



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 16 January 2019

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: Zena West **Direct Dial:** 0115 8764305

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES** 3 - 10
To agree the minutes of the meeting held on 19 December 2018.
- 4 PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER**
 - a Site Of Multi Storey Car Park Sovereign House And Factories, Queens Bridge Road** To Follow
 - b Factory Between 42 To 98 Morley Avenue** 11 - 30
 - c Land North East Of Victor House, Crocus Street** 31 - 56

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 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. 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 December 2018 from 2.02 pm - 4.39 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Brian Parbutt (Vice Chair)
Councillor Leslie Ayoola
Councillor Cheryl Barnard
Councillor Graham Chapman (Minutes 52-57)
Councillor Josh Cook
Councillor Sally Longford
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Cate Woodward
Councillor Steve Young
Councillor Roger Steel (Substitute for Councillor Andrew Rule)

Absent

Councillor Azad Choudhry
Councillor Gul Nawaz Khan
Councillor Andrew Rule, Substituted by
Councillor Roger Steel

Colleagues, partners and others in attendance:

James Ashton - Transport Strategy Manager
Nancy Barnard - Governance Manager
Jo Bates - Planning Officer
Richard Bines - Solicitor
Rob Percival - Area Planning Manager
Paul Seddon - Director of Planning and Regeneration
Nigel Turpin - Planning Services

52 CHANGE IN COMMITTEE MEMBERSHIP

RESOLVED to note that Councillor Linda Woodings had stood down from the Planning Committee.

53 APOLOGIES FOR ABSENCE

Councillor Andrew Rule – Work Commitments (Councillor Roger Steele attending as substitute)

54 DECLARATIONS OF INTEREST

None

55 MINUTES

The minutes of the meeting held on 21 November 2018 were approved as a correct record and signed by the chair.

56 **LAND BETWEEN CLIFTON WOOD AND CLIFTON PHASE 4
DEVELOPMENT YEW TREE LANE**

Councillor Corall Jenkins, Ward Councillor for Clifton South Ward, spoke for five minutes to request deferral of the decision on the application until the Local Plan Inspector's review of the site was available, likely to be early in 2019. She stated that she was representing the views of those residents who had submitted objections to the outline planning permission, including the importance of the site in terms of conservation and its proximity to listed buildings. Councillor Corall Jenkins then took no further part in the meeting while the Committee discussed and voted on the item.

Rob Percival, Area Planning Manager, then introduced application 18/00056/POUT by Planning and Design Group (UK) Ltd on behalf of Nottingham City Council and Nottingham Trent University for outline planning permission for residential development with all matter reserved except access. The application was brought to Planning Committee as it is a major application which departs from some policies in the Development Plan, where there are important land use considerations and significant public interest.

Rob Percival presented the application to the Committee highlighting the following points:

- a) the site sits in the west of Clifton in the Barton Green area, adjacent to the Clifton Village conservation area. Access to the site would be through Hawksley Gardens with emergency access only through Finchley Close;
- b) a Traffic Assessment has been carried out in relation to access to the site which considers the impact on existing roads and the junction with the A453 at Crusader Island to be acceptable;
- c) in relation to the reserved matters, an indicative masterplan had been submitted which showed some retentions including; the bridleway to the east of the site, a green buffer along the western edge of the site with Clifton Woods and a row of trees across the site providing a wildlife corridor;
- d) regarding concerns about the impact on the Clifton Village Conservation Area and Clifton Hall and Church, the site sits alongside the conservation area, not within it, and a Heritage Impact Assessment classified the impact as less than substantial with due regard having been given to the relevant legislation;
- e) the inclusion of the site in a new Local Plan is currently under consideration by Planning Inspectors whose report is expected in the New Year. However, the site is identified for housing in the current Local Plan, is a longstanding allocated site and has been since 1997;
- f) Overall, it is proposed that the development of the site would cause less than substantial harm and would bring benefit to the area in terms of delivering new housing.

Following questions and comment from the Committee the following additional information was provided:

- (g) Richard Bines, Solicitor, provided advice to the Committee on their obligations in relation to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 advising that there is a general overarching statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance, with respect to any building or land *in a* conservation area, in exercise of planning functions. As the land in question was not in a Conservation Area, the Committee did not have to have regard to this duty in consideration of the application;
- (h) in relation to section 66 (1) of the Act, Richard Bines advised that the duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses applied to the application as the Committee was considering whether to grant planning permission for development which affects listed buildings or their settings. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II. However, whilst there is therefore a strong presumption against the grant of planning permission, the duty does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring;
- (i) Paul Seddon, Director of Planning and Regeneration, outlined the process for agreeing the new Local Plan which has several more stages to go through of which the Inspector's report is one. The new Local Plan will not be ready for adoption for at least six to seven months. The current live application must be dealt with in a timely way and has been assessed against the current, live Local Plan;
- (j) reserved matters, including the scale of the development and the size of the 'buffer' will be brought back to the Committee for approval as part of detailed planning consent;
- (k) alternative access routes to the site have been considered. Access to the south would be through undeveloped land and would impact on the green belt and create long isolated access roads. Access to the north through Barton Green would create problems with new junctions onto the dualled, A453;
- (l) James Ashton, Transport Strategy Manager advised that the Transport Assessment submitted with the application had found Hawksley Gardens to be wide enough to cope with the anticipated increase in traffic. The redesign of the A453 had taken into account the amount of traffic generated by sites in the Local Plan. Highways England which manages the A453 was consulted on the application and did not object.

RESOLVED to:

(1) grant planning permission subject to:

- i) no adverse comments being received by 7 January 2019 which both, arise from the publicity of the Planning Application as a departure from the Development Plan and consist of issues other than those already addressed by the report;**
- ii) the prior completion of a Section 106 planning obligation to be secured in accordance with paragraph 7.76 of the report and to include:**

- a. a requirement to provide 20% affordable housing on site should any subsequent reserved matters submission comprise of 25 dwellings or more;
 - b. the provision of an approved scheme in respect of on-site amenity land and the Sustainable Urban Drainage System;
 - c. on-going management and maintenance arrangements for any on-site amenity land and the Sustainable Urban Drainage System;
 - d. a financial contribution towards the enhancement of public open space offsite;
 - e. a financial contribution towards the expansion and/or enhancement of education facilities in the area;
 - f. a financial contribution of £25,000 towards the enhancement and improvement of existing footpaths in the adjacent Clifton Woods;
 - g. provisions for the long term maintenance arrangements for the emergency access;
- iii) conditions substantially in the form of the indicative conditions listed in the draft decision notice at the end of the report;
- (2) delegate authority to the Director of Planning and Regeneration to determine the final details of both the conditions and the section 106;
- (3) note that the Committee is 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;
- (4) note that Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations in accordance with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

Councillors Roger Steel and Malcolm Wood asked for their votes against the above resolution to be recorded.

57 GROVE HOTEL 273 CASTLE BOULEVARD

Councillor David Trimble, Ward Councillor for Dunkirk and Lenton Ward spoke for five minutes in opposition to the application stating the following. While he recognised that 55,000 students needed to be housed in Nottingham many of the streets in his ward were already highly populated with student properties. This brings problems such as antisocial behaviour, particularly at the weekends. By increasing the amount of student accommodation this application, if approved, would breach the Council's Building Balanced Communities policy. He accepted the need to bring the building back into use and its use as a pub but not the intensity of the development or the proximity to neighbouring properties.

He expressed concern about the lack of parking which was likely to exacerbate existing parking problems in the ward. Councillor Trimble then took no further part in the meeting while the Committee discussed and voted on the item.

Rob Percival, Area Planning Manager, then introduced application 18/01082/PFUL3 by Leonard Design Architects on behalf of Mr Sam Burt for planning permission for refurbishment and external alterations to the existing public house on the ground floor, change of use of the upper 2 floors to 2 student cluster apartments, conversion of the existing loft space to 6 student studios and erection of a 3 storey extension to the rear of the property consisting of 19 student studios (in total 38 student beds). The application was brought to the Committee because it relates to a major development on a prominent site, where there are important land use considerations. Ward Councillors had also objected to the proposal.

