

# Public Document Pack



## NOTTINGHAM CITY COUNCIL PLANNING COMMITTEE

**Date:** Wednesday, 20 February 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**

*gbandonell*

### **Corporate Director for Strategy and Resources**

**Governance Officer:** Mark Leavesley

**Direct Dial:** 0115 876 4302

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTERESTS**

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

### **3 MINUTES**

3 - 12

Last meeting held on 16 January 2019 (for confirmation)

### **4 PLANNING APPLICATIONS: REPORTS OF THE CHIEF PLANNER**

**(a) 66 London Road**

13 - 30

**(b) William Olds Youth Centre, 84 Chiltern Way**

31 - 46

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

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

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**NOTTINGHAM CITY COUNCIL**

**PLANNING COMMITTEE**

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 16 January 2019 from 2.30 pm - 4.23 pm**

**Membership**

Present

Councillor Chris Gibson (Chair)  
Councillor Brian Parbutt (Vice Chair)  
Councillor Leslie Ayoola  
Councillor Cheryl Barnard  
Councillor Graham Chapman  
Councillor Azad Choudhry  
Councillor Josh Cook  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor Andrew Rule  
Councillor Mohammed Saghir  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Steve Young

Absent

Councillor Cate Woodward

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

Councillor Michael Edwards

Paul Seddon	- Chief Planner
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Richard Bines	- Solicitor
Nigel Turpin	- Heritage and Urban Design Manager
James Ashton	- Traffic Management Officer
Catherine Ziane-Pryor	- Governance Officer

**59     APOLOGIES FOR ABSENCE**

Councillor Cate Woodward - unwell

**60     DECLARATIONS OF INTEREST**

None.

**61     MINUTES**

Subject to listing Councillor Gul Khan's apologies for absence for leave and within minute 56, Land between Clifton Wood and Clifton Phase 4 Development Yew Tree Lane, showing that Councillor Josh Cook and not Councillor Malcolm Wood requested that his vote against the resolution was recorded, the minutes of the meeting held on 18 December 2018 were confirmed as a true record and signed by the Chair.

**62    SITE OF MULTI STOREY CAR PARK SOVEREIGN HOUSE AND FACTORIES, QUEENS BRIDGE ROAD**

Prior to the Committee's consideration of this item and with the permission of the Chair, Councillor Michael Edwards addressed the Committee in his role as a Ward Councillor and made the following points:

- (a) Whilst following some disappointing historic decisions to approve some applications, the Committee's approach and design requirements have improved, the existing tax office buildings are a good example of this where an interesting, attractive, environmentally sensitive building which was the ground breaking for its time, was sited in Nottingham. However, the design proposed for this site is basically a block with no shape, visual interest or distinction for a building which is expected to last decades with a lease period of 25 years;
- (b) Whilst complying with current building regulations and required CO2 emission limits, we know that this building will not meet the projected CO2 limits which will come into effect in 2020, in effect being environmentally out-of-date by the time of its completion. Whilst meeting the need for Grade A office space, the building disappointingly does not provide the widely available environmentally sound features and considerations;;
- (c) The application for what is proposed to be an East Midlands Regional Hub for Government Services refers to the local benefit of providing jobs but is not clear if there will be substantial transfers of staff from Derby and Leicester and where the jobs referred to in the second phase of development will come from. There is no guarantee that Nottingham citizens will benefit from these job projections;
- (d) It is frustrating that as a local Ward Councillor, documentation and planning proposal details were not initially made available, particularly with regard to the striking sightline impact of the proposal from the Meadows and Embankment, which will effect local residents;
- (e) Committee members are asked to pause and question if enough is known regarding the long-term environmental impact of this application before making a decision on the basis of jobs.

Rob Percival, Area Planning Manager, introduced application 18/02277/POUT by WYG Planning Limited on behalf of Peveril Securities Limited, for a Hybrid office development (Use Class B1), comprising two buildings totalling up to 58,360 sqm (GIA) together with access and public realm improvements. Phase 1 building (full application) of 36,519 sqm (GIA) and phase 2 building (outline application with access, layout and scale to be considered at this stage) of 21,841 sqm (GIA).

The application is brought to Committee as this is a major application which departs from some policies of the Development Plan, is of strategic importance and which is on a prominent site where there are complex design and heritage considerations.

