with the proposed approach to the woodland edge. Although they considered that a more consistent 30m buffer would provide a more significant degree of separation, they recognised that the variable 15-30m easement represented an adequate and more natural compromise between protecting the setting of this heritage asset and the development of housing on this allocated site.
- 7.14 Furthermore, the Biodiversity Officer has no objection in principle to the proposed layout and is satisfied with the depth of the buffer to the adjacent wildlife site/nature reserve. Its depth has taken account of the ancient woodland mitigation strategy, the updated badger and bat activity surveys and the ecological mitigation scheme.
- 7.15 When considering the outline planning application, the Biodiversity Officer recommended the management of access to Clifton Woods, which included the improvement of existing footpaths throughout the woods. It was recommended that there be two pedestrian access routes into the woodland from the development, in addition to the current path from the south. A financial contribution of £25,000 towards these works was secured as part of the S106 Agreement.
- 7.16 Policy EN2 of the LAPP sets out the requirements to secure either the provision of public open space on site or a financial contribution towards the enhancement of existing off-site public open space within the local area. Informal green space is required along all boundaries of the site but given the requirement to mitigate against the impacts of the development as set out above, this was not seen as meeting the public open space requirements of the development. A financial contribution in lieu of on-site public open was therefore secured as part of the S106 Agreement at the outline permission stage. This is to be directed towards the improvement of the Clifton Woods Local Nature Reserve, the Barton Green play area, Clifton Playing Fields (tennis courts and Sports Barn) and Clifton Central Park. These are areas of public open space readily accessible to the residents of this development.
- 7.17 The Biodiversity Officer has raised concern in relation to the potential impact of the formal footpaths and seating areas in the Clifton Woods buffer and the loss of mature hedgerow along the eastern boundary of the site with the bridleway, resulting from the creation of new pedestrian links. In line with their recommendations, a revised layout has been received which removes these from the proposed layout. The provision of bat friendly lighting and hedgehog friendly fencing form part of the ecological mitigation strategy for the site.
- 7.18 Whilst a landscaping scheme has been submitted as part of this Reserved Matters application and in light of the comments of the Biodiversity Officer, further work is required to ensure that the precise detailing of landscaping throughout the housing layout, the green edges to the site and sustainable drainage, meet the recommendations set out in the ancient woodland mitigation strategy and ecological mitigation strategy. It is therefore considered that a further condition be imposed to address these issues.

- 7.19 Remaining conditions on the outline planning permission cover tree protection, the management and maintenance of the areas of informal open space and sustainable drainage (to be a management company). Details required by condition relating to the ancient wood land mitigation strategy and ecological mitigation strategy, have already been submitted and are under consideration.
- 7.20 The proposal therefore accords with the Policies 10, 11 and 17 of the ACS and Policies DE1, DE2, HE1, EN2, EN6 and EN7 of the LAPP subject to the above conditions.

**iv) Highway considerations** (Policies 10 and 14 of the ACS and Policies DE1 and TR1 of the LAPP)

- 7.21 The outline planning permission established that the primary access for vehicles and pedestrians would be through the extension of Hawksley Gardens at its western end. An emergency access would be created at the western end of Finchley Gardens, but this is not to be used other than for providing access and egress for emergency purposes. The details of these two access points are covered by conditions on the outline planning permission, which have already been submitted for discharge. The design for these two access points is shown on the proposed layout for information purposes and includes equestrian crossing facilities where the proposed access roads cross the existing bridleway running along the eastern boundary of the site.
- 7.22 The Rights of Way officer and Highway Network Management have reviewed the revised design drawings for the proposed vehicular access from Hawksley Gardens and the emergency access from Finchley Close. They consider the principle of the designs to be acceptable however, their final design will be subject to a combined S278 and S38 Highways Act application.
- 7.23 Concerns have been raised by local residents in relation to the level of traffic that the development will generate. However, this matter, together with the means of access, was dealt with at the time of the outline planning permission. This application relates solely to consideration of the remaining Reserved Matters, namely layout, scale, appearance and landscaping.
- 7.24 The proposed layout provides varying levels of parking to the front and within the plots of the proposed dwellings, relative to the size of the properties. The extent and the integration of the parking provision is considered to be acceptable.
- 7.25 The proposed layout is considered to offer a number of opportunities for residents to access sustainable modes of transport, to either travel to work or access facilities within Clifton and the city centre. The site is to link into the existing pedestrian network running through the Barton Green estate and the wider pedestrian network within Clifton. In addition, the existing bridleways running along the eastern and southern boundaries of the site and other public rights of way running through the area, provide further pedestrian and cycle links, and recreational walking routes through the surrounding area, including along the western side of the A453.
- 7.26 A condition on the outline planning permission requires surface improvements to the bridleway which runs from the south east corner of the site along the southern boundary of the Barton Green estate and across the recreation ground. This is to create a better access for pedestrians and cyclists using this route to access public

transport, the wider cycle network, the local park and play area, and Clifton town centre beyond.

