



**NOTTINGHAM CITY COUNCIL**  
**PLANNING COMMITTEE**

**Date:** Wednesday, 17 May 2017

**Time:** 2.30 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**

**Corporate Director for Strategy and Resources**

**Governance Officer:** Catherine Ziane-Pryor **Direct Dial:** 0115 8764298

- |          |   |                 |
|----------|---|-----------------|
| <b>1</b> | <b>APPOINTMENT OF VICE-CHAIR</b>  |                 |
| <b>2</b> | <b>APOLOGIES FOR ABSENCE</b>  |                 |
| <b>3</b> | <b>DECLARATIONS OF INTERESTS</b>  |                 |
| <b>4</b> | <b>MINUTES</b>  | <b>3 - 10</b>   |
|          | Of the meeting held on 19 April 2017 (for confirmation)                   |                 |
| <b>5</b> | <b>PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER</b>               |                 |
| <b>a</b> | <b>23 Goldsmith Street</b>  | <b>11 - 22</b>  |
| <b>b</b> | <b>Site Of Trent Works, Wilford Crescent East</b>                         | <b>23 - 44</b>  |
| <b>c</b> | <b>Former Peacemills Site, Perry Road</b>                                 | <b>45 - 60</b>  |
| <b>d</b> | <b>Nottingham Lawn Tennis Club Corner Clare Valley, Tattershall Drive</b> | <b>61 - 76</b>  |
| <b>e</b> | <b>Nottinghamshire Lawn Tennis Association, Tennis Drive</b>              | <b>77 - 90</b>  |
| <b>f</b> | <b>8 Charnock Avenue</b>  | <b>91 - 100</b> |

## **6 FUTURE MEETING DATES**

To approve that the Committee meet on the following Wednesdays at 2.30pm:

### 2017

21 June  
19 July  
16 August  
20 September  
18 October  
15 November  
20 December

### 2018

24 January  
21 February  
21 March  
18 April

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

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 19 April 2017 from 2.30 pm - 3.40 pm**

**Membership**

Present

Councillor Chris Gibson (Chair)  
Councillor Cat Arnold (Vice Chair)  
Councillor Graham Chapman  
Councillor Azad Choudhry  
Councillor Michael Edwards  
Councillor Rosemary Healy  
Councillor Sally Longford  
Councillor Brian Parbutt  
Councillor Josh Cook

Absent

Councillor Alan Clark  
Councillor Gul Nawaz Khan  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Linda Woodings  
Councillor Steve Young  
Councillor Andrew Rule

Councillor Georgina Culley (Substitute for Councillor Andrew Rule)

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

Tamazin Wilson	- Solicitor
Paul Seddon	- Chief Planner
Rob Percival	- Area Planning Manager
Nigel Turpin	- Heritage and Urban Design manager
Sarah Hancock	- Technical Officer Development Control - Highways
Catherine Ziane-Pryor	- Governance Officer

**80 APOLOGIES FOR ABSENCE**

Councillor Malcolm Wood	- Other Council Business
Councillor Alan Clark	)
Councillor Gul Khan	)
Councillor Andrew Rule	) Personal
Councillor Wendy Smith	)
Councillor Steve Young	)
Councillor Linda Woodings	)

**81 DECLARATIONS OF INTERESTS**

None.

**82 MINUTES**

The minutes of the meeting held on 22 March 2017 were confirmed as a true record and signed by the Chair.

**83 LAND AT SITE OF FOREST MILL, RADFORD ROAD**

Rob Percival, Area Planning Manager, introduced application 16/02524/POUT by Landmark Planning Ltd on behalf of Maryland Securities Ltd Forest investments Ltd for full planning permission for the erection of an 8 storey building comprising 81 residential units and 7 commercial premises, and outline planning permission for up to 229 residential units.

The application is brought to Committee because it is a major application on a prominent site where there are important land use, design and heritage considerations. Also, officers may recommend that policy compliant S106 contributions be waived or reduced on the grounds of viability, depending on the awaited conclusions of the District Valuer.

Rob Percival delivered a brief presentation which included photographs and plans of the current site, plans and computer generated images (CGIs) of the proposed development, the details of which are included within the report.

The indicative conditions are included in the Additional/To Follow Agenda Items supplement to the original agenda.

It is noted that the Section 106 planning obligation contributions are yet to be agreed and that further information is included within the Committee Update Sheet.

Councillors' comments included:

- (a) this development of a long term vacant and derelict site on a major route into and out of the City is very much welcomed;
- (b) it's disappointing that there's a lack of decoration in the design. Viable means need to be found to include detail features on new buildings;
- (c) with regard to the shop fronts, it's not clear from the CGIs how deep the recessed space would be. There would need to be a management agreement in place as in other parts of the City such recesses have attracted anti-social behaviour, as have passage ways;
- (d) recessed frontages behind brick pillars may obscure the external view of the shop windows, reduce daylight resulting in a dark and gloomy area, making the shops less attractive to customers and potential tenants;
- (e) the recess of the ground floor residential units raises similar concerns for daylight and management issues;
- (f) this site has been a significant eyesore for a substantial time so this development, which will benefit the whole area, is welcomed;
- (g) the design provides a positive front elevation but further detail is required regarding the lighting and security of the passageway and open public areas to the rear of the building, particularly prior to the construction on the remainder of the site;
- (h) as too many fast food outlets in one area can be a blight, consideration should be given to such restrictions in the development;

- (i) the shop frontages need to be as flush to the front elevation as possible and aligned with the main entrance;
- (j) this area of Alfreton Road has been unattractive for a long time but this application has taken a lot of energy and focus to ensure the site is developed. The work of the Developers and Planning Team to get the application to this stage is appreciated and acknowledged;
- (k) as there are still vacant shops on Alfreton Road, it may be hard to let these new shop units unless they are designed to be flexible, enabling units to merge so use isn't limited;
- (l) if possible, the speedy demolition of the remaining derelict building would be welcomed.

Councillors' questions were responded to as follows:

- (m) the recessed shop frontages can be reconsidered, including a need to provide an appropriate space for signage;
- (n) the developer is keen to include the passage/walk way and following officers previous concerns, the height has been doubled to provide a sense of space and openness. However, lighting is an important feature which needs to be appropriate and additional conditions regarding external lighting and details of the shop fronts are therefore proposed;
- (o) Thackery Street will be absorbed into the development but be replaced with a public through route on a similar alignment, from Boden Street to Highurst Street;
- (p) the seven commercial properties are of a modest size and similar in scale to those on Alfreton Road. Use is restricted to Class 'A' which includes retail, cafés, and hot food takeaways. It may be possible in future to merge units if larger spaces were in demand;
- (q) a condition to restrict the number of A3 Class (restaurant) use units in the development is already included.

It is noted that as Councillor Cully arrived during the item, she was eligible to speak and ask questions but was not eligible to vote on the application.

Councillor Azad Choudhry abstained from voting due to the lack of parking provision.

## **RESOLVED**

- (1) to grant full and outline planning permission subject to:**
  - a) prior completion of a planning obligation, the power to determine the final details of the obligation are delegated to the Chief Planner in consultation with the Committee Chair, Vice-Chair and Opposition Spokesperson, which shall include:**

- (i) an off-site financial contribution towards public open space;
- (ii) a financial contribution towards education;
- (iii) on-site provision of affordable housing

**Subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the whole or part of the policy compliant section 106 contributions should be required;**

- b) the indicative conditions substantially in the form of those which are included in the Additional/To Follow Agenda Items and within the Committee Update Sheet, to include:
    - (i) design detailing, including details of the shop fronts to avoid an excessive set back, shall be submitted to and approved in writing by the Local Planning Authority;
    - (ii) details of external lighting, including of the 'cut through' passageway, the areas of public realm and the individual entrances to the ground floor units, shall be submitted to and approved in writing by the Local Planning Authority;
  - (c) the power to determine the final details of the conditions to be delegated to the Chief Planner, and with regard to the design of the shop fronts shall be in consultation with Chair, Vice-Chair, and Opposition Spokesperson,
- (2) that Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development and
  - (c) fairly and reasonably related in scale and kind to the development,
- (3) that Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

**84 RADFORD MILL SOUTHERN BUILDING, NORTON STREET**

Rob Percival, Area Planning Manager, introduced application 16/02301/PFUL3 by Franklin Ellis Architects on behalf of Mabec Property for planning permission for demolition and part demolition of existing buildings, conversion to residential and new build residential to create 310 residential units and ground floor retail units.

The application is brought to Committee because this is a major application on a prominent site where there are important land use, design and heritage considerations. Also, officers may recommend that policy compliant S106 contributions be waived or reduced on the grounds of viability, depending on the awaited conclusions of the District Valuer.

Rob Percival delivered a brief presentation which included photographs and plans of the current site, plans and computer generated images (CGIs) of the proposed development, including design and detail amendments in response to Councillor, Planning Team and Civic Society comments.

The indicative conditions are included in the Additional/To Follow Agenda Items supplement to the original agenda.

The Committee Update Sheet provides new and additional information, including references to design changes, amendments to the scheme and details of the policy compliant S106 contributions for the amended scheme.

Councillors commented as follows:

- (a) this development is enthusiastically welcomed as a significant improvement to the area but also for the sensitive treatment of a historic building, particularly by ensuring that the tower is still clearly visible and remains a prominent feature of the site by amendments made to the new build element to the Ilkeston Road frontage;
- (b) the variety of accommodation is welcomed, as is the retention of the structural metal work within the light well, which will make it an interesting and attractive feature;
- (c) since Councillors initially saw the original proposal (prior to application) some very welcome and creative amendments have been made which much improve the proposal;
- (d) any enclosure of the site needs to be in keeping with the style of the existing building and more historic site enclosure;;
- (e) the removal of a storey to the mill building is welcomed, as is the inclusion of string courses in stone which complement the original building;
- (f) the Planners and Developers are to be congratulated on the high quality responses to Committee member's concerns and suggestions as the current application is much improved and illustrates the thought that has gone into the amendments and skill of those involved;
- (g) the brick colour and texture of the new-build sections needs to match or compliment that of the old building;
- (h) the level of detail provided on the windows is welcomed;
- (i) the brickwork colour of the rear elevation of the building fronting Garden Street, as shown in the CGI, needs further consideration as it is not sympathetic to the design.

Councillors' questions were responded to as follows:

- (j) it is proposed to enclose the space alongside Garden Street but the details of the means of enclosure will be dealt with by condition ;
- (k) parking is provided for approximately 80 cars in the basement level. Since the accommodation is high density and a significant portion aimed at students, these units would not attract a demand for the parking spaces. The parking spaces are likely to be allocated to the apartments but this will be clarified as part of the management arrangements to be agreed by condition;
- (l) the CGI of the rear elevation of the Garden Street building does not adequately represent the proposal but shows the intention of a light coloured brick to enhance light penetration to this area. Details of all materials are to be conditioned.

It is noted that as Councillor Graham Chapman had briefly left the room and was not in attendance for the entire item, he was eligible to comment and ask questions, but not eligible to vote on the application.

Councillor Azad Choudhry abstained from voting due to the lack of parking provision.

## **RESOLVED**

- (1) to grant full and outline planning permission subject to:**
  - a) prior completion of a planning obligation, the power to determine the final details of the obligation are delegated to the Chief Planner in consultation with the Committee Chair, Vice-Chair and Opposition Spokesperson, which shall include:**
    - (i) an off-site financial contribution towards public open space;**
    - (ii) a financial contribution towards education;**
    - (iii) on-site provision of affordable housing**
  - Subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the whole or part of the policy compliant section 106 contributions should be required;**
  - (b) the indicative conditions substantially in the form of those listed within the Additional/To Follow Agenda Items and Committee Update Sheet;**
  - (c) the power to determine the final details of the conditions is delegated to the Chief Planner;**
- (2) that Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:**
  - (a) necessary to make the development acceptable in planning terms;**



**(b) directly related to the development and**

**(c) fairly and reasonably related in scale and kind to the development;**

- (3) that Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

**85 SITE OF TRENT WORKS, WILFORD CRESCENT EAST**

This item was withdrawn from the agenda.

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**WARDS AFFECTED:** Arboretum

**Item No:**

**PLANNING COMMITTEE**  
**17th May 2017**

**REPORT OF CHIEF PLANNER**

**Shell For 23 And 23A , Goldsmith Street**

**1 SUMMARY**

Application No: 17/00565/PFUL3 for planning permission

Application by: Matt Greenhalgh on behalf of Jill Marlow

Proposal: 4 storey new build office and education building

The application is brought to Committee because it is a major application on a prominent city centre site where there are important design considerations.

To meet the Council's Performance Targets this application should be determined by 14th June 2017

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

**3 BACKGROUND**

3.1 The application site was previously occupied by a three storey red brick and pitched roof range of buildings that had been used as a restaurant prior to a serious fire in November 2010. The fire resulted in the majority of the buildings being demolished, leaving behind an unsightly remnant which has caused visual blight to the appearance of this part of Goldsmith Street. The recent purchase of the site by Nottingham Trent University (NTU) and immediate prospect for redevelopment is, therefore welcomed and the remnant of the building has also now been demolished.

3.2 The application site has frontages onto Goldsmith Street and Masonic Place. The adjoining building on Goldsmith Street is the Horn in Hand public house. Adjacent on Goldsmith Street and opposite across Masonic Place is the Masonic Hall and the Rescue Rooms and Stealth venues/nightclubs. To the side/rear is an area of hard surfaced land which has a frontage onto Talbot Street. Opposite across Goldsmith Street is NTU's substantial and prominent Newton Building (listed Grade II\*). The NET tram lines run along Goldsmith Street to the front of the site and there is a NET supply pole (Over Head Line Electrification: OHLE) immediately adjacent to the site's Goldsmith Street frontage.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application proposal is for the construction of a four storey office and education building, with a main entrance off Goldsmith Street. The proposed building would occupy all of the available site area with a linear plan. The ground floor would be centred on a large circulation foyer with lifts and stairs to the upper floors. A large flexible exhibition space is also provided towards the rear of the ground floor, with meeting rooms and facilities further to the rear. The plans of the three upper floors are similar, with meeting rooms to the front and to the rear, with a large central open plan office space between. The plan of the fourth floor is shortened, with a large area of the rear section being proposed as an external plant area.
- 4.2 The two primary elevations of the proposed building are towards Goldsmith Street and Masonic Place. The focal Goldsmith Street elevation is to have large glazed openings within a stone clad elevation at ground floor and a three storey, full width, oriel window above, being a fully glazed elevation within and expressed metal framed surround. Vertical glass fin louvers are arranged within the oriel window to break down the scale of the framed opening as well as providing solar shading across the elevation. In contrast to this, the elevation to Masonic Place is proposed as an ordered façade of floor to ceiling glazed openings within an all buff brick construction that rests on a black stone plinth. The design of the openings include chamfered brickwork surround details and a honeycomb brick pattern within the dummy openings at the rear upper floor level, being used to screen the proposed plant area behind. The other side and rear elevations would also be in buff brick on a black brick plinth, with the exception of the use of stone cladding on the section of side elevation that would be visible above the roof of the neighbouring Horn in Hand public house.

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

### **Adjoining occupiers consulted:**

The application has been publicised by site and press notices. Individual notification letters have also been issued to the following properties:

17, 21, 25, Flat Over Horn In Hand, Masonic Hall, Goldsmith Street  
Rescue Rooms, Stealth Night Club, Masonic Place  
1 (inc. Flats 1 & 2), 1A, 3, 8, Black Cherry Lounge, Talbot Street  
55 – 125 (consec.) Goldsmith Court, Chaucer Street  
Newton Building, Nottingham Trent University

### **Additional consultation letters sent to:**

**Urban Design:** The proposal is welcomed, on a site previously blighted by a fire damaged building.

The design has been substantially improved during the pre-application and planning process. The scale is appropriate, reflecting the heights of existing buildings. The building facades are well designed: appropriately proportioned, using contemporary materials at the front and bricks inventively used along the Masonic Place elevation. The proposal will contribute to the street scene.