Further information, including summaries of representations from Bridge Ward Councillors, Lillian Greenwood MP, local residents, and the Greenspace Biodiversity Officer, and a draft decision, is included in the Update Sheet which was circulated at the meeting and attached to the online agenda.

Rob Percival provided a brief presentation on the application which included floor plans, current aerial and street level photographs of the site and computer generated images (CGIs) of the proposed building from a variety of short and long viewpoints, including from the Meadows and the Embankment, Arkwright Street and Trent Bridge.

The following points were highlighted:

- (a) The proposal is for a Regional Hub for Central Government Services in the East Midlands which at maximum capacity could host up to 7,000 employees;
- (b) The first phase block would be largely glazed with anodized cladding and a masonry base;
- (c) Since the original application, and following the concerns of Committee members, the height of the Phase II building has been reduced by two floors;
- (d) Assessment has been undertaken and Historic England conclude that that the proposed development's impact on the heritage assets of the City, including the Castle and Station, would be at the upper end of 'less than substantial';
- (e) The public benefits of the development to the City are outlined in paragraph 7.6 of the report.

Paul Seddon, Chief Planner, informed the Committee that with regard to timescales, there was no capacity for the application to be redesigned but the Committee does have influence with regard to materials and details such as solar panels and lighting. In addition, it should be noted that the developer has agreed to work with the Council to deliver local employment and training opportunities in connection with the scheme.

Comments from the Committee included:

- (f) This is a hard decision as although valuing the historical skyline of Nottingham, as seen in the CGIs, not all views of the City are significantly affected and the historical buildings still stand proud;
- (g) This needs to be a quality building and the attention to detail in the zig-zag design of elevations panels which throw shadows and provide visual texture, is innovative;
- (h) This building will be an iconic view to the front the station. Formerly it was one of the ugliest views in the city so this will very much be an improvement;
- (i) As a Regional Government Hub which provides the opportunity of bringing up to 7,000 jobs into the City, establishing Nottingham as a regional capital and business hub and generally raising the profile of Nottingham, this application is supported;
- (j) Increasing the number of high quality jobs in the City, and the associated social and economic benefit, is welcomed but this proposal is disappointingly unambitious with regard to environmental standards and will have an environmentally negative impact on the City, country and world with regards to its CO<sub>2</sub> impact. The original Inland Revenue building was iconic in its environmentally ground breaking approach and won several awards, so the environmental proposals for this development are particularly disappointing, especially as a Government building at a time when the City is under pressure from Central Government to improve air quality and significantly cut CO<sub>2</sub> emissions by 34% by 2020. On this basis alone the application cannot be supported

unless significant, yet feasible changes are made to reduce the building's environmental impact;

- (k) For an office block the design and detail is pleasant and the work of Planning Officers and the concessions to date of the developer are acknowledged, but the top storey, although now receded, is strikingly similar to a shipping container so should be reconsidered, possibly to include an angled detail to prevent it appearing so 'blocky';
- (l) It is frustrating that although the environmental standards applied to this development will soon be outdated, they currently meet the required standards and so the application cannot be declined on this basis or changes required to be made;
- (m) It is appreciated that all new Government buildings have to be 'bomb proof' and that this restricts the application of some environmentally beneficial features to this design. Planning officers are asked to try and improve the environmental standards of this development;
- (n) Environmental concerns are acknowledged but with the benefit of so many local jobs (including associated with the supply chain) the Committee should be sympathetic to the developer and so the application is supported;
- (o) Once established, the Hub will be a catalyst for regeneration in the City. If Nottingham doesn't approve the application then it's possible that Derby or Leicester will welcome the proposal in their Cities and Nottingham will miss out. Nottingham is the natural site for the Hub, particularly on this site which has is particularly well placed for access to sustainable transport;
- (p) This development is expedient to bringing large companies into the City or risk losing out to another local City if an alternative site was to be favoured. The City is restricted by its boundaries and so building upwards is required but these buildings need to have integrity. Although the environmental concerns of Councillor Sally Longford as Portfolio Holder for Energy and Environment are acknowledged and shared, approving the application will bring employment opportunities into the City and so it is supported;
- (q) Buildings often look better in reality than depicted in CGIs and this design isn't bad and is far better than the building which it replaces;
- (r) It is requested that planning colleagues work with Historic England with regard to the progression of Phase 2 of the development;
- (s) Despite reservations, the amendments to date, including the lowering of the phase 2 building, are welcomed but improvements can still be made. The environmental sustainability points raised are understood but at the risk of potentially losing additional employment opportunities if the Hub were to be sited elsewhere, the application is supported;
- (t) The decision on this application is a balance between jobs and the environment. The City needs to accept the changing nature of employment. This development will provide the number of jobs equivalent to 6 collieries. The decision makers in London don't care where this Regional Hub is based so if the application is declined or made too awkward in Nottingham then the Hub will be sited elsewhere and Nottingham will lose out on additional jobs, and may even lose existing jobs. The economic importance of this decision is very significant to the economy of the City;