Rob Percival presented the application to the committee highlighting the following points:

- (a) the application concerns the long vacant Grove Hotel which stands on the corner of Abbey Street and Grove Road. Terraced properties sit to the southwest of the property on Grove Road. The application has the prime entrance point on the busier Abbey Street, includes a bike store and has an access point for waste storage and the pub's cellar on Grove Road. The upper floor would have a central access core with accommodation surrounding;
- (b) the redevelopment will smarten up the existing building. The new build extension sits to the less pleasant rear of the existing building and has been designed in response to its surroundings. It steps down from the existing building and effort has been made to safeguard the privacy of adjoining properties;
- (c) the density of the student accommodation in the area has been addressed within the report. The application is in accordance with the Building Balanced Communities policy as there is not a rigid prohibition of any student accommodation being approved. While many student HMO (Houses in Multiple Occupation) applications are refused, applications can be approved in appropriate areas, such as this location on a main road, where the environment is less conducive to family housing.

Following questions and comments from the Committee, the following additional information was provided:

- (a) no parking provision had been included in the application for either residents or for drop off/ pick up and therefore a condition was recommended with regard to drop off and pick up arrangements. It was intended that drop offs and deliveries would take place on Grove Road. The adjacent streets were generally subject to Residents' Parking Schemes;
- (d) the design of the extension has significant regard to the privacy of the adjoining property with the windows angled away in order to avoid overlooking.

Councillors expressed the following concerns in relation to the application:

- (e) the intensity of the development, particularly the impact intensive student accommodation would have on an already popular area for student residences and

concern that the development was not in accordance with the Building Balanced Communities policy;

- (f) the lack of parking or room for pick ups and drop offs at the start and end of term, deliveries and taxis in the application and the impact this would have on parking and traffic on the surrounding streets;
- (g) the design of the extension, including the scale and the impact on the adjoining property.

RESOLVED to refuse planning permission for the following reasons:

- (1) the proposal would exacerbate the concentration of students in an area of overconcentration which is in conflict with Building Balanced Communities policy;**
- (2) concern regarding the design of the extension, in particular the scale, the intensity, and the impact on adjacent property;**
- (3) concern that there is no parking for the dropping off and picking up of residents, taxis, deliveries, and servicing and the impact this will have on parking and traffic in the area.**

58 COLWICK HALL RACECOURSE ROAD

Councillor Malcolm Wood declared an in this item as a director of Nottingham Racecourse Company Limited which owns land in close proximity to the site, and he took no part on the discussion or voting on the item.

Rob Percival, Area Planning Manager, introduced application 18/01224/PFUL3 by GVA Grimley on behalf of Colwick Hall Hotel for planning permission for the erection of a function suite containing WCs, stores, kitchen and bar with landscaping and associated works. The application was brought to the Committee because it is a major development on a prominent site where there are important design and heritage considerations.

Rob Percival presented the application to the Committee and highlighted the following points:

- (a) Colwick Hall sits near to the racecourse on Racecourse Road in Colwick. The site of the application has been occupied for many years by a temporary marquee which is integral to the functioning of the Hall as a business. Temporary Planning permission was granted for the marquee in 2005 and renewed in 2007 before being refused in 2009. An enforcement notice remains in place for the removal of the marquee. The marquee now overlaps the Grade II* listed building and has several outbuildings attached.
- (b) The capacity of the new function suite is the same as the current marquee at up to 500 but the line of the building has been brought back to be in line with the stable buildings, much reducing the impact on the setting. The elevations have been kept low to keep it subordinate to the Hall. The design is contemporary but the glazing and brickwork seeks to achieve an orangery or walled garden aesthetic, in keeping with the Hall.

- (c) The design has been amended to include a terrace in order to retain a walnut tree and replacement planting will mitigate the loss of other trees on the site. The scheme has also been pulled forward to enable the retention of trees.

Following questions and comments from the Committee, the following additional information was provided:

- (d) The footprint of the new building is the minimum required to replace the existing marquee and outbuildings and much consideration has been given to minimising the loss of vegetation. The woodland being lost is of modest value in ecological terms and the loss will be mitigated at a rate of at least two for one in the Country Park as part of the conditions. The loss of woodland needs to be balanced against the heritage impact of the current marquee on the Grade II* listed Hall.
- (e) The level of noise caused by events will be reduced in a permanent building compared with that in the marquee.

RESOLVED to:

- (1) grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**
- (2) delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions.**

This page is intentionally left blank

WARDS AFFECTED: Mapperley

Item No:

PLANNING COMMITTEE
16th January 2019

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Factory Between 42 To 98 , Morley Avenue

1 SUMMARY

Application No: 18/01789/PFUL3 for planning permission

Application by: Letts Wheeler Architects on behalf of Nottingham Community Housing Association

Proposal: Development of 24 family houses and 7 supported housing flats with associated staff office/overnight accommodation.

The application is brought to Committee because policy compliant S106 contributions may not be achieved 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 23rd November 2018 but an extension of time has been agreed until 15 February 2019.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

a) The prior completion of an agreement under section 106 of the Town and Country Planning Act 1990 to potentially include:-

- (i) a financial contribution towards off-site public open space and/or
- (ii) a financial contribution towards education provision

in the event that an independent report of the District Valuer shows that the development is sufficiently viable to support such contribution(s)

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

2.2 Power to determine the content and requirements of any section 106 Agreement be delegated to the Director of Planning and Regeneration and subject to him being satisfied that the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 are met

2.3 The power to determine the final details of the conditions be delegated to the Director of Planning and Regeneration

3 BACKGROUND

3.1 The application relates to a former factory site located on the southeast side of Morley Road. The previous industrial uses ceased in 2010 and all buildings on the

site were subsequently demolished. Occupying an elevated position in relation to the application site, Woodborough Road runs along its south east boundary. A steep, tree covered bank separates the relatively flat site below from the road above. There are residential properties to the east and west and to the north on the opposite side of Morley Avenue.

- 3.2 The west site boundary is enclosed by a 1.8m high brick wall and the steep bank to the southeast boundary also has a brick wall of approximately 2m in height, running along the top. There are a number of timber fences enclosing the rear boundaries of properties on Morley Avenue, along the eastern boundary of the site. A temporary security fence has been erected along the Morley Avenue (north) boundary of the site. There are a number of mature trees planted along the boundaries of the site.
- 3.3 Outline Planning Permission was granted for residential development on the site with an undefined number of dwellings and all matters reserved, in November 2017 (Planning application reference 15/01604/POUT). Outline planning permission was granted subject to the prior completion of a s106 Agreement which (together with employment and training obligations offered by the applicant) secured the payment of commuted sums for Open Space and Education to be calculated by reference to a policy compliant formula (given that the application was in outline). Whilst the permission granted under reference 15/01604/POUT is still extant, there have as yet been no subsequent application for Reserved Matters and the trigger for the payment of the s106 obligations has not been met.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for residential development on the site comprising 24 family houses and 7 supported flats with associated staff accommodation. The houses would be a mix of terraced and semi-detached properties with two and three bedrooms. The supported accommodation would provide one-bedroom flats with on-site supervision and accommodation for staff.
- 4.2 The site would be accessed off Morley Avenue and would have a main access road with a shared surface cul-de-sac at the south eastern end of the site. Five dwellings would face north west, onto Morley Avenue whilst the remainder of the dwellings would face onto the internal road within the development. The supported accommodation block would be positioned at the north eastern extent of the site. The existing steep wooded bank along the south eastern edge of the site would be retained.
- 4.3 The layout has been amended to reduce the expanse of road surface and the roof of the supported accommodation block has been amended to reduce its overall height and prominence. All dwellings would benefit from in-curtilage parking for one car.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

40 and 42, 73-89 (odds), 98-104 (evens) Morley Avenue
23-27 (odds) and 24-26 (evens) Bladon Close
1-7 Byford Close
473, 475A, 475B and 499-503 Woodborough Road

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

12 written representations have been received from 9 addresses, making the following comments:

- The development is too intensive in an area where there are existing parking and access issues
- Existing parking problems cause congestion and obstructions and have resulted in damage to parked vehicles. The proposed development would result in additional demand for parking on Morley Avenue
- The development will remove existing parking provision on Morley Avenue
- The proposal to provide one parking space per dwelling is inadequate
- Will the existing street trees on Morley Avenue be retained?
- The construction will result in noise, disturbance and dust for residents on Morley Avenue, how will this be alleviated?
- Will residents be notified once construction times have been agreed?
- Where will construction traffic park?
- The plans ignore all concerns raised in relation to the previous scheme on this site
- The proposals are very different to those in the first scheme with a higher number of dwellings
- A further site on Woodborough Road is applying for residential development which will cause additional congestion on Morley Avenue
- The previous application proposed privately owned housing, but the current proposal proposes Social housing provided by a Housing Association.
- Will the Council provide parking within the development for existing residents of Morley Avenue?
- The development will impact upon the light and privacy of properties on Morley Avenue
- The terraced properties are not in keeping with the surrounding development
- The flat building would appear obtrusive
- Where will children play? On site open space should be provided for family homes particularly with current concerns about children's health and need for exercise.