**Pollution Control:** No objection. This site remains challenging in terms of mitigating current environmental noise levels, the main sources being the

tram and numerous pubs and clubs in very close proximity. The Design and Access Statement notes that noise from the pubs and clubs should not impact on the proposed use as “most of the anticipated noise however should be at night outside the working hours for this building”. It would, however, be prudent to draw these sources of current environmental noise to the applicant’s attention in the interests of the protection of future occupiers of the building.

**Highways:** No objection subject to conditions. The site is located within the central core of Nottingham on Goldsmith Street. The NET line runs along the sites frontage and the site is within easy walking distance of the transportation offer within the city centre. The lack of off-street parking associated with the development is therefore acceptable. Due to the NET line running along the sites frontage, the site will be difficult to develop. It is therefore essential that a Construction Management Plan is provided, with a management strategy to mitigate the impact of construction traffic on the local area. We have been informed that the applicant is seeking to gain vehicular access to the development via a yard area on Talbot Street, which would be welcomed.

**NET:** No objection subject to conditions. A tram OHLE pole is located immediately adjacent to the development site and the developer has made initial enquiries about the option of introducing a building fixing in this location to replace the existing pole. The introduction of a building fixing would be preferable to the NET Promoter, and something that would be appropriate to incorporate into the detailed design. However, given discussions with the developer have not yet been concluded, we request that planning permission only be granted subject to details of the relocation of the tram OHLE being agreed prior to the commencement of the development. Given the proximity of the development site to the tramway, close liaison will be required throughout the design and construction process to ensure works can be carried out safely. We would therefore request that a condition be included requiring the applicant to liaise with the tram operator, and agree a method statement prior to commencing work.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place

and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

- 6.4 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

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

ST1 - Sustainable Communities.

CE1 - Community Facilities

NE9 - Pollution

T3 - Car, Cycle and Servicing Parking

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

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

#### **Other Planning Guidance**

Nottingham City Centre Urban Design Guide (May 2009)

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

### **Main Issues**

Whether:

- (i) the proposed development in terms of its use, layout, scale, massing and external appearance is appropriate to its position in the city centre and neighbouring properties.

- 7.1 Whilst the application site is located immediately adjacent to Nottingham Trent University, it falls outside the area land that is designated within the Local Plan as 'Land Safeguarded for Further & Higher Education', where Policy CE8 advises that planning permission will be granted for further and higher education facilities. It is, however, considered that the character of this part of Goldsmith Street is heavily influenced by the NTU campus and that the proposed office and education use would be both wholly compatible with this character and would see the development of a derelict and prominent city centre site with a meaningful and appropriate use in accordance with Policy CE1.

- 7.2 The layout plan of the proposed development occupies the full extent of the site and, as such, repeats that of the previous building. As proposed, it is appropriate that the frontages of the site to Goldsmith Street and Masonic Place are reinstated to provide enclosure and activity to those streets. The other two site boundaries are to the side Horn in Hand public house and area of hard surfaced land onto Talbot Street, and to the rear towards the Rescue Rooms where the simple and appropriate response is to address these boundaries with solid wall elevations. It is therefore considered that the proposed building layout is appropriate to the site and neighbouring developments.
- 7.3 The applicant has provided a detailed site analysis in support of the massing and external appearance of the proposed development, including regard to the scale and composition of the buildings on this section of Goldsmith Street, street scene views, and material studies. Thus, whilst the applicant makes reference to the potential maximum allowance of 6 storeys that is noted within City Centre Urban Design Guide, it is advised that the site analysis does not support this potential and that the applicant's conclusion is that a maximum development height of four storeys would be appropriate to the context of neighbouring buildings. This conclusion is welcomed and supported as there is a relatively consistent scale to the buildings on this side of Goldsmith Street, which defer to the significant scale of the Newton Building opposite and yet are collectively strong and interesting in their appearance due to their variety of ages and architectural styles. Whilst the height of the proposed building will be taller than the roof of the neighbouring Horn in Hand public house, it will not dominate its scale and will also remain below the height of other background buildings in the street scene view up Goldsmith Street. Accordingly, it is considered that the proposed height and mass of the building accords with Policy 10.
- 7.4 The design and external appearance of the proposed development is deliberately contemporary, but with its material finishes having reference to its local context. Most striking is the proposed three storey metal framed oriel window to the principal elevation onto Goldsmith Street. This pronounced feature will be highly visible in the street scene and its material quality will also be very evident. Glass louvers within the opening are used to break down its scale and to provide texture and interest in oblique views. The oriel window is to be surrounded with a stone cladding that will provide a robust quality of appearance and will act to ground the building, also having reference to the stone finishes and details that are used on the neighbouring Masonic Hall and Newton Building opposite. The large stone framed openings to the ground floor entrance onto Goldsmith Street are further strong elements that visually support the floors above.
- 7.5 The proposed elevation to Masonic Place contrasts with that onto Goldsmith Street and recognises the change in character that can be expected between primary and secondary streets. The proposed ordered rhythm of floor to ceiling windows within an entirely buff brick elevation is considered to be an appropriate response to the character of this enclosed narrow street, with visual interest being controlled to the use of more subtle detailing including the use of a chamfered surround details. It is considered that it is the quality of proposed buff brick used that will be most important feature of this façade and the applicant has already indicated their preferred choice. It is intended that a full sample materials palette will be made available for Committee. Subject to the use of a palette of appropriate quality materials, it is therefore considered that the proposed development accords with Policy 10.

## **Highways & NET (Policy T3 and Policy 10)**

- 7.6 The Highways consultation response notes the sustainable, central location of the application site, which is accessible by a range of public transport and other modes. As such, Highways have no objections to the absence of car parking within the proposed development. The constraints of access to the site and adjacency to the NET line on Goldsmith Street is also noted within both the Highways and NET responses and the management of construction traffic and deliveries to the site is important to both parties. A planning condition requiring the submission and approval of a Construction Management Plan also including liaison and approval of the NET Team is provided in the draft decision notice appended to this report. As such, the proposed development is considered to accord with Policy T3.
- 7.7 The opportunity to replace the existing OHLE pole on Goldsmith Street with a building fixing is also noted and a planning condition is provided to ensure that further details are provided in accordance with Policy 10.

## **Environmental Health (Policy NE9)**

- 7.8 The comments of Environmental Health in relation to neighbouring noise sources to the proposed development are noted and the applicant has also acknowledged this as a major consideration. An informative in relation to the proximity of neighbouring noise sources is attached to the draft decision notice in accordance with the request of Environmental Health. The proposed development is therefore considered to accord with Policy NE9.

## **8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)**

- 8.1 The applicant advises that the proposed building has been designed to target BREEAM "Excellent" standard and is also targeting an Energy Performance Certificate A grade. Predicted CO2 emissions have been calculated and a range of passive and active technologies are being considered in order to achieve these targets, including solar photovoltaic, solar thermal, and air source heat pumps. The applicant also advises that the proposed building will optimise energy use and will reduce consumption of both energy and water through a variety of measures including the provision of a building management system (which will control and manage the building's mechanical and electrical equipment), water and energy efficient equipment, and passive design measures. A pre-assessment of the performance of the proposed building is advised to have achieved a score of 74.39%, which translates into a BREEAM rating of Excellent. The proposed development is therefore considered to accord with Policy 1.
- 8.2 Whilst the application site noted as being of low or negligible ecological value, the applicant has noted the potential to improve biodiversity with elements of green roof and the provision of bird nesting boxes in accordance with Policy 17.

## **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**

The provision of DDA compliant accessible buildings.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Ensuring Nottingham's workforce is skilled.

**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: 17/00565/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OMSM54LYJT200>

2. Environmental Health, 7.4.17

3. NET, 10.4.17

4. Highways, 27.4.17

5. Urban Design, 8.5.17

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

Nottingham Local Plan (November 2005)

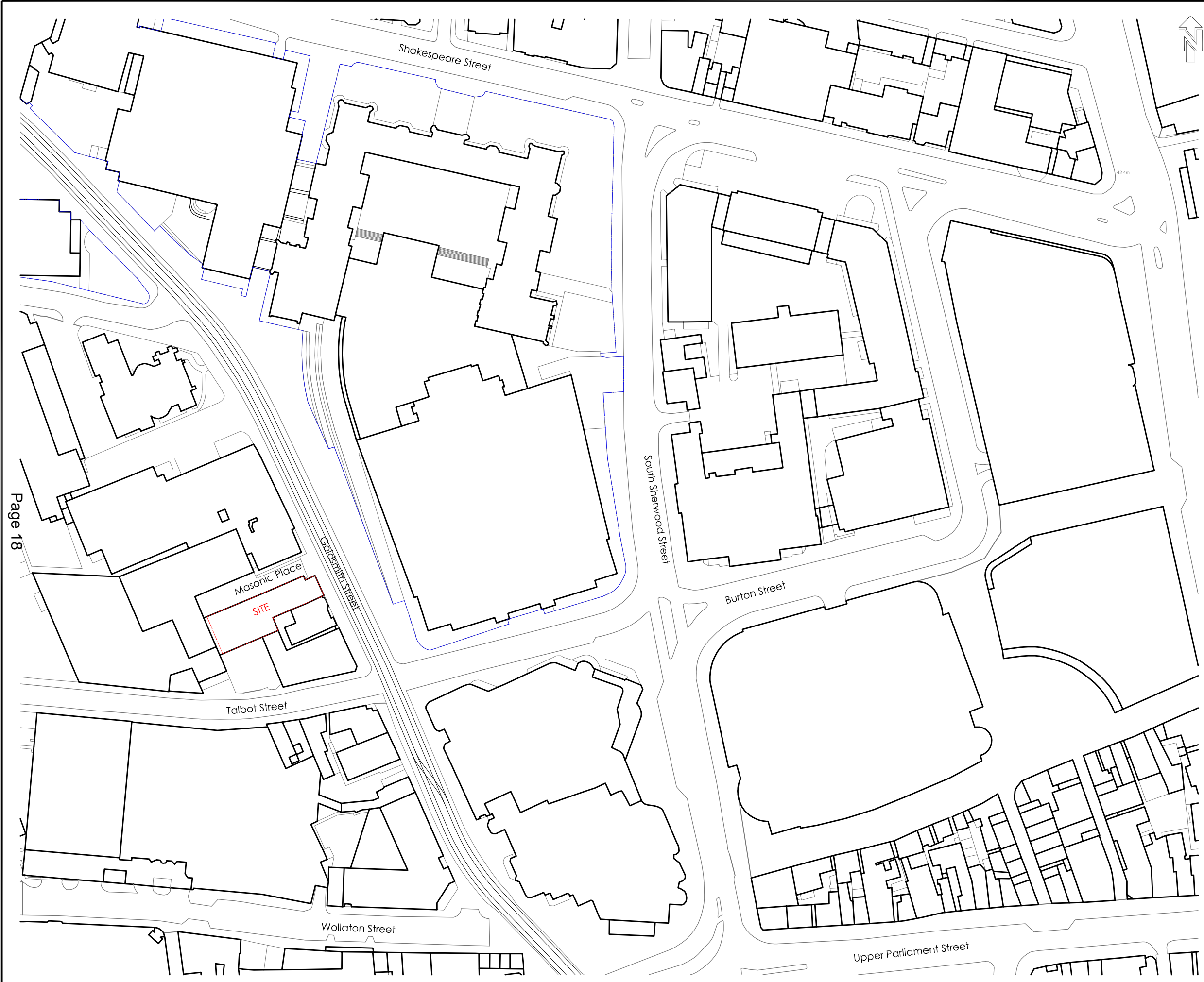
Aligned Core Strategies (September 2014)

Nottingham City Centre Urban Design Guide (May 2009)

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

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



Page 18

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**cpmg** ARCHITECTURE INTERIOR DESIGN VISUALISATION

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job title  
**23 Goldsmith Street  
 Nottingham Trent University**

drawing title  
**Site Location Plan**

drawing status  
**PLANNING SUBMISSION**

drawn by	date	checked by	scale
MG	13.03.2017	MP	1:1250
job no.	drawing no.	revision	media
8134	70-001	-	A3

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ISO 9001 QUALITY MANAGEMENT 14001 ENVIRONMENTAL MANAGEMENT

**My Ref:** 17/00565/PFUL3 (PP-05898419)  
**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  
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Matt Greenhalgh  
23 Warser Gate  
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NG1 1NU

Date of decision:

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

Application No: 17/00565/PFUL3 (PP-05898419)  
Application by: Jill Marlow  
Location: Shell For 23 And 23A , Goldsmith Street, Nottingham  
Proposal: 4 storey new build office and education 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 development shall commence until details of a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The Construction Management Plan shall include details of deliveries (storage arrangements and timings), contractor parking, traffic management and dust suppression measures. The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

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



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Page 19

Continued...

3. No development shall commence until a Construction Method Statement, providing details on how the development will be managed in relation to the operation of the adjacent NET tram line has been submitted to and approved by the Local Planning Authority. Development shall then be carried out in accordance with the approved document.

*In the interests of highway safety and to ensure the uninterrupted operation of the NET tram line.*

4. Implementation of the approved development is likely to affect an existing Nottingham Express Transit Overhead Line Equipment (OHLE) post on Goldsmith Street. The existing OHLE post shall not be moved until details of its temporary and permanent relocation (including building fixings) have been submitted to and approved by the Local Planning Authority. The approved temporary and permanent details shall be implemented in accordance with a programme that shall also be submitted to and approved by the Local Planning Authority before the existing OHLE post is moved.

*Reason: In the interests of ensuring the continuity of service of Nottingham Express Transit throughout the duration of the construction of the approved development and post-completion.*

5. No above ground development shall commence until large-scale elevation and section drawings to confirm the detailed design of the building (e.g. scale 1:50 and/or 1:20) have been submitted to and approved in writing by the Local Planning Authority. The submission shall incorporate details of all elevations, including the large metal framed oriel window frame and glass louvers to Goldsmith Street, chamfered window openings to Masonic Place, all glazing systems and reveals; and all entrance doors. The development shall thereafter be implemented in accordance with the approved details.

*Reason: In order to ensure that the detailed design of these elements are consistent with the high quality of the development and in accordance with Policy 10 of the Aligned Core Strategy.*

6. No above ground development shall commence until a large scale sample panel of all proposed external materials to be used in the construction of the approved development has been submitted to and approved by the Local Planning Authority in writing before any above ground development commences. The development shall thereafter be carried out in accordance with the approved materials.

*Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.*

**Pre-occupation conditions**

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

There are no conditions in this section.

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 15 March 2017.

*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. Adjacent Noise Sources**

There are adjacent sources of environmental noise that may have an impact on the future users of the approved development. It is appropriate that the approved development is constructed with a view to protecting future users from noise sources including: trams [including potential vibration issues], pubs open during the daytime, and music venues and clubs holding sound checks.

4. Planning permission is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at [highway.agreements@nottinghamcity.gov.uk](mailto:highway.agreements@nottinghamcity.gov.uk) to ensure all necessary licences and permissions are in place.

5. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

### **6. Nottingham Express Transit/NET**

All works must be carried out in accordance with the instructions contained within the "Working Near NET" leaflet, a copy of which is attached.

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: 17/00565/PFUL3 (PP-05898419)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes).

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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Page 22

- 4 -

**WARDS AFFECTED:** Bridge

**Item No:**

**PLANNING COMMITTEE**  
**17<sup>th</sup> May 2017**

**REPORT OF CHIEF PLANNER**

**Site Of Trent Works, Wilford Crescent East**

**1 SUMMARY**

Application No: 16/01986/PFUL3 for planning permission

Application by: Mr Mike Askey on behalf of Mr Alec Hamlin, Blueprint (General Partners) Limited

Proposal: Construction of 20 houses and 4 apartments, associated parking and external works

The application is brought to Committee because the application is a major development which has generated public interest that is contrary to officer recommendation. Also, officers may recommend that policy compliant S106 contributions be waived or reduced on the grounds of viability, depending on the awaited conclusions of the District Valuer.