- (u) This development will provide a good quality building built to current building standards with attractive cladding which has successfully been used elsewhere. The site is close to the station within easy access of sustainable transport and will encourage further redevelopment of the area so is supported;
- (v) There is sympathy for the residents of the Meadows who will lose their current view of the City, but views are not legally protected.

**RESOLVED to approve the recommendations as set out in the report and amended in the update sheet as follows:**

- 1) That the submitted Environmental Statement contains all the information specified in regulation 18(3) or (4), of the Town and Country Planning (Environmental Impact Assessment) Regulations “the 2017 Regulations” as appropriate, and any additional information specified in Schedule 4 to the 2017 Regulations which is relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected. No further information is required;
- 2) That in making the decision on this application, the environmental information, namely the Environmental Statement, any representations made by any body required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development, has been examined and considered;
- 3) That the reasoned conclusion outlined in this Committee Report and Update Sheet, is up to date as it addresses the significant effects of the proposed development on the environment, taking into account the examination referred to above, that are likely to arise as a result of the development and subject to any mitigation measures proposed in terms of flood risk concludes, any significant effects do not amount to major adverse effects that would justify the refusal of the planning application, be integrated into the decision to grant planning permission;
- 4) that appropriate monitoring measures under regulation 26 (1)(d) and (3) of the 2017 Regulations do not need to be imposed given the nature, location and size of the relevant project and its effects on the environment;
- 5) for Regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Regeneration be delegated authority to undertake the necessary requirements, namely in relation to paragraphs (a)-(d) therein, in particular making available the necessary information to accompany a decision as set out in regulation 29 (2) of the 2017 Regulations to include a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed;
- 6) to grant planning permission for the reasons set out in the Committee Report and Update Sheet, subject to the conditions substantially in the form of those listed in the draft decision notice at the end of the report and additional conditions as noted in the Update Sheet. Power to determine the final details of the conditions is delegated to the Director of Planning and Regeneration.

### **63 FACTORY BETWEEN 42 TO 98 MORLEY AVENUE**

Martin Poole, Area Planning Manager, introduced planning application 18/01789/PFUL3 by Letts Wheeler Architects on behalf of Nottingham Community Housing Association for a 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 conclusion of the District Valuer.

Martin Poole delivered a brief presentation which included a plan of the proposed development, photographs of the current site from different angles, floor plans of the 1, 2 and 4 bedroom houses, plans of the flats, and GCIs of the completed development from different angles.

The following points were highlighted:

- (a) At the request of officers, amendments have been made to the original plans including an amendment to the design of the roof of the flats;
- (b) The view of the District Valuer has been sought with regard to the potential of a S106 contribution, but due to a backlog in valuations and time constraints of the developer, the Housing Association has requested that the application is put before the Committee to consider delegation to the Director of Planning and Regeneration for the negotiation of the value determination and allocation of any S106 financial contributions;
- (c) Representations have been received from local residents raising concerns around parking but each proposed dwelling is provided with a car parking space and there is further capacity on site for visitor parking. The current space at the front of the site which is often used by neighbouring residents is part of the site and offers no parking rights;
- (d) Further information is provided in the update sheet, including comments from Highways colleagues who, having assessed the site access and parking within the area, did not raise any objections.