- 7.27 Conditions relating to construction management, management and maintenance arrangements for the emergency access were also included on the outline planning permission. The provision of an alternative access route during construction is being explored by Avant Homes.
- 7.28 On this basis, the proposal is considered to accord with Policies 10 and 14 of the ACS and Policies DE1 and TR1 of the LAPP.

**v) Relationship with adjoining residential properties (Policy 10 of the ACS and Policy DE1 of the LAPP)**

- 7.29 The site is separated from the Barton Green estate by the existing bridleway, itself enclosed by two mature hedgerows. A 12m mains water pipe easement alongside the bridleway and the road layout on the eastern side of the proposed development provide even further separation. All apart from two of the houses along this eastern edge of the scheme are to be 2 storeys in height.
- 7.30 It is therefore considered that the relationship with the properties immediately adjacent to the site is acceptable and that the proposal would not unacceptably impact upon the amenities of the neighbouring occupiers.
- 7.31 A condition relating to boundary treatments was imposed on the outline planning permission and will include details for the edge of the site where it abuts existing residential properties.
- 7.32 The proposed development therefore satisfies Policy 10 of the ACS and Policy DE1 of the LAPP in this regard.

**8. Sustainability (Policies 1 of the ACS and Policies CC1 and CC3 of the LAPP)**

- 8.1 Matters of sustainability are not the subject of this RM application.
- 8.2 The conservation and enhancement of the surrounding woodland habitat forms an integral part of the scheme.
- 8.3 The proposed development would meet or exceed current Building Regulation standards through thermal insulation and features to reduce both energy and water consumption.
- 8.4 The applicant has submitted a surface water drainage strategy for the site which is subject to on-going negotiation.

**9 Financial Implications**

None.

**10 Legal Implications**

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

**11 Equality and Diversity Implications**

None.

**12 Risk Management Issues**

None.

**13 Strategic Priorities**

Contribution towards the provision of family housing, encouraging families to stay within the boundaries of the city.

**14 Crime and Disorder Act implications**

None.

**15 Value for money**

None.

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

1. Application No: 23/00674/PRES4 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTARM2LYJ9I00>

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

Nottingham Local Plan – Part 2 (January 2020)  
Aligned Core Strategies (September 2014)  
NPPF (2021)

**Contact Officer:**

Mrs Jo Bates, Case Officer, Development Management.

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## Key

 City Boundary

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## Description

A map printed from Nomad.

**My Ref:** 23/00674/PRES4 (PP-12097740)  
**Your Ref:**  
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**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR APPROVAL OF RESERVED MATTERS**

---

**Application No:** 23/00674/PRES4 (PP-12097740)  
**Application by:** Avant Homes Mr David Gray  
**Location:** Land Northern Parcel Between Clifton Wood And Clifton Phase 4 Development, Yew Tree Lane, Nottingham  
**Proposal:** Application for the approval of reserved matters (site layout, scale, appearance and landscaping) of outline planning application 18/00056/POUT (resubmission of 22/00642/PRES4) - for 265 dwellings with associated infrastructure and public open space

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Nottingham City Council as Local Planning Authority hereby **APPROVES** the reserved matters described in the above application subject to the following conditions:-

**Pre-commencement conditions**

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

**DRAFT ONLY**  
Not for issue  
Page 22

1. Notwithstanding the submitted plans, condition 18 of the outline permission 18/00056/POUT remains outstanding and no above ground development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a) External materials including windows, bricks, other wall finishes, roof tiles and rain water goods;
  - b) Hard surfacing of all external areas to include roads, foot/cycle paths and parking areas;
  - c) Boundary treatments and enclosures to the site and individual plot boundaries;
  - d) Refuge storage for the site and individual premises.