To meet the Council's Performance Targets this application should have been determined by 9<sup>th</sup> December 2016, however an extension of time has been agreed.

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION subject to:**

- a) Prior completion of a planning obligation which shall include;
  - (i) an off-site financial contribution towards public open space;
  - (ii) a financial contribution towards education

Subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the whole or part of the policy compliant section 106 contributions should be required.

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

Power to determine the final details of the conditions and the obligation to be delegated by the Chief Planner.

Power to determine the final details of the obligation to be delegated by the Chief Planner in consultation with the Committee Chair, Vice-Chair and opposition spokesperson.

- 2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

- 2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 This is a triangular shaped, cleared industrial site of 0.32 hectares located on the corner of Wilford Crescent East and Felton Road in the Meadows. The site formerly comprised a factory building, workshop and offices which have been demolished leaving a small office building on the Felton Road frontage (now converted to a dwelling).
- 3.2 To the north and west the site abuts residential properties fronting Wilford Crescent East and Collygate Road/Felton Road. To the south is the Embankment recreation ground and to the east are the Meadows Youth and Community Centre and the former Mundella Centre.
- 3.3 Planning permission was granted by Committee in 2004 for residential redevelopment of the site (ref. 03/00731/POUT). This was an outline application, with all matters reserved, to establish the principle of residential redevelopment.
- 3.4 A resolution to grant a further outline planning permission for residential development with all matters reserved, except access, was approved by Committee in December 2010 (09/02028/POUT), and a renewal request was subsequently approved in 2012 (11/04196/POUT). Both these planning permissions were granted subject to a Section 106 obligations for contributions towards public open space. The 2012 outline planning permission expired in December 2015.

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

- 4.1 This application originally sought full planning permission for 25 residential units comprising of 21 houses and 4 apartments.
- 4.2 The proposed units consist of a terrace of three storey properties positioned along the frontages of the site with Felton Road and Wilford Crescent East. A four storey apartment building would be located at the corner of both roads opposite the former Mundella Centre. To the rear of the frontages it is proposed to create a small private cul-de-sac of 8 two storey units which would be accessed from Wilford Crescent East.
- 4.3 The development is contemporary in its design and is proposed to be constructed with brick facades to the houses, with the apartment building being a mix of brick, metal and timber cladding. The houses are all proposed to have pitched tiled roofs whilst the apartment building would be flat roofed.
- 4.4 Issues relating to flood risk and the scale of the development have resulted in the submission of revised plans. The finished floor levels of the development have been raised by approximately 650mm above surrounding street levels. The number of units has been reduced to 24 residential units, comprising of 20 houses and 4 apartments. Plot 8 at the centre of the site has been omitted. The increase in levels has resulted in stepped entrances to the units along Felton Road and Wilford Crescent East. To overcome the increase in levels, the 7 dwellings in the centre of



the site have been redesigned to be lower in height and have hipped roofs. Stepped terraces are now also proposed to access rear gardens. Plot 16 has been reduced to be 2 storeys in height.

- 4.5 Each of the dwellings fronting Felton Road and within the centre of the development are proposed to have at least one off-street parking space, whilst those on Wilford Crescent East are proposed to have access to 8 newly created on-street parking bays, which would form part of the existing residents parking permit scheme in the area. There is no proposed formal parking provision associated with the apartment development.
- 4.6 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities relating to construction jobs.

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

### **Adjoining occupiers consulted:**

97 neighbour notification letters were sent to neighbouring residents on Green Street, Felton Road, Collygate Road, Atlas Street, Pyatt Street, and Woodward Street. The application has also been advertised on site and in the local newspaper. The period for comment expired on 27.10.2016. In response 10 comments have been received which are summarised below:

- One of letter support which states that they are glad that the site is being developed, after being derelict for so long. They hope that the housing will be nice and make the area a better place to live.

- Another resident welcomes the development but has reservations with regards to the number of properties that could potentially be built. They are struggling with parking on the street and are concerned that additional properties would cause more parking congestion. If the plans do go ahead they feel strongly that the residents should not be provided with parking permits that allow them to park on Woodward Street. In their opinion future residents should be provided with sufficient parking places within the new build (see below for further parking concerns).

-Residents main concerns relate to increased traffic, on street parking and that existing parking permit holders would be prevented from parking on Woodward Street or Green Street outside their homes. Criticism is made of the submitted 'On Street Parking and Capacity Assessment', for only being carried out twice and not in the evenings, when parking demand is at its greatest. Two residents have cited several occasions in the evenings when no parking is available on Woodward Street and people have had to park away from their homes. They consider that residents all have cars, despite good public transport links in the area. Instead of using what is seen as old census data (2011), it is considered that a door to door survey of the area should have been carried out. They comment that the parking on all streets needs to be marked out because more cars could be accommodated if cars were better parked. They suggest that the parking at the sports facilities be put into a permit scheme for the new housing or these developments be permitted to park solely on Turney Street and Pyatt Street, which are usually empty because of the bus depot. They also suggest that there is a need for permit parking on Sundays. They therefore disagree that there is sufficient on-street parking for the

developments of Trent Works and the Mundella Centre when both could have two cars per dwelling. They would like to see additional parking spaces added where there are either none or where non-residents can park up to two hours without a permit ie, outside the Mundella Centre.

- The other principle concern relates to the scale of the development. The height of the apartments, at four storeys, and houses, at three storeys along Felton Road and Wilford Crescent East, is not considered to be in keeping with neighbouring properties, from a visual perspective and also in terms of an overbearing impact. In addition, the proposed height of the new buildings would have a significant deleterious effect on the long views looking back towards the city from the Victoria Embankment. It is felt that the development should enhance the character the street rather than dominate it. It is suggested that the proposed apartment building should be no more than three storeys in height and the houses should not be set at a higher level.

- Concern that the scale of part of the development, at three and four storeys would cause loss of privacy to neighbouring properties and provide sightlines into their rear gardens.

- Concern that the scale of part of the development would result in loss of light and overshadowing of the properties on Collygate Road.

- Concern that the development has inappropriate floor level heights, which would increase flood risk in the surrounding streets. This is due to the properties being raised on a pedestal above the height of existing properties in the area. They consider that that the raised height of the dwellings would also exacerbate the overall scale of the development with existing neighbouring properties. It is suggested that this pedestal be removed.

- Assurance that an independent assessment of the development by the City Council and the Planning Committee will take place given the Council's vested interest in the applicant, Blueprint.

- This part of the Meadows suffers from regular disruption due to events on the Embankment. They feel that construction work should be respectful to residents, in terms of construction noise and access.

Nottingham Civic Society welcomes the new townscape this redbrick development would bring to this part of the Meadows which still retains its Victorian and Edwardian character in the surrounding streets. They consider that the dwellings have been thoughtfully designed to deliver a bespoke if high density layout. They consider it a pity that central heating flue chimney stacks have not been incorporated into the design to enliven the roofscapes, reflecting the character of neighbouring Victorian streets.

A further neighbour consultation was carried out upon receipt of the revised plans (expiry date 18.01.17). Four additional comments were received which are summarised below:

- Two residents welcome the development.
- Two residents are still concerned that the parking issue has not been resolved and that the survey of parking in the area has not been carried out at the correct

time of day or for an extended period.

- Disappointment that the revised plans have further increased the height of the development to take into account flood risk. The development continues to pose additional flood risk to existing properties and creates a scale of development which is out of keeping with the surrounding area, for the reasons set out above.

#### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection. Require conditions to address potential contamination, the submission of a noise assessment and sound insulation scheme, and vehicle charging points.

**Highways:** No objections. Amendments to the Traffic Regulation Order in the area are required to be agreed by condition, together with conditions relating to the provision of a bin store to serve units in the centre of the site, and parking for both cars and cycles.

**Environment Agency:** No objections subject to compliance with the revised Flood Risk assessment (FRA).

**Drainage:** No objections subject to compliance with revised FRA.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraphs 100 to 104 sets out a sequential approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking the account of climate change.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

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

ST1 - Sustainable Communities.

H2 – Density.

E4 - Previously Used Employment Sites.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

## **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 14: Managing Travel Demand.

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

### **Main Issues**

- (i) Principle of the development**
- (ii) Density, layout and design considerations;**
- (iii) Highway considerations;**
- (iv) Impact on residential amenity;**
- (v) Flood Risk;**
- (vi) Whether to waive or reduce planning obligations.**

### **i) Principle of the development (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, E4, and H2 of the Local Plan)**

- 7.1 The principle of the loss of employment land and its replacement with residential development has been established by a number of outline planning permissions, the most recent of which expired in December 2015.
- 7.2 The site is within a Primarily Residential Area and the proposed residential use would be more compatible with the adjacent residential properties on Wilford Crescent East, Collygate Road and Felton Road. The proposal would provide an opportunity to enhance the built environment and assist in the regeneration of the surrounding area.

- 7.3 The NPPF, Aligned Core Strategy and Local Plan policies supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. It is considered that the proposed range of house types would contribute towards the City Council's strategic objectives to create sustainable balanced communities and a varied mix of housing options.
- 7.4 The proposal would provide 24 new dwellings comprising a mix of 8x2 bedroom and 12x3 bedroom houses, and an apartment building containing 1x1 bedroom and 3x2 bedroom apartments. The size and layout of the units are considered to be generous and would provide a high quality scheme with a good degree of amenity in terms of space and outlook. All the houses have been provided with access to private rear gardens or patios. Some houses and apartments fronting Felton Road have been designed with south or west facing terraces. Additionally, the development is located in a sustainable location, close to local facilities, and would have direct access to leisure and recreation facilities on the Victoria Embankment to the south.
- 7.5 The proposal therefore accords with NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2, and H5 of the Local Plan.

**(ii) Density, layout and design considerations (NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan)**

- 7.6 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.7 This is a high density development which makes maximum use of this awkward shaped site, to create a distinctive high quality scheme. Three storey dwellings are proposed to provide a strong built frontage to both Felton Road and Wilford Crescent East. A four storey apartment building then provides a link between the two frontages and acts as a visual anchor for the scheme, at a point where the public highway is very wide and poorly 'enclosed'. Combined with its simple but well-articulated elevational treatment, the increased height of the apartment building makes a feature of this prominent corner. Where the site shares a much closer relationship with existing properties, the height of development has been lowered to two storeys terraced and semi-detached properties.
- 7.8 Considerable work has been carried out to ensure that the scale and density of the development respects that of surrounding residential properties and sits comfortably within the street scene. This has been particularly important given the need to raise the floor levels of the whole development by 650mm to overcome the flood risk objection from the Environment Agency. The frontage along Felton Road has been designed to step down in height towards existing properties, and along Wilford Crescent East the new dwellings are of a similar height to existing three storey terraced properties on the street. It is acknowledged that the apartment building would be taller than the Mundella building opposite, however the width of the road and junction is considered to create sufficient space for both buildings to sit comfortably opposite one another. The scale is largely compatible with its surroundings and the small four storey element is not considered to conflict with long views from the Victoria Embankment.

- 7.9 The scheme has also been designed to provide active frontages, surveillance over the street and also secure private rear gardens. The new family dwellings would be two and three storeys in height and a mixture of semi-detached and short terraces, to reflect the context of the surrounding residential properties, yet also creating their own distinctive character. Bin stores are primarily proposed to be located in rear gardens but where this is not possible they are accommodated in front gardens, in purpose designed stores.
- 7.10 The design aesthetic of the development is contemporary and simple in form. Their elevational treatment, together with the palette of materials, would create a clear and cohesive architectural language. The final details of the materials would be dealt with by condition.
- 7.11 The central part of the site has been designed to create small enclosed courtyard of terraced and semi-detached dwellings. The private street has been narrowed to create a sense of enclosure and entry into a quiet residential space. New street trees are proposed to mark its entrance, whilst brick planters provide an added level of privacy and protection to the front of the dwellings. Details of hard surfacing and landscaping would be dealt with by condition.
- 7.12 Overall the scale/density, layout and design of the buildings are considered to be a positive and well considered response to the site and its context, in accord with the NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan.

**(iii) Highway considerations (Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)**

- 7.13 The proposed scheme has an under-provision of parking, with 11 dwellings not having off-street parking. It is however proposed to create two new on street parking bays adjoining the Trent Works site on Wilford Crescent East, which would accommodate 8 cars (to be included in the existing residents parking permit scheme in the area). This would result in a net addition of 3 available on-street parking spaces once the reduction in on-street parking spaces on Felton Road is taken into account, after the creation of access to off-street parking provision for the new dwellings fronting Felton Road.
- 7.14 The majority of existing terraced houses on surrounding streets don't have off-street parking and to manage parking pressures, the area is subject to a residents parking scheme. To assess the capacity of the current scheme to provide additional resident and visitor parking permits, for both developments, the applicant has carried out an On Street Parking Capacity Assessment. A series of parking surveys were carried in the area, the scope of which, in terms of the number and timing of the surveys, was agreed with Highways. The Assessment concluded that even at the busiest periods of the survey, there was available capacity for all residents to apply for a visitor parking permit and for those without access to private off-street spaces, to apply for a residents parking permit in addition to a visitor permit.
- 7.15 Highways, in review of the Assessment, consider that there has been an overestimation of the number of potential on street parking spaces available. Highways have therefore requested, by condition, that the Traffic Regulation Orders in the area be reviewed and amended before consideration is given to allowing any permits to the residents of both developments, other than within the 8 spaces created on Wilford Crescent East. It should be noted that the eligibility of residents

to be included within the residents parking scheme is a separate matter controlled by Highways, and that it may not be possible to provide resident parking permits for all residents of the proposed developments.

7.16 However, it is also recognised that both sites are located in a highly sustainable location with access to good public transport links to the city centre and surrounding areas, and good cycle and pedestrian links. Secure cycle parking would be provided for each residential unit.

7.17 On this basis Highways consider the two developments would be acceptable, subject to the conditions outlined above.

**(iv) Impact on residential amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)**

7.18 The proposed layout has been designed to take into account the existing residential properties which abut the site and ensure that there would be no adverse impact upon the amenities of existing residents or future occupants of the new development, in terms of light, outlook and privacy.

7.19 The closest residential properties to the site are those located on Felton Road, Collygate Road and Wilford Crescent East. In response to the requirements of the Environment Agency to raise finished floor levels across the site, further revisions have been made to the layout and design of the proposed two storey dwellings at the centre of the site, to ensure that any adverse impact on the amenities of these neighbouring properties is minimised. Revisions include:

- The removal of plot 8 from the scheme and the creation of a pair of semi-detached properties (plots 9 and 10). These are of a narrower footprint which has reduced their ridge height by approximately 425mm. A hipped roof is also proposed to further reduce overall massing. This created a better relationship with properties on Wilford Crescent East and Collygate Road and has resulted in larger rear gardens and two off street parking spaces to serve the dwellings.
- The other central row of 5 terraced dwellings (Plots 11-15) have been re-designed with lowered eaves and ridge heights, to create a lower, shallow hipped roof. The overall reduction in their massing would again reduce the impact for neighbouring properties on Collygate Road and Felton Road. Windows at first floor level in the rear elevation of the dwellings are now proposed to be sloping and vertical roof lights, to avoid loss of privacy to neighbouring properties on Felton Road.

7.20 Finally, the footprint of Plot 16 has been reduced in size on all floors and the roof terrace at 2nd floor level has been omitted. This has improved the spacing between the apartment building and plot 16, which in turn has eased its relationship with the new dwellings fronting Felton Road and reduced potential overlooking issues to an acceptable level. It has also allowed the rear garden of plot 16 to be increased in size.