Members of the Committee commented as follows:

- (e) Whilst not objecting to the development, the request for delegation to Officers regarding the approval of the level of S106 funding is not acceptable as this is for the determination of the Planning Committee;
- (f) The development of the site is welcomed, as is clarification on the concerns raised about parking;
- (g) The determination of S106 funding should be brought back to Committee for approval;
- (h) The agreement to maintain the steep bank on the edge of the development is welcomed;

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- (i) Each house should be provided with a car charging point and if there is capacity, solar panels should be installed on the roofs where possible;
- (j) Planning Officers are requested to ensure that boundary treatments are carefully considered, adequate and durable;
- (k) Further clarity needs to be sought as to why the developer believes that a S106 contribution is not viable;
- (l) Rather than delay the progress of the development by requiring it to return to Committee for S106 approval, the Committee could delegate approval to the Director of Planning and Regeneration in consultation with the Chair, Vice-Chair, Lead opposition spokesperson on the Committee, and Councillor Leslie Ayoola as a ward councillor.

**RESOLVED**

**(1) to grant planning permission subject to:**

**a) the District Valuer viability assessment being reviewed by, and final power to determine any financial contributions under a section 106 Agreement being delegated to, the Director of Planning and Regeneration in consultation with the Chair, Vice-Chair, Lead Opposition Spokesperson on the Committee, the prior completion of an agreement under section 106 of the Town and Country Planning Act 1990 to include:-**

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

**and subject to the Director of Planning and Regeneration being satisfied that the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 are met;**

**b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and referred to in the Update Sheet, including:**

- (i) the submission of a lighting scheme;**
- (ii) the submission of electric vehicle charging points;**
- (iii) to change the trigger for the submission of details to pre-occupation rather than pre-commencement;**
- (iv) consideration of solar panels;**

**(2) The power to determine the final details of the conditions are delegated to the Director of Planning and Regeneration.**

Councillor Malcolm Wood requested that his vote against the recommendations was recorded.

**64 LAND NORTH EAST OF VICTOR HOUSE, CROCUS STREET**

Rob Perceval, Area Planning Manager, introduced application 18/00131/PFUL3 by Stephenson Studio on behalf of Sheriff Way Nottingham Ltd, for planning permission for a mixed residential development of student accommodation (420 beds), apartments (149) and associated works.

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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 were initially proposed to be waived for viability reasons.

To support the information provided in the report, Rob Perceval delivered a brief presentation which included:

- Street views of the current site from different positions
- a plan of the area
- aerial photographs
- floorplans of the proposed development
- CGI views of the building from different directions
- 3-D images to illustrate the height and impact of the building in its future context.

It is noted that the update sheet informs the Committee that since the report was issued, although the assessment of the District Valuer has determined that a S106 contribution is unviable, the developer has agreed to make a contribution of £100,000.

Whilst there are six disabled car parking spaces, there is no provision for resident parking, but the development does include 105 secure cycle parking spaces for the student accommodation, which equates to one cycle space per four rooms, and 1 space for each of the apartments. A pickup and drop-off point is provided for students and residents of the apartments.

Members of Committee made the following comments:

- (a) The provision of further student accommodation is opposed as surely there will come a point when there will be a surplus which won't be appropriate for any other use;
- (b) Several student accommodation schemes have already been considered by the Committee in recent months and it is a reasonable concern that the City Centre may be nearing saturation point. It would be helpful if information on current and projected student numbers, alongside projected accommodation demand, should be made available to the Committee;
- (c) The scheme is pleasing in several ways as the design is clean and crisp with some curves. The building may be imposing but it works well on that site;
- (d) The design is quite good, unusual and a reasonable size for the location;
- (e) Student accommodation is welcomed as there still is a need and it will reduce the housing pressure in residential areas with high concentrations of HMOs;
- (f) Consideration should be given to ensuring that the disabled parking spaces each have car charging points;
- (g) The courtyard element is welcomed;
- (h) The S106 contribution is not enough once the value and sale price of properties is considered. The District Valuer's opinion on rental values for these properties, given that the market in this area is unknown, does not provide confidence in their judgement for a scheme of this scale. £100,000 appears very modest and should be renegotiated;

- (i) overall the scheme is acceptable except for the 'hooded' features on the upper floors which appear to emulate gun turrets.

Rob Percival informed the Committee that student numbers within the City continue to increase and it is important to ensure that sufficient purpose built student accommodation is available to prevent the use of traditional family housing. Provision is only just starting to catch up with demand.

Nigel Turpin, Heritage and Urban Design Manager, informed the Committee that his team had worked with the architects for several months on the scheme which he believes is a unique and interesting design that has addressed massing constraints whilst also meeting the client's needs. It is believed that the hoods work well as they use different materials and ensure the appearance of the building is neither boring nor mundane.