The development shall be completed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

*Reason: In order to ensure an appropriate quality of finish to the approved development, to safeguard adjacent heritage assets and nature conservation interests and to protect the amenities of neighbouring residential properties in accordance with Policy 10, 11 and 17 of the Aligned Core Strategy and Policies DE1, DE2, HE1 and EN6 of the LAPP.*

2. No above ground development shall be commenced until details of an 'Accessible and Adaptable' dwellings scheme, including a timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved scheme.

*Reason: In the interests of providing inclusive and mixed communities and in accordance with Policy 10 of the ACS and Policy HO4 of the LAPP.*

**Pre-occupation conditions**

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

3. Notwithstanding the submitted plans, condition 25 of the outline permission 18/00056/POUT remains outstanding and no part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure a high quality development in accordance with Policy 10 of the ACS and Policies DE1, DE2, and EN6 of the LAPP.*

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other

**DRAFT ONLY**

Not for issue

documents comprising the application as validated by the council on 27 April 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. 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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Not for issue



## **RIGHTS OF APPEAL**

Application No: 23/00674/PRES4 (PP-12097740)

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.

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Not for issue  
Page 25

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**Wards Affected:** St Anns

**Item No:**

**Planning Committee  
21st February 2024**

**Report of Director of Planning and Transport**

**Franciscan Friary, Gordon Road**

**1 Summary**

- Application No: 23/02071/PFUL3 for planning permission
- Application by: Emmanuel House Support Centre Denis Tully
- Proposal: Change of use from a 7 bed friary to 7 bed accommodation for vulnerable adults. Erection of 3m boundary fence.

The application is brought to Committee as it has raised significant local interest.

To meet the Council's Performance Targets this application should have been determined by 12<sup>th</sup> February 2024. An extension of time to determine the application (until 23 February) has been agreed with the applicant.

**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 The application site is a single storey building built in the 1960s as a friary and attached to the older Our Lady and St Edward Catholic Church. The application relates to the friary building; the church is to be retained for parish use. The friary is a flat roofed, brick built, square building with an internal courtyard.
- 3.2 The area is largely residential and there are houses to the southeast across Gordon Road. The church is immediately to the northeast and is bordered by Our Lady and St Edward Primary School.

**4 Details of the proposal**

- 4.1 The planning application proposes the change of use from a 7 bed friary to 7 bed accommodation for vulnerable adults. The accommodation would be for people who are homeless, with low level needs, to provide a platform to access longer term accommodation. Minor internal works would be required. The applicant has advised that there will be one person on site at all times to help with housing management and general support. There will also be case workers attending Monday to Friday, helping to access housing, benefits, work, and other services.

- 4.2 The church, part of the Friary building and some of the adjacent land to be retained for parish use, although there will be no direct access between the two. The church would continue to be a place of worship used several times a week with a regular congregation on a Sunday of approximately 200 people.
- 4.3 Also proposed is a 3m high timber fence within the grounds, separating the external outdoor areas of the converted friary and the church.

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

### **Adjoining occupiers consulted:**

49 neighbouring properties have been individually notified and the application has been advertised by site notices.

Four direct representations have been received objecting to the proposal. The proximity of the site to schools, particularly the entrance to St Edwards school being next to that of the application site, is considered to compromise the security and safety of children. The nursery playground would be adjacent to the Friary grounds, leading to children hearing inappropriate language. The proximity of the facility to the Greyfriars Social Club would not be a good idea for future residents. The proposal would create further challenges to a deprived area, with the potential for anti-social behaviour.

A petition objecting to the proposal containing 215 signatures has been received. The reason for the objection petition is given as follows:

“We the undersigned are against the proposal of Emmanuel House and the Holy Family Parish, housing homeless individuals within the Old Friary. We are requesting that the Planning Application for change of use of the Old Friary is refused. The Community voice believes that the location is not appropriate to its location, in close proximity of 3 schools, Marmion Park and in the middle of a housing estate.”

Twenty-two representations have been received in support of the proposal. These point to the need for accommodation for homeless people and that Emmanuel House is a trusted and experienced provider. It is noted that the small scale of the provision means that it is unlikely to cause problems on the area. The proposal is considered to be a good and appropriate use of a vacant building.

The Parish priest has written in support of the proposal, noting that 294 people signed a petition at the adjacent Our Lady and St Edward’s Church in support of the proposal.