7.21 The development therefore accords with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan in this regard.

**(v) Flood Risk (Policy 1 of the Aligned Core Strategy 1 and Local Plan Policy NE10)**

- 7.22 The NPPF states that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Authorities should apply a sequential, risk-based approach to the location of development. The site has previously been sequentially tested and is considered acceptable for residential development with appropriate flood mitigation measures.
- 7.23 The River Trent is located approximately 300m to the south of the site and as such the application has been accompanied by a Flood Risk assessment (FRA). The Environment Agency (EA) originally objected to the FRA on the grounds that it failed to ensure that the development would be kept safe for its lifetime. The new 1 in 100 year plus climate change breach flood level is 25.66m AOD and the EA therefore strongly recommended that finished floor levels (FFL) should be raised to meet this modelled floor level. This equates to an increase of approximately 650mm in FLL across the site.
- 7.24 A revised FRA was subsequently submitted which revised the FFL to meet the modelled level plus climate change, and has incorporated flood resistant construction techniques to provide further protection. On the basis of the revised FRA and subject to a flood excavation plan for the development, the EA now considers the development to be acceptable in terms of flood risk.
- 7.25 The proposal therefore accords with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

**vi) Whether to waive or reduce planning obligations (Policy ST1 and Policy R2 of the Local Plan)**

- 7.26 In order to comply with the requirements of the Supplementary Planning Guidance, the developer is required to enter into a section 106 obligation to secure the following financial contributions:

- |                     |             |
|---------------------|-------------|
| • Public Open Space | £29,364.54  |
| • Education         | £109,857.00 |

The total commuted sum contribution is therefore £139,221.54.

- 7.27 In terms of education, the local primary and secondary schools are already experiencing capacity issues and consequently the development is going to increase pressure for school places. The figure above is derived from the Council's established formula for calculating the number of children arising from a residential development, having regard to the number and type of units being proposed, and the cost associated with providing their education. The contribution if required will be used towards expanding the capacity of Welbeck Primary School and Nottingham Emmanuel Secondary School, both of which serve the area within which the site is located.
- 7.28 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. If this required, it is believed that this would be directed towards improvements at the Victoria Embankment Memorial



Gardens, which are part of the nearest and largest area of public open space readily accessible to the residents of this development.

- 7.29 However, the applicant has submitted a viability appraisal in support of its assertion that the proposed development would not be viable based upon the provision of the full range of S106 developer contributions that the scheme would otherwise be required to meet. The appraisal has been reviewed by the District Valuer and negotiations regarding this matter are on-going. An update will be provided at Committee.
- 7.30 In both cases, it is considered that Section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **Other Matters (Policy 10 of the Aligned Core Strategy and Policies NE9 and NE12 of the Local Plan)**

- 7.31 A remediation strategy to deal with ground contamination and a noise assessment and insulation scheme to protect future occupiers of the site would be secured by condition. The proposals are therefore in accordance with Policy NE12.
- 7.32 In response to the consultation response regarding the Council's interest in the applicant company, it can be confirmed that the determination of this planning application by the City Council as Local Planning Authority will be made solely in light of its compliance with the National Planning Policy Framework and Development Plan policies for the City as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

## **8. SUSTAINABILITY / BIODIVERSITY**

The development has been designed to meet a 10% reduction in carbon emissions (beyond Building Regulations Part L 2013). This is mainly achieved by a 'fabric first approach' involving well insulated walls, floors and roofs to provide a high 'u' value. Furthermore, the houses are orientated to make use of solar gain and shading methods, natural ventilation and daylight.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

### **13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

### **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: 16/01986/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCK0OYLYFLY00>
2. Environmental Health and safer Places comments 05.01.17.
3. Comments from a resident of Woodward Street 16.09.16.
4. Comments from a resident of Woodward Street 17.09.16.
5. Comments from a resident of Collygate Road 19.09.16
6. Comments from a resident of Collygate Road 19.09.16.
7. Comments from a resident of Woodward Street 03.10.16.
8. 2 Comments from a resident of Woodward Street 04.10.16 and 18.01.17.
9. Comments from a resident of Woodward Street 03.10.16.
10. 4 Comments from a resident of Victoria Embankment 06.10.16, 11.10.16, 17.10.16 and 10.01.17.
11. Comments from Nottingham Civic Society 16.10.16.
12. Comments from a resident of Pyatt Street 09.01.17.
13. Comments from a resident of Pyatt Street 10.01.17.
14. Drainage comments 11.01.17.
15. Highways comments 11.01.17.
16. Environment Agency comments 05.10.16 and 26.01.17.
17. Education comments 24.10.17.

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)

#### **Contact Officer:**

Mrs Jo Briggs, Case Officer, Development Management.  
Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 8764041

# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided

**My Ref:** 16/01986/PFUL3 (PP-05403844)  
**Your Ref:**  
**Contact:** Mrs Jo Briggs  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

Mr Mike Askey  
37 A Sneinton Hermitage  
Nottingham  
NG2 4BT

Date of decision:

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

---

Application No: 16/01986/PFUL3 (PP-05403844)  
Application by: Mr Alec Hamlin  
Location: Site Of Trent Works, Wilford Crescent East, Nottingham  
Proposal: Construction of 20 houses and 4 apartments, associated parking and external works

---

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)



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Page 36

Continued...

2. No development or site preparation works shall be carried out on the site until details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period for the development and shall provide for:
- a) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
  - b) The parking of vehicles of site operatives and visitors;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development;
  - e) Wheel washing facilities, if necessary;
  - f) Measures to control the emission of dust and dirt during construction;
  - g) Site security;
  - h) Measures to prevent the deposit of debris on the highway and;
  - j) A timetable for its implementation.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

3. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with ground contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan, based on the Geo-Environmental Investigation report MA10200/J1460/D1/1 by Millward dated 2016 and by Geo-Environmental Investigation dated May 2012, referenced N12133/V1, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

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

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

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*



4. The development shall not commence until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any local events, transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L<sub>Amax</sub>(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

*Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

5. Notwithstanding the submitted plans, above ground development shall not commence until full details of external materials for the buildings have been submitted to and approved in writing by the Local Planning Authority The details shall include:

- a) Material samples;
- b) Large scale elevation and cross sections;
- c) Details of windows and reveals;

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

*Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.*

6. The hard surfacing of all external areas shall not be commenced until details of the materials to be used have been submitted to and agreed in writing with the Local Planning Authority.

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

*Reason: In the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy.*

**Pre-occupation conditions**

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

7. Notwithstanding the submitted plans, the development shall not be occupied until boundary treatments and enclosures to the site and plot boundaries have been erected in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.*

8. The development shall not be occupied until a landscaping scheme for the site, including details of the street trees, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.*

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

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

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

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

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

*Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

11. Prior to the first occupation of any of the dwellings hereby approved, all parking spaces shall be provided in accordance with the approved plans.

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.*



12. Prior to the first occupation of any of the dwellings hereby approved, an application and draft designs for amendments to the Traffic Regulation Order in the area shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue implementation of the proposed amendments, prior to first occupation of the dwellings.

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.*

13. Prior to the first occupation of any of the dwellings, details of a bin collection area to serve plots 9-15 and cycle storage for the whole development shall be submitted to and approved in writing with the Local Planning Authority.

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

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.*

### **Regulatory/ongoing conditions**

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

14. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Do. Ref. MA10200 - R01A Flood Risk Assessment and Appendices, produced by Millward, received 16/12/2016) and the following mitigation measures detailed within the FRA:

- a) Finished floor levels shall be set no lower than 25.66m above Ordnance Datum (AOD);
- b) Flood resistant design and construction techniques shall be incorporated to at least 300mm above FFL as detailed in the 'Water Exclusion Strategy' section (page 11) of the agreed FRA;
- c) Identification and provision of safe route(s) into and out of the site shall be provided to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation of the proposed dwellings.

*Reason: In the interests of flood protection in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Nottingham Local Plan.*

### **Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 9 September 2016.

*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. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

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

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

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

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

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

### 4. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.



The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

## 5. Highways

1. Developers wishing to have the completed roads on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)) whereby, following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling. The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers.

The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance.

2. Planning consent is not consent to work on the highway. To carry out the off site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 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 as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

4. It is necessary to introduce/amend a Traffic Regulation Order/s as part of this development. This is a separate legal process and the Order/s 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 on 0115 876 5293 to instigate the process.

5. The applicant should note that unless the existing Traffic Regulation Order can be amended to provide additional spaces for residents that the new dwellings will not be eligible for residents parking permits in the area, other than in those spaces created by the development on Wilford Crescent East. Those dwellings within the private road and those with off street spaces will not be eligible for these permits.

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**

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## **RIGHTS OF APPEAL**

Application No: 16/01986/PFUL3 (PP-05403844)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

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 44

- 9 -

**WARDS AFFECTED:** Sherwood

**Item No:**

**PLANNING COMMITTEE**

**REPORT OF CHIEF PLANNER**

**Former Peacemills Site, Perry Road**

**1 SUMMARY**

Application No: 17/00487/PFUL3 for planning permission

Application by: Mr Simon Henderson on behalf of Mr Dominic Waters

Proposal: Construction of 21 homes with associated car parking including a new access and car parking for the neighbouring business to the west.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 5th June 2017

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION** subject to:

a) Prior completion of a section 106 obligation which shall include:

- (i) A financial contribution towards off site public open space improvements at Woodthorpe Grange Park.
- (ii) A financial contribution towards the provision of school places at Seeley Primary School and Oakwood Secondary School.

b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 The application site is a vacant piece of land located to the south west of the junction of Perry Road and Victoria Road, in the Sherwood area of the city. Previous buildings on the site have been demolished and the site is enclosed in part by the front wall of the former building, to the Perry Road elevation, and then continues as railings round to Victoria Road to the site's junction with 22 Foxhollies Grove. The site then borders the rear of properties along Foxhollies Grove, a modern development of two storey dwellings. Currently an access road leading from Victoria Road separates the site of the former buildings and the residential dwellings to the south. To the west is a veterinary centre, which occupies former factory buildings. Vehicular access to the vet centre is via the southern access from Victoria Road. Opposite the site, to the north, the site faces the high wall of Nottingham Prison. To the east, on the opposite side of Perry Road, are the rear and side of dwellings on Burlington Road and Burlington Avenue. These dwellings, although fronting their respective roads, have rear access for parking directly from Victoria Road.
- 3.2 The land was previously occupied by industrial buildings. The buildings were demolished in 2009 and 2010. A planning application received in 2009 was granted planning permission for the demolition of the buildings and use of the cleared site as a temporary car park for a period up to the end of December 2010. The car park was required for the use of contractors and associated traffic in relation to development works at the Nottingham Prison. The site has remained vacant since the end of that period. Planning reference 09/00077/PFUL3.
- 3.3 Prior to the above application, a planning application for the erection of 4 B1 use units was granted outline planning permission. The approved scheme was not implemented. Reference 08/03846/POUT.
- 3.4 Apart from the vet centre and the prison, the surrounding area is residential in character.

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

- 4.1 Construction of 21 homes with associated car parking including a new access and car parking for the neighbouring vet surgery business to the west.
- 4.2 The proposal consists of a terrace of 2 and 3 bed two storey housing to Perry Road.

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

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

96 Burlington Road  
2 and 4 Burlington Avenue  
15 to 22 Inclusive Foxhollies Grove  
Nottingham Prison  
Vet centre Perry Road

A site notice was posted and a press notice published. The overall expiry date for comments (following re-consultations) is 14<sup>th</sup> May 2017.

21 letters received from 8 addresses as a result of consultations, commenting as follows:

- Can smaller units (i.e. one bed units) be considered as part of the scheme to give options for those living in larger homes when downsizing. This would also allow for a mix of tenancy.
- Support the scheme as offers affordable housing / building needed housing.
- Clarification on responsibility for maintenance of wall, and access to it, between the site and Foxhollies Grove required, and not yet resolved.
- Concerns regarding on-street parking along Perry Road and Victoria Road. Prison staff and visitors park on these roads instead of on the prison site. The proposed development would remove some on street parking spaces [as the proposed dwellings would need access to their driveways] leading to further pressure for on-street parking spaces in the vicinity. Further comment received on amended drawings, still cannot see any provision made for prison visitors or staff. Can see the problem worsening.
- The proposed parking associated with the vet surgery would need to be managed in order to deter non-customers from using that car park.
- Parking restrictions such as no parking lines or resident parking permit scheme is suggested for the highway opposite the prison.
- The apartment scheme to the corner is too high for the site.
- The artist impression photos look nice.
- The apartment block would reduce light and impact upon privacy as would overlook our home, due to proximity of the proposal. Is there a need for a three storey block?
- In curtilage parking should be a requirement for all the proposed properties.
- Removal of the apartment block could allow for additional off street parking.

These matters relate mainly to either layout, parking or impact on neighbours and are addressed in the appraisal section of the report.

#### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** Recommend details of a remediation strategy and electric vehicle charging scheme be submitted and agreed prior to commencement.

**Highway section:** No objections in principle subject to details of construction management plan, drainage and a travel pack for the future occupiers.

**Tree Officer:** Any works to the highway should ensure damage to tree roots are kept to a minimum.

**Biodiversity Officer:** Recommend ecological enhancements and hedgehog friendly fencing to be secured by condition.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

### **Aligned Core Strategy:**

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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

Policy 4: Employment Provision and Economic Development - aims to strengthen and diversify the local economy.

Policy 8: Housing Size, Mix and Choice - Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Within Nottingham City there should be an emphasis on providing family housing, including larger family housing.

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

Policy 16: Green Infrastructure, Parks and Open Spaces.

Policy 19: Developer Contributions.

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

E4 - Previously Used Employment Sites.

H2 - Density.



R2 - Open Space in New Development.

ST1 - Sustainable Communities.

### **Other Planning Guidance**

Planning Guidance for the Provision of Open Space Within Developments  
Supplementary Planning Guidance

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

### **Main Issues**

- (i) Principle of Development
- (ii) Building Design, Layout and Parking
- (iii) Impact on Neighbours
- (iv) Planning Obligations

### **Issue (i) Principle of Development (ACS Policy 8 and LP Policies E4, ST1 and H2)**

- 7.1 The site has no specific allocation in the Local Plan and has been left cleared and vacant since the temporary use as contractor parking for the prison ended in 2010. Prior to this the site was occupied by an industrial building. As there has been no employment use on the site for a number of years, in terms of employment use the proposed residential development would not result in the loss of land safeguarded for employment and would therefore be in accordance with LP Policy E4.
- 7.2 Aside from the Prison site opposite and the commercial property adjacent, the surrounding area is allocated as Primarily Residential in the Local Plan. The development of the site for residential use would therefore be in keeping with the character of the surrounding area.
- 7.3 The proposed development would provide a mix of two and three bedroom dwellings which would contribute to the provision of a balanced mix of housing in the area, and thereby contributing to the creation and maintenance of a sustainable community, in accordance with LP Policy ST1.
- 7.4 The density of development is compatible with the characteristics of the site and surroundings and is in an accessible location being close to a primary school and other facilities such as shopping being within walking distance. The site is also close to well served public transport routes, both on Hucknall Road and on Mansfield Road. The proposal accords with ACS Policy 8 and LP Policy H2.

### **Issue (ii) Building Design, Layout and Parking (ACS Policy 10)**

- 7.5 The layout has been amended following discussions regarding impact on neighbours and upon on-street parking issues in the area. The proposal originally submitted was for 22 dwellings comprising 19 terraced houses along Perry Road and Victoria Road, and a block of three x 2 bed apartments to the corner. Not all properties had off –street parking. The development now proposed comprises 21 terraced dwellings, all facing Perry Road, with every plot having one off-street parking space within the curtilage (plots 20 and 21 being to the rear off Victoria Road).