Additional consultation letters sent to:

Environmental Health: No objections. Conditions relating to contaminated land remediation and Electric Vehicle Charging points are recommended.

Highways: Concerns were raised about the initial road layout. This has subsequently been revised and final highway comments are awaited. Conditions requiring a Construction Traffic Management Plan, Travel Plan and details of hard surfacing were recommended. The applicant has provided these ahead of determination and these are considered broadly acceptable. Subject to some minor amendments, the submitted details are satisfactory and the conditions no longer need to be imposed. Final comments are awaited.

Biodiversity Officer: The Submitted Ecological Survey is satisfactory. Ecological enhancements including bird and bat boxes and hedgehog friendly fencing are required. A strategy for dealing with Japanese Knotweed is also required by condition. Details of the landscaping scheme are to be reviewed and the

conclusions will be reported by way of an update to committee.

Drainage: A Sustainable Drainage strategy is required. A condition to this effect is recommended.

Others:

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018)

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible and paragraph 11 indicates that development proposals that accord with an up-to date development plan should be approved without delay. A number of sections of the NPPF are relevant to this application.
- 6.2 **Delivery of a sufficient supply of homes** - Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Paragraph 62 indicates that when the need for affordable housing is identified it should normally be expected to be met on-site.
- 6.3 **Promoting healthy and safe communities** - Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles. Paragraph 94 stresses the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Paragraph 98 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 6.4 **Making effective use of land** - Paragraphs 117-123 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.5 **Achieving well- designed places** - Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of

amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.6 **Conserving and enhancing the natural environment** - Paragraphs 170-183 states (amongst other things) that planning decisions should protect and enhance sites of biodiversity.

Nottingham Local Plan (November 2005):

NE3 - Conservation of Species.

NE5 - Trees.

NE10 - Water Quality and Flood Protection.

ST1 - Sustainable Communities.

T3 - Car, Cycle and Servicing Parking.

R2 - Open Space in New Development.

Aligned Core Strategy (ACS) (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of residential development
- (ii) Design and impact on the streetscene
- (iii) Impact on residential amenity
- (iv) Highways and Parking
- (v) Impact on Trees
- (vi) Planning Obligations

Issue (i) Principle of Residential Development on the site (Policies ST1 and H1 of the Local Plan and Policy 8 of the Aligned Core Strategies)

- 7.1 Policy ST1 aims to secure the creation and maintenance of balanced communities, including a balanced mix of housing size, type, and affordability. The policy supports the use of previously developed land and buildings and development at an appropriate density to help support local services and to ensure the efficient use of land.

- 7.2 Policy 8 of the Aligned Core Strategy emphasises the need to develop sustainable communities and, in Nottingham's case, places further emphasis on the provision of innovative family housing on the fringes of the city centre and a broader mix of housing elsewhere. Policy 8 also recognises that the appropriate housing mix will be informed by a number of factors including local housing strategies, demographics, need and demand, site specifics and accessibility.
- 7.3 The application site is located within a Primarily Residential Area as defined by the Local Plan. Although the previous use of the site was industrial, all buildings have been demolished and the surrounding area is very much residential in character. The site is therefore considered to be appropriate for residential development. The extant outline planning permission for residential development on the site is also a material consideration which should be afforded weight providing a precedent/fall-back position for residential development on this site.
- 7.4 The current proposal would deliver quality housing of an appropriate size and design for occupation by families, offering a mix of two and three bedroom properties with private rear gardens. The supported units meet a need that has been identified for such accommodation within the city, and the number of units is considered to be appropriate and balanced within the overall scheme mix. The development would benefit from good public transport links to the city centre being located close to a primary bus route along Woodborough Road. It is therefore considered that the proposed development would comply with policies ST1 and H1 of the Nottingham Local Plan and Policy 8 of the Aligned Core Strategies.

Issue (ii) Design and Impact on the Streetscene (Policies 8 and 10 of the Aligned Core Strategies)

- 7.5 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. The commentary accompanying Policy 10 of the Aligned Core Strategy states that all new development should aspire to the highest standards of design, make a positive contribution to the public realm and create an attractive, safe, inclusive and healthy environment and the Policy itself sets the criteria that applications are to be measured against.
- 7.6 The proposed development has been the subject of pre-application discussions and has been amended a number of times to address initial concerns relating to the design and layout of the proposed scheme. The proposed development, as amended, provides a legible layout with an appropriate number of dwellings and the density and grain is in keeping with that of the surrounding area, which typically displays semi-detached and terraced dwellings. The proposed dwellings are of a good size providing a mix of two and three bedroom, affordable properties suitable for family occupation as well as 7 units of supported accommodation, for which a need has been identified.
- 7.7 Changes to the layout have improved the strength of the street frontages, reducing the dominance of the highway and ensuring that where dwellings are positioned on corners, they address both street frontages. Boundary walls and railings have been introduced on the Morley Avenue frontage.

- 7.8 The roof of the block providing the supported housing has been amended to include a flat area, which has reduced its overall height making it more in keeping with the scale of the surrounding houses. The use of tiled cladding to the upper elevations would add sufficient interest to the building.
- 7.9 In-curtilage parking for one vehicle would be provided for each of the houses and the flats would also each benefit from one allocated parking space. There is also provision for some on street parking for visitors. Front gardens would be landscaped with pergola features to the front entrances of properties within the development. A landscaping scheme has been submitted for consideration. The proposed palette of materials comprises a brown brick blend and tiled roofs. A condition requesting samples of all external materials is recommended.
- 7.10 Bin storage has been incorporated within rear gardens for all properties. In view of the above, it is considered that the proposed development complies with policies 8 and 10 of the Aligned Core Strategies.

Issue (iii) Impact on Residential Amenity (Policy 10 of the Aligned Core Strategies)

- 7.11 Through pre-application discussions, the proposed development has been amended to increase separation distances between the proposed dwellings and the existing dwellings that back onto the site on Morley Avenue. The flat block would stand at a distance of approximately 21m from the rear elevations of these properties, which is considered satisfactory. The roof of this building has also been amended to replace a large pitched roof with an area of flat roof, which would reduce any overbearing impact upon the rear gardens of the properties on Morley Avenue. As amended, the relationship between the proposed development and the properties beyond the site is considered acceptable.
- 7.12 The site is convenient for both Coppice Park and Woodthorpe Park, and it is considered that these are capable of meeting the needs of the occupiers of the scheme compensating for there being no formal on site open space provision.
- 7.13 The development would provide adequate sized houses, with sufficient outlook and access to natural light, and with private rear gardens. The proposal is therefore considered to provide a satisfactory quality living environment for future occupiers. The proposed development would therefore comply with Policy 10 of the Aligned Core Strategies.

Issue (iv) Highways and Parking (Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.14 A number of concerns have been raised by local residents about the impact that the proposed development would have upon congestion and on-street parking on Morley Avenue. Local Residents cite existing problems of over-subscribed demand for parking on Morley Avenue and suggest that the proposed development would reduce the amount of parking space available and increase the demand.
- 7.15 There is no allocated on street parking for existing residents on Morley Avenue and whilst the private land to the frontage of the application site appears to have been used for parking, this is not with the permission of the land owner and could be stopped at any time. The Highway Authority has been consulted and it raises no objection to the proposed development on these grounds.

- 7.16 The proposed development provides one off-street parking space for each of the proposed dwellings and supported flats, and provides some capacity for visitor parking on street within the development site. The parking provision is considered to be sufficient and in line with the levels that the Council would usually expect to be provided for a residential scheme of this size. It is not anticipated that the proposed development would result in any significant increase in demand for on-street parking on Morley Avenue. It is therefore considered that the proposed development would comply with Policy 10 of the Aligned Core Strategies and Policy T3 of the Local Plan.

Issue (v) Trees (Policy NE5 of the Local Plan)

- 7.17 The application is accompanied by a Tree Survey and Arboricultural report, which identifies trees for removal and retention and sets out measures for tree protection during the development. Although a small number of trees within the development site are to be removed, these are considered to be of low amenity value and are proposed to be replaced with new trees within the development site.
- 7.18 Two recently planted street trees to the front of the site are to be removed to allow vehicular access into the site. A condition to secure their replacement in suitable alternative locations is recommended.
- 7.19 Provided that the development is carried out in accordance with the recommendations contained within the tree report and subject to the recommended conditions, it is considered that the development would comply with Policy NE5 of the Local Plan.