Rob Percival requested an amendment to revised Recommendation in the Update Sheet to split the financial contribution between public open space and affordable housing, as set out below:

**RESOLVED**

- (1) to 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;**
  - (ii) a contribution of £89,492 for public open space for improvements to the public realm within the vicinity of the site;**
  - (iii) a contribution of £10,508 for off-site affordable housing**
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and including the following additional conditions:**
- (i) Prior to the commencement of development, a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations Approved Document L2A Conservation of Fuel and Power 2013 shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall take account of the recommendations made with the Energy Statement prepared by Mullins Associates dated January 2019.**

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

- (ii) Prior to the commencement of any above ground works, a scheme of off-site highway works to include the upgrade of footways surrounding the site, works to facilitate a pedestrian crossing of Meadows Way (if feasible), the removal of any redundant crossovers and the provision of street trees, together with details for the ongoing maintenance of the works proposed, shall be submitted to and approved in writing by the Local Planning Authority;**

**Reason: In the interests of the appearance of the site, to encourage more sustainable forms of travel and to assist with the regeneration of the area, in accordance with Policy MU3 of the Local Plan and Policy 10 of the ACS;**

- (iii) **Prior to first occupation of the development, the off-site highway works shall be provided in accordance with the scheme approved pursuant to the above condition.**

**Reason: In the interests of the appearance of the site, to encourage more sustainable forms of travel and to assist with the regeneration of the area, in accordance with Policy MU3 of the Local Plan and Policy 10 of the ACS;**

- (iv) **Prior to first occupation of the apartments, the disabled parking spaces shall be provided, including the provision of electric vehicle charging points, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.**

- (2) **to delegate the power to determine the final details of the planning obligation and conditions to the Director of Planning and Regeneration;**
- (3) **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) **that the Committee is 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.**

Councillor Andrew Rule requested that his objection to the granting of planning permission was recorded.

Councillor Malcom Wood requested that his abstention from voting was recorded.

WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE**  
**20th February 2019**

## **REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

### **66 London Road, Nottingham**

#### **1      SUMMARY**

Application No: 18/02107/PFUL3 for planning permission

Application by: Indigo Planning on behalf of Cassidy Group (London Road) Ltd.

Proposal: The development of 150 apartments with associated communal space and parking.

The application is brought to Committee because it is for a major development on a prominent site on the approach to the city from the south. Furthermore, the development has been the subject of a viability challenge and proposed planning obligations are substantially less than typically required by adopted planning policies.

To meet the Council's Performance Targets this application should have been determined by 8th January 2019, an extension of time has been agreed with the applicant.

#### **2      RECOMMENDATIONS**

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

(a) Satisfactory resolution of the objection raised by the Environment Agency

(b) Prior completion of a Section 106 Planning Obligation which shall include:

- (i) A financial contribution of £155,000 towards affordable housing
- (ii) A financial contribution of £66,731 towards public open space enhancement within the vicinity of the site in the Southern Gateway

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

Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

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

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

### **3 BACKGROUND**

- 3.1 The site is partially occupied by an empty three storey Victorian commercial building (66 London Road), known as the Walter Danks building. The land to the south (68 London Road) was historically occupied by the Norfolk Hotel and is currently occupied by a hand car wash (Car Jacuzzi). Access to the building and the car wash is gained from Eugene Street to the west. The Tinkers Leen is situated to the north of the site with the land level being approximately 4m lower than the site at this point. The Tinkers Leen feeds into the canal which is on the opposite side of London Road. Immediately to the north of the Tinkers Leen is the Hicking building which is occupied by Hooters at ground floor level with residential accommodation above. To the west of the site is the development known as Saffron Court, an apartment scheme currently under construction.
- 3.2 The site is partially within the Station Conservation Area and partially within Flood Zones 1 & 2 in accordance with Environment Agency mapping. The site is also within the Southside Regeneration Zone.