- 7.6 Parking in the immediate area is restricted to the south side of Perry Road, and along Victoria Road. It is noted from consultation responses that staff and visitors associated with the Nottingham Prison, to the north of Perry Road, do not all utilise the on-site car parking associated with the use, and instead park along the south side of Perry Road, both directly outside the application site and to the west outside Crest View. This situation is a concern for the occupiers of nearby property, especially those at Crest View, to the west of the site, as vehicles park directly outside those dwellings which results in visitors to those properties having to park elsewhere, and sometimes causing obstruction to drives. The proposal would result in the loss of some on-street parking directly outside the application site, along Perry Road, which would be displaced elsewhere. However, as off street parking spaces to both the existing and proposed dwellings would require access at all times, this would take precedence over any casual parking and any displacement would need to be accommodated elsewhere, in an appropriate location and in a safe and legal manner. The proposal as amended allows for each property to have one off street parking space. This is considered to be acceptable as it would take vehicles off the street whilst allowing for some limited visitor parking on-street. A new parking area for the vet surgery would be provided with access directly off Perry Road. This replaces parking accessed from Victoria Road, which was to the rear of the surgery. The new parking area would be more convenient and likely to result in a reduction in vehicles that are visiting the vets from parking on street. A condition to secure details of a travel pack for the future residents would encourage consideration of more sustainable modes of transport.
- 7.7 The dwellings would be built of traditional materials, being brick and tile, and features such as rendered gables. Well-designed enclosed bin storage would be provided within the front gardens. Metal railings would be introduced along the frontages to enclose the front gardens.

### **Issue (iii) Impact on Neighbours (ACS Policy 10)**

- 7.8 Following the outcome of the consultation process and an assessment of the proposal, the scheme has been amended. The original layout had a three storey apartment block located to the corner of Perry Road and Victoria Road. This has now been omitted from the scheme, along with three dwellings on Victoria Road frontage, and the layout adjusted to show a continuation of the terrace along Perry Road. This has minimised the impact on the amenities of the occupiers of 96 Burlington Road, to the east, which would otherwise have been overlooked by the apartment block.
- 7.9 The plots toward the east of the proposed terrace, where they are closer to dwellings on Foxhollies Grove, have the rear first floor designed with lowered eaves such that only roof lights serve the rear bedrooms in these units, thereby safeguarding privacy for the occupiers of the existing properties.
- 7.10 Other measures such as higher enclosures to the rear boundary would further safeguard privacy. The proposal therefore accords with Policy 10 of the Aligned Core Strategy.

**Issue (iv) Planning Obligations** (LP Policy R2 and Aligned Core Strategy Policies 10, 16 and 19)

7.11 A Section 106 planning obligation is required in order to secure financial contributions towards the following:

- Public Open Space
- Education

It is proposed that the public open space contribution would be used towards improvements at Woodthorpe Grange Park, which are part of the nearest and largest area of public open space that would be readily accessible to the residents of this development. It is proposed that the primary education contribution would be used towards expanding the capacity of the Seeley Primary School and the Oakwood Secondary School, which serves the catchment area the site is located within.

7.12 The sums that would be generated by the proposal for education will be £56,598 for primary education and £55,922 for secondary education, and for public open space this would be £21,515.

7.13 In respect of both the open space and the education contributions, the Section 106 obligations sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

**8. SUSTAINABILITY / BIODIVERSITY**

8.1 Whilst the application site is not of high ecological importance, measures such as landscaping, bird and bat boxes, and hedgehog friendly fencing would provide ecological enhancements on site.

8.2 The dwellings would be built to Building Regulation standards and have an energy saving equivalent to Code 4 in the Code for Sustainable Homes. Sun pipes would be used to light internal bathrooms, helping to reduce energy requirement.

**9 FINANCIAL IMPLICATIONS**

None.

**10 LEGAL IMPLICATIONS**

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

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12 RISK MANAGEMENT ISSUES**

None.

### **13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Redevelopment of a long term vacant site with a high quality, sustainable development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

### **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: 17/00487/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OM8O4SLYJ4T00>

2. Letters from neighbours dated 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 24<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup> March and 3<sup>rd</sup>, 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup> and 23<sup>rd</sup> April.

3. Environmental Health and Safer Places, email, dated 29<sup>th</sup> March.

4. Biodiversity Officer, email dated 18<sup>th</sup> April.

5. Highway Officer comments.

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

1. Nottingham Local Plan (November 2005)

2. Aligned Core Strategy

3. National Planning Policy Framework

#### **Contact Officer:**

Mrs Sue Heron, Case Officer, Development Management.

Email: sue.heron@nottinghamcity.gov.uk. Telephone: 0115 8764046

# NOMAD printed map



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Key  
City Boundary

Description  
No description provided

**My Ref:** 17/00487/PFUL3 (PP-05569122)  
**Your Ref:**  
**Contact:** Mrs Sue Heron  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

Mr Simon Henderson  
12/14 Pelham Road  
Nottingham  
NG5 1AP  
United Kingdom

Date of decision:

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

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Application No: 17/00487/PFUL3 (PP-05569122)  
Application by: Mr Dominic Waters  
Location: Former Peacemills Site, Perry Road, Nottingham  
Proposal: Construction of 21 dwellings with associated car parking including a new access and car parking for the neighbouring business to the west.

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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:-

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

Page 54

Continued...

2. The development hereby permitted shall not be commenced until details of a Remediation Strategy that takes into account the recommendations set out in the Phase I Desk Study Report For Waters Homes Ltd, Project No: 36301, Dated: 12th January 2017 to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall contain:

a) A Site Investigation, based on the recommendations in the phase 1 report mentioned above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on the phase 1 report mentioned above and the site investigation, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

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

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

*Reason: To safeguard the health and residential amenity of the occupants of the proposed residential development to comply with Policy NE9 of the Nottingham Local Plan.*

3. The development shall not be commenced until details of an electric vehicle charging scheme have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

For Residential Development:

- 1 electric vehicle charging point per domestic unit (ie dwelling with dedicated off street parking), and,
- 1 electric vehicle charging point per 10 parking spaces (unallocated parking)

For Anticipated Future Demand:

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

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

*Reason: In the interests of developing a sustainable community in accordance with Policy 10 of the Aligned Core Strategy.*

4. Notwithstanding the approved plans, the development shall not be commenced until details of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The enhancements shall include native / pollinator friendly planting and the inclusion of bird and bat boxes.

*Reason: In the interests of safeguarding and enhancing the health and habitat of protected species to comply with Policy NE3 of the Nottingham Local Plan.*

5. The development hereby permitted shall not be commenced until details of sustainable drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.*

6. The development shall not be commenced until details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- All site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period to be accommodated in the site.
- Vehicles delivering to the site cannot be permitted to wait/park on the highway.
- Adequate precaution shall be taken during the construction period to prevent the deposit of mud and other similar debris on the adjacent public highways.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

**Pre-occupation conditions**

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

7. No individual dwelling shall be occupied unless the car parking space associated with that dwelling has been completed in accordance with the details approved by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*

8. No individual dwelling shall be occupied unless the boundary treatments associated with that dwelling have been completed in accordance with the details approved by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*

9. No part of the development shall be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:

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

*Reason: To safeguard the health and residential amenity of the occupants of the proposed residential development to comply with Policy NE9 of the Nottingham Local Plan.*



10. No dwelling shall be occupied until the car park for the vet surgery has been provided, and provision for turning space within the site, for vehicles to be able to enter and exit the site in a forward gear, has been made available.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

11. No dwelling shall be occupied until details of a travel pack for the benefit of the occupiers of the residential development have been submitted and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

### **Regulatory/ongoing conditions**

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

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

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

13. No part of the development shall be brought into use until all redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated.

*Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*

### **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:

General reference P204, received 3 March 2017  
General reference P205, received 3 March 2017  
General reference P206, received 3 March 2017  
General reference P207, received 3 March 2017  
General reference P220, received 3 March 2017  
Planning Layout reference P102 revision F, received 4 May 2017  
General reference P203 revision C, received 4 May 2017  
General reference P208 revision B, received 4 May 2017  
General reference P209 revision B, received 4 May 2017  
Landscaping reference P300 revision B, received 4 May 2017  
Elevations reference P400 revision A, received 4 May 2017  
Elevations reference P401 revision A, received 4 May 2017  
General reference P500 revision A, received 4 May 2017

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

### **Informatives**



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## Not for issue

Page 57

Continued...

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Environmental Health and Safer Places advise:

#### Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

'Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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



**DRAFT ONLY**

**Not for issue**

A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

4. As hedgehogs are a NERC Act (2006) Species of Principal Conservation Importance, a suitable 5 inch square gap at the bottom of the fence either side of the garden/boundary throughout a development will improve connecting habitat for hedgehogs and other small mammals.

5. The Highway section advise the following:

1) It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.

2) The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

3) Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 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 as you will not be permitted to work on the Highway before it is complete. 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. For further information please refer to the 6Cs Design Guide.

4) To discuss any required Temporary Traffic Regulation Orders (TTRO) the applicant is to contact Sean Bluett 0115 8765430

5) To progress the drainage submission in support of this application the applicant is advised to contact Paul Daniels Senior Drainage Engineer 0115 8765275 or Nick Raycraft Senior Drainage Engineer 0115 8765279.

6) Residential travel plan packs are to be prepared for each household and all costs borne by the applicant. The packs should be prepared in consultation with Robert Smith 0115 8763604

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: 17/00487/PFUL3 (PP-05569122)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes).

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

**WARDS AFFECTED:** Radford And Park

**Item No:**

**PLANNING COMMITTEE**  
**17th May 2017**

**REPORT OF CHIEF PLANNER**

**Nottingham Lawn Tennis Club Corner Clare Valley, Tattershall Drive**

**1 SUMMARY**

Application No: 16/00603/PFUL3 for planning permission

Application by: Ecologic Homes on behalf of Nottingham Lawn Tennis Association

Proposal: 8no. 8m high floodlights.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation

To meet the Council's Performance Targets this application should have been determined by 1st June 2016

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

**3 BACKGROUND**

3.1 The application relates to the tennis courts in the centre of the Park, in the area known as the Park Bowl. These are owned by the Nottingham Lawn Tennis Association (NLTA) and currently leased out to two tennis clubs, the Park Tennis Club and the Castle Tennis Club. There is also a tennis coaching centre operated by Activace. Towards the northern end of the Bowl is a wooded area known as the Paddocks. The Park Bowl is surrounded by housing and is located within the Park Conservation Area.

3.2 In July 2015 planning permission was granted for the refurbishment and extension of the pavilion adjacent to the current application site (15/01163/PFUL3).

**4 DETAILS OF THE PROPOSAL**

4.1 The proposal is to erect 8 retractable floodlights to the 3 artificial courts at the southern end of the Park Bowl. The floodlights are 8.3m tall and hold multiple single lamps rather than doubles, in order to reduce glare. The retracted height is 2.6m. The masts and lamp housing are to be aluminium and powder coated with a dark green finish. The originally requested cut off time for the lighting was 10pm.

4.2 This end of the Park Bowl is bordered by Tattershall Drive to the west, with the Park Squash Club on the opposite side of the road, and Clare Valley to the south and

east, both with residential properties opposite. The tennis courts sit at a lower level than the sounding roads.

- 4.3 A similar proposal for floodlights on the courts at the northern end of the Park Bowl is also currently under consideration (16/00604/PFUL3). A report relating to this application follows on the agenda.

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

### **Adjoining occupiers consulted:**

- 5.1 38 properties were consulted on the application with addresses on Tattershall Drive, Park Valley and Clare Valley. The proposal was also advertised by press and site notices with the expiry date for comments in May 2016.

- 5.2 In response, the following responses have been received:

2 letters of support which raises the following issues:

- Live opposite the tennis courts and appreciate this outlook
- Desire for the tennis clubs to survive so if this will help then greatly, in favour of the floodlights being installed
- The tennis courts are underused during working hours so if the floodlights would bring in players later in the day to strengthen finances, then a good thing
- Have seen how the Bowls Club fell into disrepair and ceased operating
- Activace are nothing but an asset to the community and Park residents, particularly for young families
- Understand that without the revenue generated by the floodlights, Activace would not be able to develop one of the pavilions for community use and a children's' playground
- The floodlights would improve security in the dimly lit Park that has seen break-ins and muggings recently
- Fully endorse the proposal without reservation

20 letters of objection which raise the following issues:

- Vehemently oppose the floodlights
- Direct contrast to the gentle illumination from the gas lights and would increase light pollution. Would create 'stadium' affect within this context
- Property would lose value and prestige
- Noise from the night time use of the courts, not only from the use of the courts but also from people talking and doors slamming. Would disrupt the sleep patterns of those who go to bed early
- Courts can be used until 9pm during the summer months and not used sufficiently to warrant the use of the floodlights
- At 8m high the floodlights would be a substantial eyesore in what is a wide open space, visible all around the Bowl. In conflict with the Park's architectural importance
- Parking already a constant nuisance on Tattershall Drive, which would be exacerbated. Problem of traffic and safety issues
- In conflict with the Park being recognise locally and nationally as an area of conservation; unique heritage and ambience
- Currently the tennis club's customers do not take advantage of every available

hour

- Extra car parking generated by the proposal would be harmful to the character of the Park roads and parking spaces
- There are other tennis clubs with floodlights that could be used, eg. the Tennis Centre on University Boulevard
- Need not proven. Application documentation misleading
- Cumulative impact with other proposed floodlights (16/00604) needs to be considered
- In conflict with heritage policies of the Aligned Core Strategy, saved Local Plan, emerging Local Plan Part 2 and Park Estate Conservation Area Policy Guidance
- No assessment of impact on bats
- Adverse impact on properties with elevated views over the Park
- Would set precedent for further floodlighting
- Adverse effect on badgers and foxes in the Bowl. Habitats of birds, bats squirrels etc would also be compromised

1 petition signed by 44 residents in Clare Valley, Tattershall Drive and Park Valley (corner properties only), Tennis Mews and Park Terrace. Relates to both this application and 16/00604/PFUL3. Committee site visit requested. Following comments raised:

- Proposals ecologically, environmentally, socially and economically dysfunctional for Park Estate generally and nearby residents in particular (mainly middle-aged or elderly)
- Floodlighting and noisy behaviour from tennis players constitutes community nuisance and annoyance
- Would create character of a night-time industrial worksite
- Intrusive and in conflict with the unique gas lighting
- Residents entitled to privacy and quiet after daylight hours
- Post daylight activities not in-keeping with the ethos of the Park Estate, which is also a conservation area
- Park Conservation Plan (2007) requires the character and appearance of the conservation area to be preserved
- Precedent with application for the same in 1996 which was withdrawn
- Need for floodlit tennis better served by the Nottingham Tennis Centre
- Floodlights would be intensely dominating, dazzling and an irritable eyesore in the midst of listed and historic buildings

The Park Estate raises the following issues:

- No objection in principle and the retractable floodlights would be appropriate within the context of the conservation area
- Recommend that the switch-off time be 10pm mid-March to mid-October, and 8.30pm outside of these dates

The Nottingham Park Conservation Trust recognises that one of the best ways to conserve the bowl area is to ensure that the existing site use continues and is successful. Therefore understand the desire of the applicant to find ways to increase the hours that the site can be used. However, raise the following issues:

- The Park Bowl open space makes a significant contribution to the character of the conservation area
- Recognise that the best way to conserve the Bowl is to ensure that the existing

use continues and is successful. Understand the applicant's intentions in this regard

- The gas lighting in the Park, with low ambient light levels, contributes significantly to the character of the conservation area. Light pollution is therefore a very important matter
- Light 'bleed' should be minimised as far as possible (see comments regarding gas lights)
- Strongly favour the visual impact of the columns being minimised, to be achieved by being retractable (and lowered when not in use)
- Would favour a reasonable restriction on hours of use, to minimise light pollution and noise for adjacent residents
- Thank applicant for organising a public meeting and listening to the views expressed

#### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No comments to make.

**Notts Wildlife Trust (May 2016):** No ecological information has been submitted. Applications for floodlighting in green spaces close to woodlands would trigger the need for a bat survey. A bat survey is therefore required before the application is determined.

**Biodiversity and Greenspace Officer (July 2016):** Disappointed by level of survey activity undertaken, and when undertaken.