Issue (vi) Planning Obligations (Policy 19 of the Aligned Core Strategies and Policy R2 of the Local Plan)

- 7.20 For this development the policy compliant planning obligations that would be required based on the application would be:
- An off-site financial contribution of £27,247.74 towards public open space.
 - A Financial contribution of £71,387.00 towards education provision.
- 7.21 The public open space contribution would be used towards facility improvements at Coppice Park and Woodthorpe Park which are in the vicinity of the site. The Education team have advised that Catchment Secondary Schools within the area would be able to accommodate any additional capacity generated by the proposed development but the pressure for Primary School places is likely to exceed current capacity. As such, education contributions are only sought towards the provision of Primary School Places and if secured, would be used towards Walter Halls Primary School.
- 7.22 The applicants have however, submitted a viability appraisal indicating 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 submitted for review to the District Valuer and negotiations regarding this matter are ongoing. For this reason, it is suggested that the power to determine the contents and requirements of any necessary agreement(s) be delegated to the Director of Planning and Regeneration subject to

him being satisfied that the relevant requirements of the Community Infrastructure Levy Regulations will be met.

Other Matters

- 7.23 Concerns relating to disruption during construction have also been raised. This cannot be directly controlled through Planning Conditions, however, a construction Traffic Management Plan has been submitted with the application. This has been reviewed by the Highway Authority and subject to some minor additional recommendations, will be acceptable. Noise and air pollution arising from construction work are not material planning considerations but in appropriate circumstances can be controlled by other legislation enforced by colleagues in Environmental Health.
- 7.24 One resident has queried whether parking will be allocated for existing residents of Morley Avenue, within the proposed development. There will be no allocated parking, other than in curtilage parking, within the development.
- 7.25 Comments have also been made about the differences between the extant outline permission and the current application. Although the outline permission is extant, the current application has been submitted by a different applicant. Other than the site area, the two applications are not related and there is nothing to prevent there being more than one planning permission for a site.
- 7.26 Concern has also been raised about the lack of open space provision within the site. The Councils approach for a development of this size would be to seek contributions towards the enhancement of existing facilities within the area through s106 obligations. As set out above, this is currently under negotiation, pending an independent viability appraisal of the scheme, by the District Valuer. It should be noted that there are existing Open Space facilities within the vicinity of the application site, namely Woodthorpe Park and Coppice Park.

8. SUSTAINABILITY / BIODIVERSITY (Policy NE3 of the Local Plan)

- 8.1 An ecological appraisal has been submitted and reviewed by the Biodiversity Officer. The appraisal makes recommendations for series of ecological enhancements and for the installation of bat and bird boxes. Conditions to ensure that these measures are implemented are recommended. Conditions requiring the use of 'Hedgehog friendly' fencing within rear gardens and a strategy for the management of Japanese Knotweed on the site, and for the management of the tree-covered bank along the south eastern edge of the site, are also recommended. With these conditions, the proposed development complies with policy NE3 of the Local Plan.
- 8.2 A condition requiring the submission of Sustainable Drainage Strategy to reduce surface water run-off, is recommended. A condition requiring the submission of details of Electric Vehicle Charging Points is also recommended. Subject to these conditions, the development would comply with Policy 1 of the Aligned Core Strategies and Policy NE10 of the Local Plan.

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: requirement to provide a high quality and sustainable residential development.

Safer Nottingham: designing a development that that contributes to safer and more attractive neighbourhoods.

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: 18/01789/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PDYBD3LYHLL00>

2. Highways comments 24.10.18

3. Environmental Health Officer comments 25.9.18

4. Drainage comments 5.9.18

5. Biodiversity Officer comments 10.12.18

6. Local Resident comments 3.9.18

7. Local Resident comments 4.9.18

8. Local Resident comments 4.9.18

9. Local Resident comments 4.9.18

10. Local Resident comments 5.9.18

11. Local Resident comments 9.9.18

12. Local Resident comments 12.9.18

13. Local Resident comments 12.9.18

14. Local Resident comments 13.9.18

15. Local Resident comments 13.9.18

16. Local Resident comments 17.9.18

17. Local Resident comments 20.9.18

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

Email: zoe.kyle@nottinghamcity.gov.uk Telephone: 0115 8764059.

NOMAD printed map



© Crown copyright and database right 2019. Ordnance Survey Licence number 100019317. NOMAD print generated by a NOMAD user on 08/01/2019.
THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk (ext. 64341) for high quality maps.
Copyright Nottingham City Council



Key
 City Boundary

Description
No description provided

My Ref: 18/01789/PFUL3 (PP-07137694)

Your Ref:

Contact: Mrs Zoe Kyle

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

Letts Wheeler Architects
FAO Mr Andrew Wheeler
Studio 10 Ayr Street Workshops
Ayr Street
Nottingham
NG7 4FX

Date of decision:

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

Application No: 18/01789/PFUL3 (PP-07137694)
Application by: Nottingham Community Housing Association
Location: Factory Between 42 To 98 , Morley Avenue, Nottingham
Proposal: Development of 24no. family houses and 7no. supported housing flats with associated staff office/overnight accommodation.

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. <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>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
2. The development shall not be commenced until details of all the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority. <i>Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.</i>



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Continued...

3. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, 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: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy NE9 of the Nottingham Local Plan.

4. Prior to the commencement of development, an ecological enhancement strategy, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a lighting scheme, a management plan for the retained woodland, a management scheme for the disposal of Japanese Knotweed on site, and details of bat boxes (at least 3) and bird boxes (at least 3) including a plan of the type and location of boxes. The ecological enhancement strategy shall be carried out in accordance with the approved details.

Reason: To ensure that the ecological interest of the site is safeguarded and enhanced to accord with Policy 17 of the Aligned Core Strategy.

5. Prior to the commencement of development, details of hedgehog friendly timber fencing to be installed along the side boundaries of private rear gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To improve habitats for hedgehogs in accordance with policy NE3 of the Nottingham Local Plan.

6. Prior to the commencement of development a scheme to show the disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme should include SUDS techniques and surface water run-off from the development should be attenuated to the greenfield run-off rate (5 litres per second per hectare), or as close to this value as possible.

Reason: In the interests of sustainable development and to reduce surface water run-off in accordance with Policy of the Aligned Core Strategy and Policy NE10 of the Local Plan.

7. The development shall not be commenced until proposals for enclosing the site and individual plots therein have been submitted to and approved in writing by the Local Planning Authority.

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

8. The development shall not be commenced until proposals for electric vehicle charging points across the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategy.

9. Notwithstanding the submitted details, the development hereby permitted shall not be begun until the following have been submitted to and agreed in writing by the local planning authority:

a) Details of arrangements for the felling of the trees shown as 'Existing saplings to be removed/replaced' on the approved landscaping plan;

b) Proposals for the planting of a replacement tree for each tree felled, including details of species, size, location and tree pit; and

c) Details of arrangements for the initial protection, management and (if necessary as a result of loss or damage) replacement of the replacement trees.

Unless otherwise agreed in writing by the local planning authority, the development shall not be occupied until the replacement trees for any tree lost have been planted.

Reason: To ensure that the trees to be removed are replaced with trees of sufficient quality in accordance with Policy NE5 the Local Plan.

Pre-occupation conditions

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

10. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
 - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy NE9 of the Nottingham Local Plan.