### **Planning History**

07/01021/PFUL3 - Erection of office development following part demolition of existing building. Approved but not implemented

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

- 4.1 The current proposal is for a Private Rental Sector (PRS) development of 150 apartments with ancillary accommodation at ground floor and associated works. The proposed mix would be 95 x studios, 48 x 1 bed apartments, 4 x 2 bed duplexes and 3 x 2 bed apartments. Pedestrian access to the building would be on the corner of Crocus Street and London Road, with vehicle access from Eugene Street.
- 4.2 The proposed development would retain the front (eastern) and northern elevations of the Victorian warehouse which fronts onto London Road, whilst the rest of this building and remaining structures on the site would be demolished. Behind the retained facades, the warehouse would be rebuilt and extended to the rear, at a comparable height (3 storeys). A new build element to the south of this would be linked to the warehouse and rise to 8 storeys in height (ground plus 7), with the top 2 floors recessed. The overall height and mass of the development would be comparable with that of Saffron Court to the west. The developer for both sites is the same (Cassidy Group) and it is therefore proposed for the same architectural language and palette of materials to be used, particularly in terms of the fenestration pattern and use of red facing brickwork, grey window frames and recessed darker brickwork for the upper levels.
- 4.3 The development would provide a gym, shared amenity room, bin store, post room and reception at ground floor level. On a lower ground floor level there would be 27 car parking spaces, 2 of which would provide electric vehicle charging points in addition to 48 cycle parking spaces. Solar photovoltaic panels would be installed on the roof of the building.

- 4.4 The applicant is also committed to working with the Council to deliver local employment and training initiatives through the construction of the development, to be delivered as part of the S106 planning obligation.

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

### **Adjoining occupiers consulted:**

Neighbouring buildings notified by letter: Fire station, 1 Wallett Street and residents in block 4 of the Hicking building.

A site notice was posted and a press notice published. The overall expiry date was: 16/12/18

One letter of correspondence received from a third party stating the following:

This site has been an eyesore on a major approach road to the city for many years. This proposal not only offers a smart new building, but also retains and improves the existing Victorian building. It will make a really big improvement to London Road.

The Civic Society commented as follows:

We support the proposal to redevelop the prominent site fronting London Road. The scale of the new building reflects other new development in the vicinity. It is especially pleasing that the opportunity has been taken to retain and integrate the old Walter Danks building, one of the few historic buildings left along London Road.

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

**Environmental Health and Safer Places:** The submitted information is satisfactory to ensure that the development would not result in contaminated land concerns. The submitted noise impact assessment is satisfactory and it is recommended that a sound insulation scheme and air quality management plan be secured by condition.

**Highways:** No objection subject to the submission of details to be secured by condition relating to a construction traffic management scheme, provision of electric vehicle charging points and provision of a cycle store.

**Drainage:** No objection, subject to development being undertaken in accordance with the submitted information.

**City Archaeologist:** No objection; the submitted archaeological watching brief is acceptable.

**Heritage and Urban Design:** No objection subject to the provision of a condition securing more appropriate glazing to the ground floor level of the retained building.

**Environment Agency:** Holding objection

The applicant has proposed a scheme of mitigation which colleagues are reviewing. Further comments to follow.

**Biodiversity Officer:** No objection. The undertaken survey is satisfactory and no further survey work is required subject to development commencing within 2 years. Confirmation regarding landscaping adjacent to Tinkers Leen should be sought and riparian enhancement secured.

## 6 RELEVANT POLICIES AND GUIDANCE

### Aligned Core Strategies (2014)

Policy A: Presumption in Favour of Sustainable Development  
Policy 1: Climate Change  
Policy 5: Nottingham City Centre  
Policy 8: Housing Size, Mix and Choice  
Policy 7: Regeneration  
Policy 10: Design and Enhancing Local Identity  
Policy 11: The Historic Environment  
Policy 14: Managing Travel Demand  
Policy 17: Biodiversity  
Policy 19: Developer Contributions

### Nottingham Local Plan (November 2005):

Policy ST1: Sustainable Communities  
Policy MU3.2: Southside regeneration Zone (allocated site)  
Policy H2: Density  
Policy H5: Affordable Housing  
Policy BE8: City Skyline and Tall Buildings  
Policy BE12: Development in Conservation Area  
Policy BE16: Archaeology  
Policy R2: Open Space in New Development  
Policy NE2: Natural Conservation  
Policy NE9: Pollution  
Policy NE10: Water Quality and Flood Protection  
Policy NE12: Derelict and Contaminated Land  
Policy T3: Car, Cycles and Servicing Parking

### 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.

### **Supplementary Planning Policy Documents:**

Station Conservation Area Character Appraisal and Management Plan (April 2008)

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 floors are envisaged due to its sensitive location and need to respect longer views adjacent to the Meadows residential area)