The data that has been collected has found that bat activity was high throughout both of the surveys and associated with both the northern and southern courts; even on the second transect survey which was following a wet day when abundance of insect prey was likely to be lower. No absolute numbers of bats recorded or specific durations of foraging bouts have been provided in the report, but it does state that bats were recorded constantly foraging and activity was 'high'. Although maybe not significant at a national level given the abundance and relatively low conservation status of common pipistrelle, given the data provided, in a local context it seems that this part of the Park with its open space, trees, grassland and currently very dark profile within an otherwise highly urban area is providing an important foraging resource for bats locally, including those that likely roost in the surrounding old buildings.

I therefore believe that the proposed lighting, which would hugely affect the currently dark profile of the area, has the potential to significantly affect local distribution and abundance of common pipistrelle in The Park, possibly central Nottingham. It is not quite clear from the report whether activity was overall greater on the northern section of the site and the tennis courts located there, or the southern section and those courts, seeming high throughout the survey area. In the absence of a comparison, I would generally expect the northern court to be of greater value in terms of foraging, given the abundance of trees and more natural grassland.

It may therefore be of lesser impacts to bats locally if only one of the courts was lit and the other remained a dark resource for wildlife, with the northern court remaining unlit. This would go some way to mitigating the negative effects of the lighting of the southern court, providing a dark refuge for wildlife and reducing the



severity of the impact. Although, it would be helpful if this assertion was supported by some robust survey data.

The mitigation measures suggested by the ecologists are also necessary. The lighting should be as directional as possible, preventing spill onto non-target areas and retaining the dark profile of the area as much as possible. Turning off the lights when not in use would also be necessary. Although, I think that 10pm cut off point is rather late if trying to avoid or mitigate impacts to bats, as in spring and autumn this would still allow for lighting for a considerable part of the evening. We have suggested 9pm for previous floodlighting schemes where bats will be affected and, in the absence of any survey data from these periods, I think this would be more appropriate.

The survey report also mentions a mammal hole, likely to be a badger sett. Should lighting of the northern court be permitted, whether this sett is in use by badger should first be ascertained and if it is active, care must be taken to ensure that the excavations for the lighting and infrastructure do not damage or obstruct access to the sett or harm badger that might be present.

**Biodiversity and Greenspace Officer January 2017):** Have reviewed the supplementary bat activity survey report (Emec Ecology 25th October 2016) and are satisfied that appropriate survey methodology has been followed and when combined with the data from the summer a more thorough picture of how the tennis court sites are used by bat is possible.

The data indicate that the upper court (application 16/00604/PFUL3, Tennis Drive) is an important foraging resource for bats locally, more so than the lower court (16/00603/PFUL3, Tattershall Drive). Given how limited bat activity often is in such a city centre location, and how this part of The Park would be so significantly affected by floodlighting (even if the various impact minimisation measures suggested were implemented), do not think that lighting of the upper court would be at all appropriate and I would recommend that lighting of this court is not permitted for that reason and therefore object to application 16/00604/PFUL3.

The lower court appears from the survey data to be a less important resource for bats locally and therefore the lighting of this court may not be as detrimental to foraging and commuting bats. Do still think that floodlighting of this area generally would be inappropriate as it will significantly change the light profile of the area for bats and all wildlife, reducing a rare dark space for such an urban location. However, if minded to permit this development, think that 22:00 is too late for the lights to be turned off to prevent adversely affecting bats, as they will be utilising the area for foraging straight away after emerging from roosts nearby. Would therefore suggest that should you permit flood lighting of this lower court, an earlier cut off time is observed. Elsewhere in the city where lighting is designed to avoid impact to bats a cut off time of 21:00 has been conditioned. The other measures on pages 10-11 of the bat survey letter report should also be adhered to, reducing the impact of light spill onto non-target areas.

There is also an active badger sett in proximity to the upper court. Although this would not preclude development, only lighting the lower court and not the upper court would mean that the sett could be left undisturbed.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

BE12 - Development in Conservation Areas.

NE3 - Conservation of Species.

NE9 - Pollution.

R1 - The Open Space Network.

### **Aligned Core Strategy:**

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 13: Culture, Tourism and Sport

Policy 16: Green infrastructure, parks and open space

Policy 17: Biodiversity

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

### **Main Issues**

- (i) Principle of the development
- (ii) Design, appearance and impact on the character and appearance of the Conservation Area
- (iii) Impact upon neighbouring residents
- (iv) Ecological impact

### **(i) Principle of the development (Local Plan policy R1, ACS policies 13 and 16)**

- 7.1 Floodlights are a common requirement of many external sports facilities. They are typically required to maximise the use of such facilities, generally outside of working hours when there will be a greater demand, and in doing so are the type of ancillary development that is supported in general terms by both national and local planning policy, namely the NPPF (paras. 70,73,74,76, 77) and ACS policy 13. In this instance the tennis courts also fall within part of the Open Space Network (OSN) and, therefore, the proposal additionally requires assessment against policy R1 of the Local Plan. This is intended to protect the parks, open spaces and green links that form the OSN from inappropriate development, particularly where the development would result in the loss of the part of the OSN. Clearly that is not the intention here but rather the floodlights, which are in themselves a minor form of development in terms of their footprint, would be positioned on an existing 'hard/developed' sporting facility within the OSN, rather than impinging into a natural or landscaped 'green' space. The floodlights are therefore considered to be an appropriate form of development within the context of this existing sports ground, which in itself is appropriately found within the OSN, providing an open air facility for health and leisure that is a primary purpose of the OSN.

- 7.2 It is noted that the proposal is supported in principle by both the Park Estate and Nottingham Park Conservation Trust, with the latter acknowledging the importance of such facilities to securing the future of the tennis courts at the Park Bowl.
- 7.3 However, whilst the principle of the proposed development is accepted, its suitability in relation to other development plan policy needs to be carefully assessed.

**(ii) Design, appearance and impact on the character and appearance of the Conservation Area (Local Plan policy BE12, ACS policy 11)**

- 7.4 Given their height and luminance, floodlights can have a significant visual impact upon their surroundings. This is particularly so in more sensitive environments such as this, where the site is within a Conservation Area and the OSN. The type of floodlights selected has been chosen with this in mind, to mitigate their visual impact:
- they are proposed to be 8.3m in height, rather than the more typically found 10m+ high floodlights
  - they are to be retractable to a height of 2.6m when not in use
  - the columns and lamp housing are to be finished in a dark green colour
  - their use is to be limited until 9pm in the evening
- 7.5 Many representations have been received from local residents expressing objection to the proposed floodlights in terms of the visual impact of the columns and the lighting they will provide, both of which they feel are at odds with character and appearance of the conservation area, particularly given the unique ambient luminance levels found in the Park as a result of the gas-lit street lights.
- 7.6 Regarding the appearance of the columns, it is recognised that for floodlights these are relatively modest in size, and that they would be seen within the context of a large and well established sports ground comprising hard tennis courts, their enclosure, pavilion buildings etc. Although within a conservation area, the Park Bowl is defined by the character of the expansive array of tennis courts which are found there. These provide an open, sports ground character to the heart of the Park which in itself contributes positively to the conservation area and is an important part of its history. Given the nature of the Park Bowl, it is also the case that the tennis courts are generally at a lower ground level than their immediate surroundings which, along with the dark green colour finish, would further mitigate the visual impact of the floodlights. However, of particular significance is the fact that the columns are to be retractable and reduced to a height of 2.6m when not in use. Along with the other characteristics described above, it is considered that this would sufficiently mitigate their impact upon the character and appearance of the conservation area.
- 7.7 The lighting from the floodlights would also clearly have an impact upon their surroundings, particularly in the context of the low level luminance from the gas-lit street lights. The applicants have acknowledged this and consideration given to how this impact can be mitigated. The columns are proposed at a lower height than typically found and single rather than double lamps are proposed to reduce the effect of glare. Additionally, although originally seeking the operation of the floodlights until 10pm, in response to issues arising through the application process, they are now proposing a cut off time of 9pm. Whilst the lighting from the floodlights would clearly be greater than background luminance levels, again this is not felt to

be inappropriate within the context of the large expanse of tennis courts that define the character of the Park Bowl and, with considerate operating hours, would not unduly harm the character and appearance of the Park Conservation Area, of which the tennis courts are an integral part. With a cut-off point in the evenings of 9pm, the operating hours are felt to be considerate and would appropriately mitigate any impact that the lighting would have on the conservation area.

**(iii) Impact upon neighbouring residents (Local Plan policy NE9, ACS policy 10)**

- 7.8 The primary impacts arising from the proposed floodlights on neighbouring residents is twofold; firstly, the impact of the lighting from the floodlights and secondly and noise and disturbance arising from the extend use of the tennis courts that they would permit. The columns themselves are not of a height that would have a direct physical impact on neighbours given the separation distance between the two.
- 7.9 Regarding light impact, a luminance contour diagram has been submitted with the application to demonstrate the strength and spread of light from the floodlights. The distance between the proposed floodlights and the nearest properties is approx. 15-20m to those on Clare Valley to the south, approx. 25-30m to those on Clare Valley to the east and approx. 47m to those on Tattershall Drive to the west. As Mentioned above, the courts are approx. 2m and 4m below the road levels of Clare Valley and Tattershall Drive respectively. The floodlights would also be cowled and directed to focus light on the courts and to limit light spill beyond this. The contour diagram is showing luminance levels of between 1 and 5 Lux at the frontages of the adjacent properties; the Environmental Health and Safer Places team have raised no objection to the application in this regard.
- 7.10 They have also raised no objection to the potential for increased noise and disturbance. The floodlights would not in themselves increase the noise associated with people playing tennis or any ancillary noise and disturbance from the comings and goings of people to the courts, but rather would extend this outside of normal working hours, into the evenings. Again, this matter is judged within the context of the Park Bowl being a large and well established complex of tennis courts. Investment in such facilities is required to increase patronage of the tennis courts, to secure the future of the tennis clubs that use them and indeed the future of the Park Bowl as the tennis centre that it has been for in excess of 100 years. It is recognised that noise and disturbance during evening hours would be likely to have a greater impact on neighbouring residents, who are more likely to be present at that time. Background noise levels around the Pak Bowl would otherwise be low, although in this locality that would also be the case during the day. The existing degree of impact is also season dependent, with later evening activity already possible during spring and summer months. The application originally proposed a cut-off time for the floodlights at 10pm, but in response to neighbour (and ecological) concerns, the applicant has proposed a revised cut-off time of 9pm. This is welcomed and considered to meet the appropriate balance necessary in recognition of the long established used of the Park Bowl and the amenities of the neighbours who surround it.
- 7.11 It has been suggested in some representations of objection that the proposal would generate increased traffic and parking to the detriment of neighbouring residents and the area in general. The proposal would not in itself increase the number of people using the courts at any given time, but rather is seeking to increase the times that they are used. If the proposal is to generate increased vehicular

movements and parking it is not considered that this would be so significant as to justify a refusal of the application on this ground. There is generally capacity for on-street parking around the tennis courts and as elsewhere in the Park, which is a private estate that does not form part of the public highway, parking is a matter to which private management arrangements apply.

#### **(iv) Ecological impact (Local Plan policy NE3, ACS policy 17)**

7.12 The Park Bowl is an area of high bat activity within the context of this part of the City and the proposal is therefore particularly sensitive in this regard. The Council's Biodiversity and Greenspace Officer (BGO) has commented that the proposed lighting, which would hugely affect the currently dark profile of the area, has the potential to significantly affect local distribution and abundance of common pipistrelle in The Park, possibly central Nottingham. This is the primary reason for the length of time it has taken to consider this (and the accompanying application 16/00604/PFUL3); the application(s) as originally submitted did not include a bat survey but following a request for this work to be undertaken, surveys were conducted in June/July 2016 and then also in September 2016. The BGO's comments are set out in full above but their conclusions are essentially as follows:

- are satisfied with the surveys which have allowed a more thorough understanding of how the tennis court sites are used by bats
- lower court (subject of this application) appears from the survey data to be a less important resource for bats locally and therefore the lighting of this court may not be as detrimental to foraging and commuting bats
- still think that floodlighting of this area generally would be inappropriate as it will significantly change the light profile of the area for bats and all wildlife, reducing a rare dark space for such an urban location
- if minded to permit this development, think that 22:00 is too late for the lights to be turned off to prevent adversely affecting bats, as they will be utilising the area for foraging straight away after emerging from roosts nearby. Would therefore suggest that should you permit flood lighting of this lower court, an earlier cut off time is observed. Elsewhere in the city where lighting is designed to avoid impact to bats a cut off time of 21:00 has been conditioned. The other measures of the bat survey letter report should also be adhered to, reducing the impact of light spill onto non-target areas
- There is an active badger sett in proximity to the upper court. Although this would not preclude development, only lighting the lower court and not the upper court would mean that the sett could be left undisturbed

7.13 As mentioned above, this is clearly a sensitive issue and of high significance in weighing the material issues that are relevant to this application. As set out elsewhere in the report, the need for these facilities is recognised, providing a facility that would increase patronage of the tennis courts and help to secure their future. The importance of the tennis courts to the character, use and history of the Park, and Bowl in particular, is also acknowledged, along with their more general value as a sporting facility in terms of health and as community facility. It has also been concluded that the floodlights would be acceptable regarding their impact upon the conservation area and neighbouring residents, subject to a restriction on their hours of use. Whilst expressing a preference not to have the floodlights, the BGO does acknowledge that their presence on the lower court is less sensitive and that their impact can be mitigated with a cut-off time of 9pm.

7.14 On balance and having regard to all of these considerations, the proposal is recommended favourably with conditions securing a number of mitigation measures relating to their hours of use, the details of the lamps and their housing, and the columns being retracted when not in use.

## **8. SUSTAINABILITY / BIODIVERSITY**

The proposal's impact on the sustainability of this sporting facility and the ecology of the locality are discussed at length within the report.

## **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**

Leisure and Culture

## **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: 16/00603/PFUL3 - link to online case file:

[http://publicaccess.nottinghamcity.gov.uk/online-](http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O46G1FLYFFL00)

[applications/applicationDetails.do?activeTab=summary&keyVal=O46G1FLYFFL00](http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O46G1FLYFFL00)

2. 22 neighbour representations received April/May 2016

3. Petition received May 2016

4. Comments from Park Estate 18.4.16

5. Comments from Park Conservation Trust 28.4.16

6. Comments from Biodiversity and Greenspace Officer 28.7.16 and 10.1.17

7. Comments from Environmental Health and Safer Places 14.4.16

8. Comments from Notts Wildlife Trust 9.5.16

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)

**Contact Officer:**

Mr Rob Percival, Case Officer, Development Management.

Email: [rob.percival@nottinghamcity.gov.uk](mailto:rob.percival@nottinghamcity.gov.uk). Telephone: 0115 8764065



Scale 1:1250

PTC 1-1250 siteplan

1:1

comments



client: NLTA

Project Name Park Tennis Club  
Floodlighting  
Project No. ELH092  
Address Tattershall Drive  
The Park  
NG7 1BX

drawn by: A M Siebert  
checked by:  
date: 7/3/16  
scale:

site: Tattershall Drive, The Park

house type: floodlighting

drawing: 1:1250 siteplan

drawing number: ELH092 07.7 rev -



**My Ref:** 16/00603/PFUL3 (PP-04853940)  
**Your Ref:**  
**Contact:** Mr Rob Percival  
**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

Ecologic Homes  
FAO: Mr Michael Siebert  
Flat 3 6 South Road  
The Park  
Nottingham  
NG7 1EB

Date of decision:

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

Application No: 16/00603/PFUL3 (PP-04853940)  
Application by: Nottingham Lawn Tennis Association  
Location: Nottingham Lawn Tennis Club Corner Clare Valley, Tattershall Drive,  
Nottingham  
Proposal: 8no. 8m high floodlights.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. The floodlights shall not be installed until precise details of the lamps and their housing/cowls, for each floodlight, have been submitted to and approved in writing by the Local Planning Authority.