11. Individual dwellings shall not be occupied until the following matters relating to that plot have been provided in accordance with the approved details:

- i) the plot has been enclosed
- ii) parking
- iii) drainage
- iv) bin storage
- v) electric vehicle charging point

Reason: To ensure a high quality, 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)

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
- Drawing reference PLOTS 1-5 PLANS AND ELEVATIONS dated 24 August 2018
 - Drawing reference 12-16 PLANS AND ELEVATIONS dated 24 August 2018
 - Drawing reference PLOTS 17-24 PLANS AND ELEVATIONS dated 24 August 2018
 - Drawing reference AMENDED PLOTS 25-32 PLANS AND ELEVATIONS revision c dated 9 November 2018
 - Drawing reference PLOTS 6-11 PLANS AND ELEVATIONS dated 24 August 2018
 - Drawing reference AMENDED SITE SECTIONS 1-3 revision A dated 9 November 2018
 - Drawing reference AMENDED PROPOSED SITE SECTIONS 4-6 revision A dated 9 November 2018
 - Drawing reference AMENDED PROPOSED SITE LOCATION PLAN revision E dated 9 November 2018
 - Drawing reference AMENDED PROPOSED STREETSCENE revision A dated 9 November 2018
 - Drawing reference AMENDED PROPOSED STREETSCENE 2 revision A dated 9 November 2018
 - Drawing reference AMENDED LANDSCAPE PLAN revision B dated 9 November 2018
 - Drawing reference amended proposed roof plan revision b dated 9 November 2018
 - Drawing reference detailed material elevation dated 9 November 2018
 - Ecology Report reference Morley0618_PEA revision June 18 dated 24 August 2018

Reason: To determine the scope of this permission.

Informatives

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

2. 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, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

'Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

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

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure.

Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by

appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

3. A key theme of the National Planning Policy Framework (2018) 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.

4. i: 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.

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

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

iv: The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

v: The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

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

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: 18/01789/PFUL3 (PP-07137694)

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.

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.

This page is intentionally left blank

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
16th January 2019

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Land North East Of Victor House, Crocus Street

1 SUMMARY

Application No: 18/00131/PFUL3 for planning permission

Application by: Stephenson Studio on behalf of Sheriff Way Nottingham Ltd

Proposal: Mixed residential development of student accommodation (420 beds) and apartments (149 units), and associated works.

The application is brought to Committee because it relates to a major development with important land use, design and regeneration considerations, and where the planning obligations are proposed to be waived for viability reasons

To meet the Council's Performance Targets this application should be determined by 14th February 2019. .

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to

(a) prior completion of a Section 106 Planning Obligation to secure:

(i) a student management plan, to include restrictions on car use

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

2.2 Power to determine the final details of the planning obligation and conditions to be delegated to the Director of Planning and Regeneration.

2.3 That Committee 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.

2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations in accordance with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

3.1 The site, located to the south of the City Centre, is currently vacant and bounded to the north by Crocus Street, to the east by Arkwright Street, to the south by

Meadows Way and to the west Sheriffs Way/Waterway Street West. There was a warehouse on the western side of the site known as Victor House which was demolished to facilitate the tram line that now passes along Meadows Way. The site itself is relatively flat, though the surrounding land does rise up to the north east towards Nottingham Train Station. The existing buildings to the northwest of the site comprise 19th Century Karlsruhe House, Castle Rock Brewery Buildings, The Vat and Fiddle Public House and the Queens Hotel, though immediately to the north, on the opposite side of Crocus Street, is a metal clad warehouse building. Just beyond all of these is a cleared site of 1.14 Ha which is the subject of a current application (18/02277/POUT) for 62,022 sqm of grade A office accommodation. To the south of the site, along Meadows Way, is the NET tram line and beyond this the 2/3 storey houses of the Meadows. To the south east of the site is a residential scheme currently under construction, the nearest element of which is a 4 storey apartment block on the opposite side of Meadows Way.

- 3.2 The site is located within the Southside Regeneration Zone and the fringes of the site lie within Flood Zone 2, at medium risk of flooding. To the north east of the site is the Station Street Conservation Area, its boundary taking in the Queens Hotel. The Station, beyond this, is a Grade II * listed building.

4 DETAILS OF THE PROPOSAL

- 4.1 This mixed residential scheme has been altered during the application process, initially proposing 420 student beds and 177 Private Rental Sector (PRS) apartments but, following negotiations around scale and mass, the scheme has been amended to provide 420 student beds and 149 apartments. The apartments will comprise 59 x 2 bed units, 75 x 1 bed units and 15 x studios.
- 4.2 Two buildings are proposed that would wrap around the edge of the site, providing an active frontage to all four sides. The student element of the scheme is proposed on the western side of the site and the PRS apartment element to the east. A pedestrian route is proposed between the two buildings; to the north (off Crocus Street) this gap would provide pedestrian and vehicular access and to the south (off Meadows Way), it would provide just pedestrian access. This route runs through the centre of a landscaped courtyard at the heart of the site, that would be accessible by the general public. This area of open space for the residents also provides a degree of separation between the residential and student elements of the scheme. The scheme includes a main entrance and concierge area for the student element which fronts onto the corner of Meadows Way and Sheriffs Way. A commercial unit is proposed to the ground floor of the apartment element which fronts onto Arkwright Street.
- 4.3 6 disabled car parking spaces are to be provided to the courtyard, where provision for cycle and bin storage has also been made. Secure cycle parking is to be provided for the student accommodation at a ratio of 1 space per 4 student rooms, giving a total of 105 spaces. 1 cycle space is also to be provided per residential unit, therefore a total of 149 spaces. For both the student accommodation and PRS apartments the cycle provision is contained within secure, integrated cycle stores within the respective buildings.
- 4.4 Provision has been made for 13x1100 litre refuse bins for the apartments, giving a weekly capacity of 14,300 litres, and 12x1100 litre bins for the student accommodation, giving a weekly capacity of 13,200 litres. Both are to be provided

within designated bin storage areas within the respective buildings, accessible from Crocus Street.

- 4.5 The student and apartment buildings vary in scale from ground plus 3 storeys to ground plus seven storeys. Immediately opposite the existing dwellings that back onto Meadows Way, both buildings will be ground plus 3 storeys. As the buildings move around the south east and south west corners of the site they increase in height to ground plus 5 storeys. This scale continues along the Arkwright Street frontage and as the PRS apartment building moves around to front onto Crocus Street. The student building remains ground plus 5 storeys until it starts to front onto Sheriffs Way, at which point the height increases to ground plus 7 storeys. The student building remains at ground plus 7 storeys along the length of its Crocus Street frontage.
- 4.6 The mass of the scheme is broken down through the variation in building heights, with setbacks and the use of deep reveals around windows and doors. The apartment scheme incorporates a townhouse aesthetic to the Meadows Way frontage and both the student and apartment buildings employ curves at the corners of the site. A mansard roof to the upper floor of Meadows Way has also been incorporated to further assist in reducing the scale of the development in relation to the existing residential properties to the south (i.e. those that back onto Meadows Way).
- 4.7 The scheme is proposed to be built largely of brick, with some small elements of cladding.
- 4.8 The applicants have agreed to work in partnership with the Council to provide local employment and training opportunities during both construction and once the building is operational.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

72 neighbouring residential properties have been notified of the proposed developed. As the proposal is a major development it has also be publicised through site and press notice. No representations have been received as a result of this publicity.

The developer has also liaised with the Ward councillors and community representatives for Meadows, which included a Community Meeting in September this year and a visit to the Meadows by the developers, guided by the community representatives, following this.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection to the scheme subject to conditions to secure the provision of a Remediation Strategy, an Environmental Noise Assessment for plant, a Sound Insulation Scheme, a Mechanical Ventilation Scheme, a Scheme for Odour reduction (associated with any kitchen facilities) and a restriction on the hours of operation and servicing for the non-domestic unit. These matters can be secured through conditions.

Highways: No objections, though concerns have been raised by the NET team in regards to the impact of the development during construction and its operation on the tram line. The developer has been liaising with the NET team regarding this. Highways have also indicated that a detailed street lighting scheme is required to address the impact of the proposal on the existing street lighting. They also advise that a detailed scheme of the amendments required for the existing road traffic signage is needed, which should include details of proposed locations of the affected signage, to ensure that sufficient space is available for the signs to be repositioned in appropriate locations. These matters can be secured through condition.

Environment Agency: No objection subject to provision of a remediation strategy in order to ensure that the development will have no adverse impact on the underlying principle aquifer. The site falls in Flood Zone 2 and therefore flood risk standing advice can be applied which requires the Lead Local Flood Authority (NCC) to be consulted (see below).

Drainage Team: A Flood Risk Assessment has been submitted which has been reviewed by the Drainage Team as Lead Local Flood Authority. They have requested infiltration tests to understand if a soakaway in this development is possible, or justify why it may not be viable.

Additionally, whilst the FRA makes reference to the use of green roofs, raingardens, swales and permeable paving, these would need to be fully incorporated into a drainage plan which would allow assessment of how surface water is to be managed on site. The information required would include:

- A drainage plan showing the layout of the proposed drainage
- Proposed adoption plans for any SuDS features
- A maintenance plan for the lifetime of the development
- Relevant surface water calculations from licenced software

This information could be secured by condition.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018)

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.
- 6.2 Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraph 124 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development. Paragraph 127 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further

that developments should function well and add to the quality of the area over the lifetime of the development.