The Head Teacher of Our Lady and St Edward Catholic School has provided a statement in support of the proposed use of the Friary, noting that concerns have been taken into account and that the work of the applicants Emmanuel House is in line with the school’s values.

A supporting statement has been received from the University of Nottingham (who work with Emmanuel House in providing winter shelters).

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (NPPF) (December 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 131 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 135 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 Strategies (ACS) (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

### **Land and Planning Policies (LAPP) (2020)**

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy HO1: Housing Mix

Policy HO4: Specialist and Adaptable Housing

## 7. Appraisal of proposed development

### Main Issue

#### Impact of proposed use on the area and on neighbouring residents (ACS Policies 8 and 10, LAPP Policies DE1, DE2, HO1 and HO4)

- 7.1 LAPP Policy HO4 states that 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 ACS Policy 8 and LAPP Policy HO1 recognise that a general mix of housing tenures, types and sizes is desirable in order to create sustainable, inclusive and mixed communities.
- 7.3 The proposed residential environment for occupiers is satisfactory, particularly as the building was designed to provide residential accommodation. There is not considered to be an over-concentration of similar uses in the area leading to a material change in character. The site is located on a bus route (there is a bus stop outside) and is accessible to services and amenities. Whilst it is noted that the site is close to the social club, the proposed facility is for the homeless, rather than the drug or alcohol dependent, and there is no evidence that the location is directly inappropriate in this regard.
- 7.4 The applicant has advised that there would be at least one support worker on site at all times and that the occupiers would have low level needs. The project is being undertaken with the support of the Holy Family Parish, who would continue to use the adjacent site as a place of worship. This indicates that there would be satisfactory management arrangements in place to ensure that the amenity of nearby occupiers is maintained.
- 7.5 The applicant intends to erect a 3m high fence to separate the outdoor area at the rear of the application site from the grounds of the adjacent church. This would separate the grounds of the application site from the grounds of St Edward's School by 10 metres. It is considered that this is appropriate in physically separating the application site from the school such that the school would not be directly adjacent to the site. It is also considered that in this location the height of the fence would be acceptable.
- 7.6 The relatively small scale of the facility, the satisfactory management arrangements and the consideration that the amenity of existing local residents would not be compromised lead to the conclusion that, on balance, the proposal complies with Aligned Core Strategies Policies 8 and 10 and Local Plan Policies DE1, DE2, HO1 and HO4.

**8. Sustainability / Biodiversity**

The proposal relates to the reuse of existing residential accommodation. As such it raises no material sustainability/biodiversity implications.

**9. Financial Implications**

None.

**10. Legal Implications**

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

**11. Equality and Diversity Implications**

None.

**12. Risk Management Issues**

None.

**13. Strategic Priorities**

Reduce the number of rough sleepers and families in temporary accommodation. Reduce demand under the Homelessness Reduction Act by supporting people before they are made homeless.

**14. Crime and Disorder Act implications**

None.

**15. Value for money**

None.

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

1. Application No: 23/02071/PFUL3 - link to online case file:  
[23/02071/PFUL3 | Change of use from a 7 bed friary to 7 bed accommodation for vulnerable adults. | Franciscan Friary Gordon Road Nottingham Nottingham City NG3 2LG](#)

**17. 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)  
Strategic Council Plan 2023-27

**Contact Officer:**

Phil Shaw, Case Officer, Development Management.

Email: [philip.shaw@nottinghamcity.gov.uk](mailto:philip.shaw@nottinghamcity.gov.uk) Telephone: 0115 8764076





**Key**  
 City Boundary

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**My Ref:** 23/02071/PFUL3 (PP-12552489)  
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Date of decision:

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

---

Application No: 23/02071/PFUL3 (PP-12552489)  
Application by: Emmanuel House Support Centre Denis Tully  
Location: Franciscan Friary , Gordon Road, Nottingham  
Proposal: Change of use from a 7 bed friary to 7 bed accommodation for vulnerable adults.  
Erection of 3m boundary fence.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

There are no conditions in this section.

**Pre-occupation conditions**

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

2. Use of the site as seven bed accommodation for vulnerable adults shall not commence until a 3m high close board timber fence has been erected between the application site and the adjacent church grounds in accordance with the approved details.

*Reason: In the interests of the living conditions of neighbouring occupiers in accordance with*



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*Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan.*

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Planning Layout reference fence plan, received 31 January 2024

*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. 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.

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: 23/02071/PFUL3 (PP-12552489)

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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## **Not for issue**

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