The floodlights shall be installed in accordance with the approved details.

*Reason: To protect the amenities of neighbouring residents and to ensure that the appearance of the development is satisfactory in accordance with Policy BE12 and NE9 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.*

**Pre-occupation conditions**

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



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**Not for issue**

Page 75

Continued...

There are no conditions in this section.

**Regulatory/ongoing conditions**

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

3. The floodlights shall not permit any illumination outside the hours of 9.00 am to 9.00 pm on any day.

*Reason: To protect the amenities of neighbouring residents and to ensure that the appearance of the development is satisfactory in accordance with Policy BE12 and NE9 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.*

4. The floodlights shall be retracted to the lowest height possible when not in use, excluding an allowance of 30 minutes beyond the time they are permitted to be in use.

*Reason: To protect the amenities of neighbouring residents and to ensure that the appearance of the development is satisfactory in accordance with Policy BE12 and NE9 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.*

**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 6 April 2016.

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

**Informatives**

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

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



## **RIGHTS OF APPEAL**

Application No: 16/00603/PFUL3 (PP-04853940)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

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.



# **DRAFT ONLY**

## **Not for issue**

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**WARDS AFFECTED:** Radford And Park

**Item No:**

**PLANNING COMMITTEE**  
**17<sup>th</sup> May 2017**

**REPORT OF CHIEF PLANNER**

**Nottinghamshire Lawn Tennis Association, Tennis Drive**

**1 SUMMARY**

Application No: 16/00604/PFUL3 for planning permission

Application by: Ecologic Homes on behalf of Nottingham Lawn Tennis Association

Proposal: 8no. 8m high floodlights.

The application is brought to Committee because it has generated significant public interest and objections, some of which are contrary to the officer recommendation

To meet the Council's Performance Targets this application should be determined by 1st June 2016

**2 RECOMMENDATIONS**

**REFUSE PLANNING PERMISSION**

Power to determine the final details of the reasons for refusal to be delegated to the Chief Planner.

**3 BACKGROUND**

The application relates to the tennis courts in the centre of the Park, in the area known as the Park Bowl. These are owned by the Nottingham Lawn Tennis Association (NLTA) and currently leased out to two tennis clubs, the Park Tennis Club and the Castle Tennis Club. There is also a tennis coaching centre operated by Activace. Towards the northern end of the Bowl is a wooded area known as the Paddocks. The Park Bowl is surrounded by housing and is located within the Park Conservation Area.

**4 DETAILS OF THE PROPOSAL**

4.1 The proposal is to erect 8 floodlights to the 3 artificial courts at the northern end of the Park Bowl. The floodlights are 8.3m tall and hold multiple single lamps rather than doubles, in order to reduce glare. The masts and lamp housing are to be aluminium and powder coated with a dark green finish. The originally requested cut off time for the lighting was 10pm.

4.2 This end of the Park Bowl is bordered by Tattershall Drive to the west and Tennis Drive to the east, both with residential properties opposite, by further tennis courts to the south and to the north by a wooded area known as the Paddock. The tennis courts sit at a lower level than the land to the north and west.

- 4.3 A similar proposal for floodlights on the courts at the southern end of the Park Bowl is also currently under consideration (16/00603/PFUL3). A report relating to this application is the preceding item on the agenda.

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

### **Adjoining occupiers consulted:**

- 5.1 54 properties were consulted on the application with addresses on Tattershall Drive and Tennis Drive. The proposal was also advertised by press and site notices with the expiry date for comments in May 2016.
- 5.2 In response, the following responses have been received:

35 letters of objection which raise the following issues:

- Vehemently oppose the floodlights
- Direct contrast to the gentle illumination from the gas lights and would increase light pollution
- Property would lose value and prestige
- Noise from the night time use of the courts, not only from the use of the courts but also from people talking and doors slamming. Would disrupt the sleep patterns of those who go to bed early. Amphitheatre of the Park makes noise incredibly apparent
- Courts can be used until 9pm during the summer months and not used sufficiently to warrant the use of the floodlights
- At 8m high the floodlights would be a substantial eyesore in what is a wide open space, visible all around the Bowl. In conflict with the Park's architectural importance, including numerous grade II listed buildings
- Parking already a constant nuisance on Tattershall Drive, which would be exacerbated. Problem of traffic and safety issues
- In conflict with the Park being recognised locally and nationally as an area of conservation; unique heritage and ambience. Would fail to preserve the character and appearance of the conservation area
- Extra car parking generated by the proposal would be harmful to the character of the Park roads and parking spaces
- There are other tennis clubs with floodlights that could be used, eg. the Tennis Centre on University Boulevard
- Cumulative impact with other proposed floodlights (16/00603) needs to be considered
- In conflict with heritage policies of the Aligned Core Strategy, saved Local Plan, emerging Local Plan Part 2 and Park Estate Conservation Area Policy Guidance
- Adverse impact on properties with elevated views over the Park
- Permanent fixed floodlights would be harmful when viewed from the south
- Should be retractable as being proposed on the southern courts
- Where floodlights have been erected on other tennis courts within or adjacent to conservation areas, these are adjacent to major roads with more intense street lighting
- If permitted a cut off time of 6-7pm would be more appropriate
- Would adversely affect wildlife in the Park
- No objection in principle but 10pm cut-off too late regarding the light and associated noise. Should be 8pm
- Cut-off time should be 9pm

- The floodlights will not be hidden by the surrounding trees during the late autumn and winter months
- Majority of people likely to benefit from this may not live in the Park and will therefore not be inconvenienced by the proposals

1 petition signed by 44 residents in Clare Valley, Tattershall Drive and Park Valley (corner properties only), Tennis Mews and Park Terrace. Relates to both this application and 16/00604/PFUL3. Committee site visit requested. Following comments raised:

- Proposals ecologically, environmentally, socially and economically dysfunctional for Park Estate generally and nearby residents in particular (mainly middle-aged or elderly)
- Floodlighting and noisy behaviour from tennis players constitutes community nuisance and annoyance
- Would create character of a night-time industrial worksite
- Intrusive and in conflict with the unique gas lighting
- Residents entitled to privacy and quiet after daylight hours
- Post daylight activities not in-keeping with the ethos of the Park Estate, which is also a conservation area
- Park Conservation Plan (2007) requires the character and appearance of the conservation area to be preserved
- Precedent with application for the same in 1996 which was withdrawn
- Need for floodlit tennis better served by the Nottingham Tennis Centre
- Floodlights would be intensely dominating, dazzling and an irritable eyesore in the midst of listed and historic buildings

The Park Estate raises the following issues:

- Object to the non-installation of retractable floodlights within the context of the conservation area
- The mature landscaping is not evergreen and during a large portion of the year the site is visible from the surrounding properties
- Recommend that the switch-off time be 10pm mid-March to mid-October, and 8.30pm outside of these dates

The Nottingham Park Conservation Trust recognises that one of the best ways to conserve the bowl area is to ensure that the existing site use continues and is successful. Therefore understand the desire of the applicant to find ways to increase the hours that the site can be used. However, raise the following issues:

- The Park Bowl open space makes a significant contribution to the character of the conservation area
- Recognise that the best way to conserve the Bowl is to ensure that the existing use continues and is successful. Understand the applicant's intentions in this regard
- The gas lighting in the Park, with low ambient light levels, contributes significantly to the character of the conservation area. Light pollution is therefore a very important matter
- Light 'bleed' should be minimised as far as possible (see comments regarding gas lights)
- Strongly favour the visual impact of the columns being minimised, to be achieved by being retractable (and lowered when not in use)

- Would favour a reasonable restriction on hours of use, to minimise light pollution and noise for adjacent residents
- Thank applicant for organising a public meeting and listening to the views expressed

**Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No comments to make.

**Notts Wildlife Trust (May 2016):** No ecological information has been submitted. Applications for floodlighting in green spaces close to woodlands would trigger the need for a bat survey. A bat survey is therefore required before the application is determined.

**Biodiversity and Greenspace Officer (July 2016):** Disappointed by level of survey activity undertaken, and when undertaken.

The data that has been collected has found that bat activity was high throughout both of the surveys and associated with both the northern and southern courts; even on the second transect survey which was following a wet day when abundance of insect prey was likely to be lower. No absolute numbers of bats recorded or specific durations of foraging bouts have been provided in the report, but it does state that bats were recorded constantly foraging and activity was 'high'. Although maybe not significant at a national level given the abundance and relatively low conservation status of common pipistrelle, given the data provided, in a local context it seems that this part of the Park with its open space, trees, grassland and currently very dark profile within an otherwise highly urban area is providing an important foraging resource for bats locally, including those that likely roost in the surrounding old buildings.

I therefore believe that the proposed lighting, which would hugely affect the currently dark profile of the area, has the potential to significantly affect local distribution and abundance of common pipistrelle in The Park, possibly central Nottingham. It is not quite clear from the report whether activity was overall greater on the northern section of the site and the tennis courts located there, or the southern section and those courts, seeming high throughout the survey area. In the absence of a comparison, I would generally expect the northern court to be of greater value in terms of foraging, given the abundance of trees and more natural grassland.

It may therefore be of lesser impacts to bats locally if only one of the courts was lit and the other remained a dark resource for wildlife, with the northern court remaining unlit. This would go some way to mitigating the negative effects of the lighting of the southern court, providing a dark refuge for wildlife and reducing the severity of the impact. Although, it would be helpful if this assertion was supported by some robust survey data.

The mitigation measures suggested by the ecologists are also necessary. The lighting should be as directional as possible, preventing spill onto non-target areas and retaining the dark profile of the area as much as possible. Turning off the lights when not in use would also be necessary. Although, I think that 10pm cut off point is rather late if trying to avoid or mitigate impacts to bats, as in spring and autumn this would still allow for lighting for a considerable part of the evening. We have suggested 9pm for previous floodlighting schemes where bats will be affected and,



in the absence of any survey data from these periods, I think this would be more appropriate.

The survey report also mentions a mammal hole, likely to be a badger sett. Should lighting of the northern court be permitted, whether this sett is in use by badger should first be ascertained and if it is active, care must be taken to ensure that the excavations for the lighting and infrastructure do not damage or obstruct access to the sett or harm badger that might be present.

**Biodiversity and Greenspace Officer January 2017):** Have reviewed the supplementary bat activity survey report (Emec Ecology 25th October 2016) and are satisfied that appropriate survey methodology has been followed and when combined with the data from the summer a more thorough picture of how the tennis court sites are used by bat is possible.

The data indicate that the upper court (application 16/00604/PFUL3, Tennis Drive) is an important foraging resource for bats locally, more so than the lower court (16/00603/PFUL3, Tattershall Drive). Given how limited bat activity often is in such a city centre location, and how this part of The Park would be so significantly affected by floodlighting (even if the various impact minimisation measures suggested were implemented), do not think that lighting of the upper court would be at all appropriate and I would recommend that lighting of this court is not permitted for that reason and therefore object to application 16/00604/PFUL3.

The lower court appears from the survey data to be a less important resource for bats locally and therefore the lighting of this court may not be as detrimental to foraging and commuting bats. Do still think that floodlighting of this area generally would be inappropriate as it will significantly change the light profile of the area for bats and all wildlife, reducing a rare dark space for such an urban location. However, if minded to permit this development, think that 22:00 is too late for the lights to be turned off to prevent adversely affecting bats, as they will be utilising the area for foraging straight away after emerging from roosts nearby. Would therefore suggest that should you permit flood lighting of this lower court, an earlier cut off time is observed. Elsewhere in the city where lighting is designed to avoid impact to bats a cut off time of 21:00 has been conditioned. The other measures on pages 10-11 of the bat survey letter report should also be adhered to, reducing the impact of light spill onto non-target areas.

There is also an active badger sett in proximity to the upper court. Although this would not preclude development, only lighting the lower court and not the upper court would mean that the sett could be left undisturbed.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

BE12 - Development in Conservation Areas.

NE3 - Conservation of Species.

NE9 - Pollution.

R1 - The Open Space Network.

## **Aligned Core Strategy:**

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 13: Culture, Tourism and Sport

Policy 16: Green infrastructure, parks and open space

Policy 17: Biodiversity

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

### **Main Issues**

- (i) Principle of the development
- (ii) Design, appearance and impact on the character and appearance of the Conservation Area
- (iii) Impact upon neighbouring residents
- (iv) Ecological impact

### **(i) Principle of the development (Local Plan policy R1, ACS policies 13 and 16)**

7.1 Floodlights are a common requirement of many external sports facilities. They are typically required to maximise the use of such facilities, generally outside of working hours when there will be a greater demand, and in doing so are the type of ancillary development that is supported in general terms by both national and local planning policy, namely the NPPF (paras. 70,73,74,76, 77) and ACS policy 13. In this instance the tennis courts also fall within part of the Open Space Network (OSN) and, therefore, the proposal additionally requires assessment against policy R1 of the Local Plan. This is intended to protect the parks, open spaces and green links that form the OSN from inappropriate development, particularly where the development would result in the loss of the part of the OSN. Clearly that is not the intention here but rather the floodlights, which are in themselves a minor form of development in terms of their footprint, would be positioned on an existing 'hard/developed' sporting facility within the OSN, rather than impinging into a natural or landscaped 'green' space. The floodlights are therefore considered to be an appropriate form of development within the context of this existing sports ground, which in itself is appropriately found within the OSN, providing an open air facility for health and leisure that is a primary purpose of the OSN.

7.2 It is noted that the proposal is supported in principle by the Nottingham Park Conservation Trust, who acknowledge the importance of such facilities to securing the future of the tennis courts at the Park Bowl.

7.3 However, whilst the principle of the proposed development is accepted, its suitability in relation to other development plan policy needs to be carefully assessed.

### **(ii) Design, appearance and impact on the character and appearance of the Conservation Area (Local Plan policy BE12, ACS policies 10 and 11)**

7.4 Given their height and luminance, floodlights can have a significant visual impact

upon their surroundings. This is particularly so in more sensitive environments such as this, where the site is within a Conservation Area and the OSN. The type of floodlights selected has been chosen with this in mind, to mitigate their visual impact:

- they are proposed to be 8.3m in height, rather than the more typically found 10m+ high floodlights
- the columns and lamp housing are to be finished in a dark green colour
- their use is to be limited until 9pm in the evening

- 7.5 Many representations have been received from local residents expressing objection to the proposed floodlights in terms of the visual impact of the columns and the lighting they will provide, both of which they feel are at odds with character and appearance of the conservation area, particularly given the unique ambient luminance levels found in the Park as a result of the gas-lit street lights.
- 7.6 Regarding the appearance of the columns, it is recognised that for floodlights these are relatively modest in size, and that they would be seen within the context of a large and well established sports ground comprising hard tennis courts, their enclosure, pavilion buildings etc. However, the northern end of the Park Bowl is also defined by the adjacent Paddock and surrounding trees which present a greener, more naturally landscaped context. These would provide some screening of the floodlights during the summer months and along with the colouring of the columns/cowling, would help to mitigate the views that would be available of them through the trees. However, this would not be the case during the winter months when the trees are not in leaf and when the floodlights are more likely to be in use.
- 7.7 Although within a conservation area, the Park Bowl is defined by the character of the expansive array of tennis courts which are found there. These provide an open, sports ground character to the heart of the Park which in itself contributes positively to the conservation area and is an important part of its history. Given the nature of the Park Bowl, it is also the case that the tennis courts are generally at a lower ground level than their immediate surroundings (in this instance to the north and west) which, along with the dark green colour finish and surrounding trees at its northern end as described above, would help to mitigate the visual impact of the floodlights. However, as permanent 8.3m high structures which would be provided with little screening during the winter months when they are most likely to be in use, and set against the more naturally landscaped context of the northern end of the Bowl, it is concluded that the columns would be harmful to the character and appearance of this part of conservation area.
- 7.8 The lighting from the floodlights would also clearly have an impact upon their surroundings, particularly in the context of the low level luminance from the gas-lit street lights. The applicants have acknowledged this and consideration given to how this impact can be mitigated. The columns are proposed at a lower height than typically found and single rather than double lamps are proposed to reduce the effect of glare. At this northern end of the Bowl some screening would also be provided by the surrounding trees although, as described above, not so during the winter months when the floodlights are more likely to be in use.
- 7.9 Although originally seeking the operation of the floodlights until 10pm, in response to issues arising through the application process, they are now proposing a cut off time of 9pm. Whilst the lighting from the floodlights would clearly be greater than background luminance levels, this in itself is not felt to be inappropriate within the

context of the large expanse of tennis courts that define the character of the Park Bowl. However, it is felt that it would be in conflict with the more naturally landscaped context at the northern end of the Bowl, even with the considerate operating hours, which would further reinforce the opinion that that they would be harmful to the character and appearance of this part of conservation area.