- 6.4 Paragraph 155 advises that inappropriate development in areas at risk of flooding should be avoided, but where it is necessary it should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.5 Paragraphs 184 to 202 of the NPPF set out the approach regarding assessing the impact on heritage assets like conservation areas and listed buildings.
- 6.6 Annex 1 states that the policies in the NPPF are material planning considerations which should be taken into account in dealing with planning applications. For the purpose of decision-taking, the policies in the Local Plan are to be afforded weight in accordance with their consistency with the NPPF.

Nottingham Local Plan (November 2005):

Policy MU3 – Southside Regeneration Zone Mixed Use Sites
Policy ST1 – Sustainable Communities
Policy H2 – Density
Policy H5 – Affordable Housing
Policy H6 – Student Housing
Policy BE8 – City Skyline and Tall Buildings
Policy BE10 – Development within the curtilage or affecting the setting of a Listed Building
Policy BE12 – Development in Conservation Areas.
Policy R2 – Open Space in New Development
Policy NE9 – Pollution
Policy NE10 – Water Quality and Flood Protection
Policy NE12 – Derelict and Contaminated Land

Aligned Core Strategy (September 2014):

Policy A - Presumption in Favour of Sustainable Development
Policy 1 - Climate Change
Policy 5 - Nottingham City Centre
Policy 7 – Regeneration
Policy 8 – Housing Size, Mix and Choice
Policy 10 – Design and Enhancing Local Identity
Policy 11 – The Historic Environment
Policy 19 – Developer Contributions

Supplementary Planning Policy Documents:

Southside Regeneration Supplementary Planning Guidance 2003

Building Balanced Communities SPD (BBC SPD)

Nottingham City Centre Urban Design Guide (May 2009)

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

residential area. Though the design guide does recognise that there may be opportunities for taller buildings outside of the Station Conservation Area and along the Meadows Gateway.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Design Considerations
- (iii) Residential Amenity
- (iv) Highways Considerations
- (v) Planning Obligations
- (vi) Other Matters

i) Principle of the development within the Southside Regeneration Zone (Policies A, 5, 7 and 8 of the Aligned Core Strategy; Policies ST1, MU3, H2 and H6 of the Local Plan; the Southside Regeneration Supplementary Planning Guidance 2003; and the Building Balanced Communities SPD (BBC SPD))

- 7.1 The application site falls within the Southside Regeneration Zone (SRZ) and occupies a prominent site on approaches into the City Centre. The policies relevant to the SRZ seek to encourage comprehensive, mixed use, sustainable developments that promote the Southside as a major location for inward investment, and to ensure that new developments are integrated in a comprehensive way to maximise employment and regeneration benefits. Policy 7 of the ACS Identifies the SRZ as a mixed-use business district with a predominance of offices supported by residential development, new hotels and complimentary retail and leisure activity.
- 7.2 The application site is located on the southern fringe of the City Centre which in general terms is an appropriate location for residential development. It is also an appropriate location for purpose built and managed student accommodation, in accordance with the BBC SPD and Local Plan Policy H6. The latest Nottingham Authority Monitoring Report (March 2017) recognises that there is still a need for purpose built accommodation and the demand for student accommodation remains high. It is considered that the provision of further good quality purpose-built accommodation would attract students that would otherwise occupy houses of multiple occupation outside of the City Centre. The location of the site is distant from the main areas of high student concentration (largely) to the west, rather being situated in a mixed-use commercial environment at the periphery of the City Centre. However it is within walking distance of Nottingham Train Station and the associated tram stop making the various university campuses highly accessible. It is also set away from the nearest residential area, the Meadows, by the Meadows Way and the tramline.
- 7.3 Both the proposed student accommodation and C3 residential dwellings are of an appropriate size internally. The student accommodation is to be provided in clusters with communal kitchen/living areas. Although the proposal would not provide traditional family accommodation encouraged by policy ST1 of the Local Plan and policy 8 of the Aligned Core Strategy, the type of accommodation proposed would be attractive to post graduates and young professionals, which is also required to maintain and create sustainable communities. They are also types of accommodation more suited to this regeneration zone which is seeking to maximise

higher density development closer to the City Centre and around station/tram interchange as the City's primary public transport hub, also being close to the proposed Broadmarsh Bus Station and multiple on-street bus routes.

- 7.4 It is concluded that the principle of the development for student accommodation and PRS apartments is acceptable and the proposal accords with the Policies A, 5, 7 and 8 of the Aligned Core Strategy, Policies ST1, MU3.7, H2 and H6 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Building Balanced Communities SPD.

ii) The scale, layout and design of the proposed development (Policies 10 and 11 of the Aligned Core Strategy, Policies BE8, BE10 and BE12 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Nottingham City Centre Urban Design Guide)

- 7.5 The Nottingham City Centre Urban Design Guide has identified the application site as falling within a 'Zone of Reinvention' where it is expected that a new urban form would emerge, through the introduction of high quality gateway buildings, whilst respecting the wider historic context, and in particular views to the southern edge of the City from the Meadows area.
- 7.6 The development has been the subject of significant design amendment in terms of its scale, massing and architectural treatment with great weight being given to its relationship and impact upon the Meadows residential area. This has taken place at the pre-application stage and during the life of the application, the most recent change being the removal of the 6th and 7th floors along the Crocus Street element of the apartment block, and alterations to the window sizes and positions along Meadows Way and Sheriffs Way.
- 7.7 The massing of the proposed buildings has been arranged to protect distant views of the City Centre from the south, which have also been checked using the City Council's 3D City Model.
- 7.8 The approach taken to scale seeks to address the transition between a higher scale appropriate to the City Centre and in the Regeneration Zone around the station, and the lower domestic scale of the Meadows. This is particularly key on this site as which is the closest within the Regeneration Zone to the Meadows. At this point Meadows Way, which incorporates the tramline, is a relatively wide street so the proposal for largely 4 storeys (with a smaller 5 storey element where the street widens further) opposite the existing housing on Meadows Way is felt to be an appropriate scale. The scheme then rises to 6 storeys around the corners and onto Arkwright Street and the eastern end of Crocus Street, and then steps up again to 7 and 8 storeys adjacent to the Sheriffs Way. These frontages are less sensitive in terms of scale and are where, in this Zone of Reinvention, the prevailing scale of future development will be higher. Furthermore, Waterway Street West and Sheriffs Way form part of inner ring road where larger scale development is commensurate with the character and width of this road. Indeed the site marks the end of vistas along Sheriffs Way from the north and Waterway Street from the west.
- 7.9 The site lies to the right hand side of a key view of the Station building along Queens Walk. Given the position of the proposed development to the side of this view and its distance from the Station, it has been concluded that the development will not adversely impact on the setting of the Station building. As a result it will not

conflict with policy BE10 of the Local Plan, Policy 11 of the Aligned Core Strategy or the NPPF.

- 7.10 With regards to the Station Street Conservation Area, the site lies 100m downhill from its boundary. As indicated above, the site is within a Zone of Reinvention where the proposed development would assist in the repair of a townscape that has a negative impact on the character and appearance of the Conservation Area. The proposal would help to create an urban grain that enhances the character and appearance of the Station Street Conservation Area, whilst also respecting key views towards it. The proposal therefore complies with policy BE12 of the Local Plan, policy 11 of the Aligned Core Strategy and the NPPF.
- 7.11 The scheme respects the existing road network yet also breaks the development into two blocks with a central pedestrian route, aligned with a pedestrian route into the Meadows to the south and offering an alternative route to the north via Crocus Street. As mentioned previously, this is to be an open route for general public use that would pass through the central landscaped courtyard.
- 7.12 The perimeter block approach offers active frontages to all four surrounding roads; this is reinforced by the ground floor apartments having direct 'front door' access from the street, the primary access to the student accommodation being located at the western end of the scheme adjacent to the widest element of public realm, and by the inclusion of a retail unit to the Arkwright Street frontage.
- 7.13 The proposed buildings have a strong and unique contemporary aesthetic that was well received by the Design Review Panel and Meadows community representatives. It balances the simplicity of a single brick palette with detail provided through the fenestration pattern, the use of strong curved corners and the mansard roof feature to both Meadows Way and Arkwright Street. The landscaped courtyard was also a welcomed addition that would help to create a sense of place and offer greater connection to the Meadows community.
- 7.14 The applicant has discussed waste storage with the Council and the agreed requirements have been accommodated internally within the building, in locations that are easily accessible. The buildings also provide safe and secure provision for cycle parking, conveniently located for both students and the occupants of the apartments.
- 7.15 In conclusion, it has been established that the scale and massing is appropriate in this location having regard to the key views of the southern part of the City Centre. It is also considered that the design would deliver a high quality development that would enhance the existing townscape in compliance with Policy 10 of the Aligned Core Strategy, Policy BE8 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Nottingham City Centre Urban Design Guide.

iii) Impact on amenity of surrounding residents (Policy 10 of the Aligned Core Strategy, Policies H2, H6, NE9, NE10 and NE12 of the Local Plan, and the Building Balanced Communities SPD)

- 7.16 The development is separated from the Meadows residential area by the wide Meadows Way, which also incorporates the tramline. The nearest properties are set approximately 25m to 30m from the southern boundary of the site. As a result of these distances, the height of the development along this southern edge of the site

and the fact that it would sit to the north of the adjacent dwellings to the south, it is felt that the development would have an acceptable impact on the residential amenity of nearest residents.