**(iii) Impact upon neighbouring residents (local Plan policy NE9, ACS policy 10)**

- 7.10 The primary impacts arising from the proposed floodlights on neighbouring residents is twofold; firstly, the impact of the lighting from the floodlights and secondly and noise and disturbance arising from the extend use of the tennis courts that they would permit. The columns themselves are not of a height that would have a direct physical impact on neighbours given the separation distance between the two.
- 7.11 Regarding light impact, a luminance contour diagram has been submitted with the application to demonstrate the strength and spread of light from the floodlights. The distance between the proposed floodlights and the nearest properties is approx. 60m to those on Tennis Drive to the north, approx. 23m to those on Tennis Drive to the east and approx. 25m to those on Tattershall Drive to the west. As Mentioned above, the courts are also approx. 3m and 8m below the road levels of Tattershall Drive and Tennis Drive (to the north) respectively. The floodlights would be cowled and directed to focus light on the courts and to limit light spill beyond, and at this northern end of the Bowl some screening would be provided by the sounding trees, although only when in leaf. The contour diagram is showing luminance levels of 1 Lux at the frontages of the adjacent properties; the Environmental Health and Safer Places team have raised no objection to the application in this regard.
- 7.12 They have also raised no objection to the potential for increased noise and disturbance. The floodlights would not in themselves increase the noise associated with people playing tennis or any ancillary noise and disturbance from the comings and goings of people to the courts, but rather would extend this outside of normal working hours, into the evenings. Again, this matter is judged within the context of the Park Bowl being a large and well established complex of tennis courts. Investment in such facilities is required to increase patronage of the tennis courts, to secure the future of the tennis clubs that use them and indeed the future of the Park Bowl as the tennis centre that it has been for in excess of 100 years. It is recognised that noise and disturbance during evening hours would be likely to have a greater impact on neighbouring residents, who are more likely to be present at that time. Background noise levels around the Park Bowl would otherwise be low, although in this locality that would also be the case during the day. The existing degree of impact is also season dependent, with later evening activity already possible during spring and summer months. The application originally proposed a cut-off time for the floodlights at 10pm, but in response to neighbour (and ecological) concerns, the applicant has proposed a revised cut-off time of 9pm. This is welcomed and considered to meet the appropriate balance necessary in recognition of the long established used of the Park Bowl and the amenities of the neighbours who surround it.
- 7.13 It has been suggested in some representations of objection that the proposal would generate increased traffic and parking to the detriment of neighbouring residents and the area in general. The proposal would not in itself increase the number of people using the courts at any given time, but rather is seeking to increase the times that they are used. If the proposal is to generate increased vehicular

movements and parking it is not considered that this would be so significant as to justify a refusal of the application on this ground. There is generally capacity for on-street parking around the tennis courts and as elsewhere in the Park, which is a private estate that does not form part of the public highway, parking is a matter to which private management arrangements apply.

#### **(iv) Ecological impact (Local Plan policy NE3, ACS policy 17)**

7.14 The Park Bowl is an area of high bat activity within the context of this part of the City and the proposal is therefore particularly sensitive in this regard. The Council's Biodiversity and Greenspace Officer (BGO) has commented that the proposed lighting, which would hugely affect the currently dark profile of the area, has the potential to significantly affect local distribution and abundance of common pipistrelle in The Park, possibly central Nottingham. This is the primary reason for the length of time it has taken to consider this (and the accompanying application 16/00603/PFUL3); the application(s) as originally submitted did not include a bat survey but following a request for this work to be undertaken, surveys were conducted in June/July 2016 and then also in September 2016. The BGO's comments are set out in full above but their conclusions are essentially as follows:

- are satisfied with the surveys which have allowed a more thorough understanding of how the tennis court sites are used by bats
- given how limited bat activity often is in such a city centre location, and how this part of The Park would be so significantly affected by floodlighting (even if the various impact minimisation measures suggested were implemented), do not think that lighting of the upper court would be at all appropriate and I would recommend that lighting of this court is not permitted for that reason. Therefore object to application 16/00604/PFUL3

7.15 As mentioned above, this is clearly a sensitive issue and of high significance in weighing the material issues that are relevant to this application. As set out elsewhere in the report, whilst the need for these facilities is recognised and some of their impacts can be appropriately mitigated, this is not felt to sufficiently outweigh the concerns relating to their adverse impact on bat activity. The proposal is therefore recommended for refusal on this basis.

### **8. SUSTAINABILITY / BIODIVERSITY**

The proposal's impact on the sustainability of this sporting facility and the ecology of the locality are discussed at length within the report.

### **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**

Leisure and Culture

**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: 16/00604/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O46G20LYFFM00>

2. 35 neighbour representations received April/May 2016

3. Petition received May 2016

4. Comments from Park Estate 18.4.16

5. Comments from Park Conservation Trust 28.4.16

6. Comments from Biodiversity and Greenspace Officer 28.7.16 and 10.1.17

7. Comments from Environmental Health and Safer Places 14.4.16

8. Comments from Notts Wildlife Trust 9.5.16

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

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

**Contact Officer:**

Mr Rob Percival, Case Officer, Development Management.

Email: [rob.percival@nottinghamcity.gov.uk](mailto:rob.percival@nottinghamcity.gov.uk). Telephone: 0115 8764065



comments



client: NLTA

Project Name Park Tennis Club Floodlighting

Project No. ELH092

Address Tattershall Drive The Park NG7 1BX

drawn by:	A M Siebert
checked by:	
date:	7/3/16
scale:	

site: Tattershall Drive, The Park

house type: floodlighting

drawing: 1:1250 siteplan

drawing number: ELH092 08.6 rev -

**My Ref:** 16/00604/PFUL3 (PP-04854627)  
**Your Ref:**  
**Contact:** Mr Daniel Windwood  
**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

Ecologic Homes  
FAO: Mr Michael Siebert  
Flat 3 6 South Road  
The Park  
Nottingham  
NG7 1EB

Date of decision:

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

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Application No: 16/00604/PFUL3 (PP-04854627)  
Application by: Nottingham Lawn Tennis Association  
Location: Nottinghamshire Lawn Tennis Association, Tennis Drive, Nottingham  
Proposal: 8no. 8m high floodlights.

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Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. By virtue of the appearance of the columns, their lamps and associated housing, and the illumination they would omit, the floodlights would have a harmful impact on their surroundings and the character and appearance of The Park Conservation Area, contrary to policy BE12 of the Nottingham Local Plan and policies 10 and 11 of the Aligned Core Strategy.
2. The illumination that the floodlights would omit would be harmful to the high level of bat activity in the locality, contrary to policy NE3 of the Local Plan and policy 17 of the Aligned Core Strategy.

**Notes**

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



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**Not for issue**

Page 88

- 1 -

Continued...



## **RIGHTS OF APPEAL**

Application No: 16/00604/PFUL3 (PP-04854627)

If the applicant is aggrieved by the decision of the City Council to refuse permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes).

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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# **DRAFT ONLY**

## **Not for issue**

Page 89

- 2 -

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**REPORT OF CHIEF PLANNER****8 Charnock Avenue****1 SUMMARY**

Application No: 17/00358/PFUL3 for planning permission

Application by: Mr Alexander Williams

Proposal: Dormer to side.

The application is brought to Committee due to representations by a Ward Councillor that are contrary to the officer recommendation

To meet the Council's Performance Targets this application should have been determined by 11 April 2017.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

**3 BACKGROUND**

The property is a terraced two storey dwelling located within a Primarily Residential Area. The property has three bedrooms and is within the Middleton Boulevard Conservation Area. The dwelling has a two storey property attached to the western side and a bungalow attached to the eastern side.

**4 DETAILS OF THE PROPOSAL**

Planning permission is sought for the erection of a dormer to the side and a porch to the front. The dormer would facilitate the stairway into the roof space, which is proposed to be used as a bedroom. The number of bedrooms in the property remains the same; although one is being created in the roof space, this is at the expense of the stair to this room removing an existing small bedroom. It is noted that the porch can be built under Permitted Development.

**5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS****Adjoining occupiers consulted:**

4 addresses were consulted on 21.02.2017 (6,10,19,24 Charnock Avenue).

Representations have been received objecting to the proposal from six neighbouring residents. The following issues have been raised:

- The loft conversion would affect the neighbouring residents by way of noise disturbance
- The dormer would create an uneven appearance and look out of place in the conservation area and disturb the skyline
- The dormer would be overbearing and would not be in-keeping with the form and street pattern of the Conservation Area and would not reflect the distinctive character of the dwelling
- The dormer would result in a loss of privacy given its location directly above the neighbouring property
- The dormer would create a terracing effect between properties where there is currently open space
- The dormer would create overshadowing to a roof light on the neighbouring property
- Concern that the dwelling is going to become a HMO
- The dormer would impact on outlook from a neighbouring resident's office
- Concern over the structural works and how they would impact on the attached bungalow
- Dormer window extensions to the side of a property within a Conservation Area are very rarely given permission on detached dwellings let alone terraced properties such as this. Furthermore it would appear that there are no other side dormer windows on any similar properties within this Conservation Area
- The majority of dormer window extensions within the vicinity are located at the rear of properties which makes them less visible and the impact from the street is limited. The dormer will appear prominent from both the front and rear of the property and in relation to the original dwelling. It will no doubt spoil the appearance of the house and disrupt the natural pattern of properties along this row that make up the street scene
- The proposed dormer window will not align or be in proportion with the existing windows of the main house
- The roof scape of a residential street in this conservation area is very important. The roofs unify the various property styles and such works will materially change the proportions of the application dwelling, the architectural detail and the roof lines including the natural spaces between the properties.

One comment has been received in support of the proposal from the owner of the two storey attached property, and another raising questions rather than expressing opinion.

A Ward Councillor has objected to the proposal for the following reasons:

- Being in the conservation area, permission should not be granted for a dormer window on the side of the property. Regardless of whether it is a house or a bungalow, it still affects the roof line.
- The dormer could set a precedent for other dormers to be applied for.
- The side facing window would replace an existing window, but if the dormer goes ahead it must have obscure glass.
- Concern regarding the possible desire to change the use of the dwelling to C4 in the future.

**Conservation Officer:** The proposed dormer is modest in scale and appropriate in design. The scheme preserves the special character of the surrounding Conservation Area. The application would therefore comply with policy BE12 of the Nottingham Local Plan and section 12 of the NPPF.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Section 12 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 131 of the NPPF advises that, in determining planning applications, local planning authorities should take account of:

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

### **Aligned Core Strategy**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

### **Nottingham Local Plan**

BE12 - Development in Conservation Areas.

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

### **Main Issues**

- (i) Principle of the development
- (ii) Impact upon residential amenity
- (iii) Design, appearance and impact on the character and appearance of the Conservation Area

### **Issue (i) Principle of the development**

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

dwelling is within Use Class C3 (family dwelling). It has specified in the supporting statement that there is no intention to change the use of the property to a C4 dwelling, for which further planning permission would be required. The owner is to occupy the dwelling himself, and to rent out one room. The proposal is therefore to be considered on the basis of the dwelling being within Use Class C3, and it is noted that the number of bedrooms would not increase as a result of the proposal.

#### **Issue (ii) Impact upon residential amenity (Policy 10 of the ACS)**

- 7.2 Having regard to the design, scale, location and outlook from the proposed extension, and the relationship with the site boundaries, it is considered that the proposal would have an acceptable impact on the neighbouring properties in terms of privacy, daylight, sunlight and outlook. A condition is recommended to secure fixed, obscure glazing to the dormer window in order to protect the privacy of the neighbouring residents. Concern has been expressed about the dormer overshadowing the roof light of the neighbouring property. Given the size and location of the dormer, it is not considered that it would result in a significant loss of light to this window. It is noted that there is no right to a view over someone else's property, and given the location and size of the proposed dormer, it would not significantly impact on the outlook from neighbouring properties over the road or to the side. The proposal therefore complies with Policy 10 of the Aligned Core Strategy.

#### **Issue (iii) Design and Impact on the Conservation Area (Policies 10 and 11 of the ACS and Policy BE12 of the Local Plan)**

- 7.3 The proposed dormer is considered to be of an appropriate scale and design. Comments have been received from neighbouring residents and the Ward Councillor objecting to the introduction of a dormer in this location due to the visual impact on the character of the Conservations Area and the roof scape. The Conservation Officer has no objection to the proposal and considers the design to be of appropriate and modest design. The dormer sits well within the side roof slope and would not appear prominently within the Conservation Area which along this street is defined by a number of different property types, both single and two storey. Given the size and location of the dormer, it would not result in a terracing effect to the neighbouring property. A condition is recommended to secure the use of matching materials. The proposal therefore complies with Policies 10 and 11 of the Aligned Core Strategy and Policy BE12 of the Local Plan.

#### **Other Matters**

- 7.4 Any structural impact on neighbouring resident's property as a result of the construction of the dormer would be a civil matter and is not a material planning consideration. Building Regulations would also be required. Any noise created during the construction works could not be controlled through planning legislation but would be subject to statutory noise nuisance legislation, enforced by the Councils Environmental Health and Safer Places team.

#### **8. SUSTAINABILITY / BIODIVERSITY (Policy 1 of the ACS)**

Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1.

**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**

Planning and Housing

**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: 17/00358/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

2. One objection by Ward Councillor.

3. 6 neighbour representations received Feb-April 2017

4. 1 comment in support received 20.4.17

5. Two survey responses with no comment/objection received 28.3.17.

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

Nottingham Local Plan

Aligned Core Strategies (2014)

National Planning Policy Framework (2012)

**Contact Officer:**

Kathryn White, Case Officer, Development Management.

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

# NOMAD printed map




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0 0.015 0.03 km



## Key

 City Boundary

## Description

No description provided



**My Ref:** 17/00358/PFUL3

**Your Ref:**

**Contact:** Ms Kathryn White

**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

Mr Alastair Birnis  
37 Bentley Avenue  
Bakersfield  
Nottingham  
NG3 7AX

Date of decision:

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

Application No: 17/00358/PFUL3  
Application by: Mr Alexander Williams  
Location: 8 Charnock Avenue, Nottingham, NG8 1AE  
Proposal: Dormer to side.

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)

There are no conditions in this section.

**Regulatory/ongoing conditions**

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



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**Not for issue**

Page 97

Continued...

2. Unless the Local Planning Authority has otherwise agreed in writing to the use of alternative materials, the cheeks and roof of the extension hereby permitted shall be finished in tiles of a colour, size, texture and pattern/bond to match those used in the roof of the existing building.

*Reason To ensure that the appearance of the development will be satisfactory in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.*

3. The dormer window shall be non other than obscure glazed and fixed shut below a height of 1.7m.

*Reason To ensure that the privacy of neighbouring residents is maintained in accordance with Policy 10 of the Aligned Core Strategy.*

**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 14 February 2017.

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

**Informatives**

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

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



## **RIGHTS OF APPEAL**

Application No: 17/00358/PFUL3

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes).

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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# **DRAFT ONLY**

## **Not for issue**

Page 99

- 3 -

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