- 7.17 The development has been designed to ensure that the proposed student and residential units will not cause any internal amenity issues for future residents. Noise and disturbance issues from the NET tramline and the proximity to Meadows Way and Sheriffs Way can be addressed through an appropriate noise assessment, ventilation and sound insulation, which can be secured through condition.
- 7.18 A student management plan would be secured by planning obligation and as part of this there would be a requirement for on site management and a contact point for local residents should any issues arise regarding noise, anti-social behaviour or property up keep.
- 7.19 Environmental Health have raised no objection to the scheme subject to conditions to secure the provision of a Remediation Strategy for ground contamination, an Environmental Noise Assessment for plant, a Sound Insulation Scheme to protect future residents, a Mechanical Ventilation Scheme, a Scheme for Odour Reduction (associated with any kitchen facilities) and a restriction on the hours of operation and servicing for the non-domestic unit. These measures can be secured through the recommended conditions as outlined in the draft decision notice.
- 7.20 To ensure that the commercial use fronting onto Arkwright Street does not cause any residential amenity issues it is recommended that this be restricted to A1, A2 and B1 use only, or for any other use that would be used solely by the residents of the development and would be ancillary to the residential use of the development.
- 7.21 The proposal therefore accords with Policy 10 of the Aligned Core Strategy, Policies H2, H6, NE9 NE10 and NE12 of the Local Plan and the Building Balanced Communities SPD.

(iv) Highways considerations (Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.22 Only provision for disabled parking has been made within the scheme, but this is felt to be acceptable given this central and highly sustainable location. A planning obligation is required to prevent occupants of the student accommodation from keeping vehicles within the City, which will ensure that there is no adverse impact on surrounding streets. The planning obligation would also secure details with regard to drop off and pick up arrangements to ensure that the occupation of the student accommodation in particular does not pose a risk to highway safety and the amenities of neighbouring residents. The area served by the vehicular access off Crocus St provides sufficient space for drop off/pick up arrangements to be made, for both the student accommodation and PRS apartments.
- 7.23 The design and access statement submitted with the application at section 5 details that refuse collections and servicing associated with both the student and private rental element of the scheme will take place from the central courtyard area with access being taken off Crocus Street. A condition would be necessary to ensure that this is the case. Servicing for the commercial units fronting Arkwright Street is for health and safety reasons proposed off Arkwright Street, this is considered to be acceptable. In addition, the scheme incorporates generous cycle parking provision

for both students and occupants of the apartments, housed in a secure and easily accessible facilities.

- 7.24 It is also recommended that a construction management plan, together with other matters requested by Highways, be secured by condition, including the requirement for a residential travel plan.
- 7.25 In light of these factors, the development is considered to accord with Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

(v) Planning obligations (Policy 19 of the Aligned Core Strategy and Policies H5 and R2 of the Local Plan)

- 7.26 A planning obligation is required to secure the student management plan, including car restrictions, as detailed in section 7 above. However, the scheme also meets the thresholds for securing contributions towards the provision of public open space, education and affordable housing.
- 7.27 To be policy compliant the scheme requires the following contributions, all for off-site provision, to be secured through planning obligation:
- Public open space - £89,492
 - Education - £53,004
 - Affordable housing £1,111,540
- 7.28 The applicant has submitted a viability appraisal, based on the original scheme for 420 student units and 177 apartments, in support of their assertion that the proposed development cannot support payment in either part or full for the range of S106 developer contributions that the scheme would otherwise be required to meet. The appraisal has been reviewed by the District Valuer and officers within the Planning, Regeneration and Property teams of the Council.
- 7.29 The conclusions of the assessment are that the development would be unviable with the burden of *any* S106 developer contributions. Therefore although there is a reduction in the number of apartments from 177 to 149 for reasons of scale and design, in the proposal now being recommended for approval, which would further reduce the viability of the scheme, the District Valuer's conclusion is such that waiver of any financial contributions by way of a106 has been appropriately justified, in this instance. The viability of a scheme according to Policy 19 of the ACS is a key consideration and will be taken into account when negotiating planning obligations with developers. As the viability of this scheme has been independently appraised it is considered that the proposal would comply with Policy 19 of the ACS.
- 7.30 As indicated above a planning obligation will be required to secure a student management scheme including car restrictions. Such an obligation as demonstrated in sections 7.17 and 7.21 above is considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.
- 7.31 A student management scheme sought by the proposed planning obligation would not conflict with Regulation 123(3) of the Community Infrastructure Levy

Regulations 2010 which relates to pooling of planning contributions sought from developments.

(vi) Other issues

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

- 7.32 The site lies within Flood Zone 2. The main source of potential flood is seen to be from the River Trent and as such, the application has been accompanied by a Flood Risk assessment (FRA). The Environment Agency have assessed this document and raised no objections to the proposal in terms of flood risk. As indicated in Nottingham City Council's Drainage Team consultation response above, the Drainage Team have advised that they would accept conditions to cover the submission of infiltration rate details and surface water drainage management arrangements
- 7.33 Through the use of conditions the proposal is capable of according with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

Waste (Policy 10 of the Aligned Core Strategy)

- 7.34 The applicant has provided adequate bin storage facilities in locations that are easily accessible for both occupants and bin collection services. The proposal therefore complies with Policy 10 of the ACS.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the Aligned Core Strategy and Policy NE 2 of the Local Plan)

The building is proposed to exceed current Building Regulations requirements. This is mainly achieved by a 'fabric first approach' involving appropriately insulated walls, floors and roofs to provide a high 'u' value. The landscaped courtyard also provides an opportunity to enhance bio-diversity in this part of the City Centre. Overall the scheme will comply with policies 1 and 17 of the Aligned Core Strategy and Policy NE2 of the Local Plan.

9 FINANCIAL IMPLICATIONS

It is recommended that the following S106 developer contributions be waived in this instance for reasons of development viability:

- Public open space - £89,492
- Education - £53,004
- Affordable housing £1,111,540

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: 18/00131/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P2YSNULY01B00>

17 Published documents referred to in compiling this report

Southside Regeneration Supplementary Planning Guidance 2003

Nottingham Local Plan (November 2005)

Affordable Housing and Developers Contribution's (August 2006)

The Building Balanced Communities Supplementary Planning Document (March 2007)

Nottingham City Centre Urban Design Guide (May 2009)

Open Space Supplementary Planning Guidance (July 2011)

Aligned Core Strategy (September 2014)

Contact Officer:

Mrs Jennifer Curry, Case Officer, Development Management.

Email: jennifer.curry@nottinghamcity.gov.uk. Telephone: 0115 8764027

NOMAD printed map



© Crown copyright and database right 2019. Ordnance Survey Licence number 100019317. NOMAD print generated by a NOMAD user on 08/01/2019. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk (ext. 64341) for high quality maps. Copyright Nottingham City Council



Key

 City Boundary

Description

No description provided

My Ref: 18/00131/PFUL3

Your Ref:

Contact: Mrs Jennifer Curry

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Stephenson Studio
Mr John Boardman
3 Riverside Mews
4 Commercial Street
Manchester
M15 4RQ

Date of decision:

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

Application No: 18/00131/PFUL3
Application by: Sherrif Way Nottingham Ltd
Location: Land North East Of Victor House, Crocus Street, Nottingham
Proposal: Mixed residential development of student accommodation and apartments, and associated 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)

2. The development shall not be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of delivery vehicles to/from the site, haul routes (if any), site security, traffic management plans, measures to prevent the deposit of debris on the highway, working times and a timetable for its implementation.

Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies NE9 and T3 of the Local Plan.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Page 44

Continued...

3. Prior to the commencement of the development, a Remediation Strategy that has regard to the Desk Study Report reference J17089 by GEA dated April 2017 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A Remediation Plan, based on a) above, 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 development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

4. Prior to the commencement of development a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The information to be submitted as part of the scheme shall include assessment of the options available for the drainage of site following the building hierarchy for the disposal of surface water, details of infiltration rate measurements undertaken to develop the surface water drainage scheme, details of relevant surface water calculations and a drainage plan showing the layout of the proposed surface water drainage scheme. If any Sustainable Urban Drainage features are to be utilised then details of the proposed adoption and maintenance of such features shall also be submitted as part of the scheme.

Reason: To ensure that the surface water drainage of the site does not give increase the risk of flooding at the site or elsewhere, in order to accord with Policy 1 of the ACS and Policy NE10 of the Local Plan.

5. Prior to the commencement of any above ground development, a sound insulation scheme for the residential scheme and non-domestic unit/s which has regard to the Acoustic Planning Assessment by Hoare Lea dated 08/01/2018 Rev2 shall be submitted to and be approved in writing by the Local Planning Authority.

The sound insulation scheme shall:

- a) include predicted internal noise levels for any plant and equipment which will form part of the development and address issues of transmission of noise through the structure.
- b) include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:
- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(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 amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

6. Prior to the commencement of any above ground development, an environmental noise assessment and sound insulation relating to plant noise shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

7. Prior to the commencement of any above ground development, an air quality management scheme incorporating a mechanical ventilation scheme for the residential elements of the development shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality.

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

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

8. Prior to the commencement of any above ground development, a design for the provision of services routes to enable the routing of the means of ventilation and discharging and dispersing fumes, air handling plant and other services to and from roof level to prevent nuisance caused by odour from individual non-domestic units shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

9. Prior to the commencement of any above ground development, a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials including details of the windows/doors, means of enclosure and hard surfaced areas of the site shall also be submitted to and approved in writing by the Local Planning Authority before any external materials associated with the completed development are utilised on site. The development shall thereafter be implemented 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.

10. Prior to the commencement of any above ground development large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements for each architectural variation to the building's elevations shall be submitted to and approved in writing by the Local Planning Authority:

- a) Elevations: including glazing systems, louvers, reveals, window panels and entrances;
- b) Roofs: including edges, parapets, and windows;
- c) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building.

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

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

Pre-occupation conditions

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

11. Prior to the first occupation of the development, written verification report that the approved remediation scheme has been implemented shall be submitted to and be approved in writing by the Local Planning Authority. The verification report shall include:

a) 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) 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 order to ensure that the remediation strategy approved under condition 3 is fully implemented to accord with comply with Policies NE9 and NE12 of the Nottingham Local Plan.

12. Prior to first occupation of the development, verification that the approved sound insulation and ventilation scheme for the residential, non-domestic unit/s and to deal with plant noise have been implemented and are fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

The assessment shall include the specification and acoustic data sheets for the sound insulation scheme and any complementary acoustic ventilation scheme and be designed to ensure that residential amenity is adversely affected.

Reason: In order to ensure that the approved sound insulation scheme to protect future occupiers and neighbouring has been installed in accordance with the approved scheme to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

13. Prior to first occupation of the development the applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

Reason: In order to ensure that the has been installed in accordance with the approved scheme to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

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

Reason: In order to ensure that the has been installed in accordance with the approved scheme to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

15. Prior to the first occupation of the non-domestic unit/s written verification that the approved ventilation and odour control scheme/s for the non-domestic unit/s has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In order to ensure that the has been installed in accordance with the approved scheme to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

16. Prior to the first occupation of the development secure cycle parking and bin storage has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable forms of travel in accordance with Policies 10 and 14 of the Aligned Core Strategy.

17. The development shall not be occupied until a scheme of soft and hard landscaping for the proposed courtyard has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs. It shall also include details of hard surfacing materials, location of any surface water drainage features and street furniture. It shall also incorporate measures to enhance the biodiversity of the site. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which die are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

18. The development shall not be occupied until a lighting scheme for the exterior of the building and the courtyard area has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include an assessment of the impact of the lighting scheme on proposed and existing local residents, and also its impact on the operation of the NET tramway.

Reason: To protect the amenities of neighbouring residential properties and in the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

19. The development shall not be occupied until amendments to existing road signage have been carried out in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

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

20. The development shall not be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance details which have first been submitted to and agreed in writing with the Local Planning Authority.

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

21. The development shall not be brought into use until car parking provision for disabled users and an area for servicing together with an area for the loading and unloading of goods associated with the residential uses of the development has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include tracking details to demonstrate that service vehicles and cars can safely enter, manoeuvre and leave the site without causing conflict with highway traffic and pedestrians.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

22. The development shall not be brought into use until the surface water drainage scheme has been implemented in accordance with the details approved under condition 4 above. The surface water management scheme shall thereafter be provided in accordance with the approved details.

Reason: To ensure that the approved surfaced water drainage scheme is provided and that the development complies with Policy NE10 of the Local Plan.

Regulatory/ongoing conditions

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

23. The non-domestic units shall be used for commercial purposes falling within Class A1, A2, A3 and B1 of the Town and Country Use Classes Order (as amended) or for a purpose that is solely provided for the use of the residents of the development that is ancillary to the residential uses hereby permitted.

Reason: To protect the amenities of neighbouring residential in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

24. No non-domestic units shall operate outside the hours of 07.00 to 23.00 hrs on any day.

Servicing and deliveries to and from the non-domestic units (including waste collections) shall not take place outside the hours of 07.00 to 19.00 hrs Monday to Friday, 08.00 hrs to 18.00 hrs on Saturdays and 9.00 hrs to 16.00 hrs on Sundays

Reason: To protect the amenities of neighbouring residential in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

25. Servicing and the loading and unloading of goods in association with the residential use of the development shall take place within the internal courtyard with vehicle access and egress gained from Crocus Street.

Reason: In the interests of highway safety and amenity 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 15 January 2018.

Reason: To determine the scope of this permission.

Informatives

1. Contaminated Land, Ground Gas and 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, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

Cut and fill operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

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

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

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

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions and 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.

Environmental Noise Assessment

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

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.

Commercial Noise

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.

Air Quality

The development is located either within or on the boundary of an existing or proposed Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) and the Regulations are not being achieved.

In this context an area of poor air quality means that the air quality objectives for nitrogen dioxide, as set out in the Regulations, are not being met.

While no air quality assessment is required in this situation, an air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish which floors of a multi-storey building do not require an appropriate ventilation scheme.

The air quality management scheme shall include the design and configuration specification of the whole building ventilation scheme and ensure that:

Exposure of sensitive receptors to poor air quality shall be reduced as far as practicable;
The location of clean air intakes for the scheme shall be located so as to maximise the vertical and horizontal distance between the clean air intakes and the primary source of poor air quality / air pollution;
The discharge of ventilation air shall be from the building façade facing the primary source of poor air quality;

The approved whole building ventilation scheme including any additional mitigation measures, shall be shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Consideration will also be given to alternative equivalent measures to reduce exposure to poor air quality. However these may require the support of an air quality assessment to demonstrate their effectiveness.

The combined noise from the whole building ventilation scheme, any other environmental noise and noise from plant and equipment must not exceed NR 25 in bedrooms between the hours of 23.00 and 07.00 or NR 30 for living rooms and bedrooms between the hours of 07.00 and 23.00.

Control of Odour and Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires.

The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire and Rescue Service

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

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

The intensification of use of the kitchen,
The nature of the food prepared, served or cooked on site
The method of preparation and cooking of the food served or cooked on site
The extension of operating times

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

Adequate Ventilation

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

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

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

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

Highways

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.

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

The applicant is advised that the site is adjacent to the NET tram line. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method during construction. To get authorisation the applicant must request a NET Work Request Form which can be obtained from NET by telephoning 0115 942 7777, or by writing to: Infrastructure Manager NET Depot Wilkinson Street Nottingham NG7 7NW.

Planning Advisory Notes

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.

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: 18/00131/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.

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.

This page is intentionally left blank