Southside Regeneration Supplementary Planning Guidance 2003

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

### **Main Issues**

- (i) Principle of the development**
- (ii) Building design including impact on the character and appearance of the Station Conservation Area**
- (iii) Impact on neighbours and future occupants**
- (iv) Other matters**

**Issue (i) Principle of the development** (Aligned Core Strategy Policies A, 5, 7 and 8, Local Plan Policies ST1, H2 and MU3.2 and the Southside Regeneration Supplementary Planning Guidance 2003)

- 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. The site itself forms part of the larger Hicking site specifically identified for mixed use development under policy MU.2 of the Local Plan, and there is clearly a synergy between this proposal and the adjacent Saffron Court development. Furthermore, the southern element of the site with the hand car wash

is somewhat of an eyesore and the proposed redevelopment would considerably enhance the approach to the City Centre when travelling along London Road.

- 7.2 The proposed apartments are of an appropriate size internally. 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 are 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 the 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.
- 7.3 It is concluded that the principle of the development for PRS apartments is acceptable and the proposal accords with the Policies A, 5, 7 and 8 of the Aligned Core Strategy, Policies ST1, H2 and MU3.2 of the Local Plan, and the Southside Regeneration Supplementary Planning Guidance 2003.

**Issue (ii) Building design including impact on the character and appearance of the Station Conservation Area (Aligned Core Strategy Policies 10 and 11, Local Plan policies BE8 and BE12)**

- 7.4 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. The northern half of the site is located within the Station Conservation Area. Policy BE12 of the Local Plan seeks to ensure that new development preserves or enhances the character or appearance of conservation areas.
- 7.5 The proposed development would see the frontage of 66 London Road, the Walter Danks building, retained and improved with a new build element to the rear which would be of a comparable height. The new build element to the rear has been designed to ensure that it sits comfortably alongside the existing building without competing for prominence. The larger part of the scheme steps up to the south and the elevational treatment has been chosen to compliment that of the existing building and the wider Hicking development. Its appearance comprises a defined base and expressed top that frames the main central body. The proposal has been designed to read as part of the Saffron Court development. Its scale and mass are considered to be acceptable and would not be unduly prominent when viewed in the context of neighbouring buildings. A double height pedestrian entrance to the building is on the corner of Crocus Street and London Road, finished in a contrasting dark grey brick that is carried along the frontage to London Road to create a strong base to the building. The corner has been curved to highlight the prominence of this corner on London Road and to mark the entrance for the building. The top two floors of the development would be recessed and constructed in a contrasting darker brick which would mirror the design approach on Saffron Court.
- 7.6 The scale and massing are in keeping with the surrounding area without dwarfing the existing building. It is considered that the retention of the frontage of 66 London Road and the regeneration of the adjacent land would enhance the character and appearance of the Station Conservation Area and improve the approach to the City

Centre from the south. The proposal is therefore considered to accord with Aligned Core Strategy Policies 10 and 11, and Local Plan policies BE8 and BE12.

**Issue (iii) Impact on neighbours and future occupants** (Aligned Core Strategy Policy 10 and Local Plan Policies H2, NE9, NE12)

- 7.7 The proposed development would have an acceptable impact on the amenities of adjacent occupiers to the north and west. The closest window to window relationship would be the same as those existing in the end gable of the Walter Danks building orientated north towards the Hickling building. Given that this relationship between the two buildings has existed for a long period of time, albeit not in residential use, it is considered to be acceptable. Windows in the new build element offer a greater degree of separation and would not result in a loss of residential amenity.
- 7.8 The proposal has been reviewed by Environmental Health colleagues and additional information submitted by the applicant during the lifetime of the application. Based on the additional submitted ground contamination reports, colleagues are satisfied that the proposed development would not result in land contamination or ground gas concerns.
- 7.9 A noise impact assessment has been submitted for consideration as part of the application which has been reviewed and is considered to be acceptable. A sound insulation scheme has been requested by the Environmental Health Officer to ensure that the development would provide satisfactory amenity levels for future occupiers, this can be secured by condition.
- 7.10 The proposal therefore accords with Policy 10 of the Aligned Core Strategy and Policies H2, NE9 and NE12 of the Local Plan.

**Issue (iv) Other matters**

**Flooding** (Aligned Core Strategy Policy 1 and Local Plan Policy NE10)

- 7.11 The site is located partially within Flood Zones 1 and 2 in accordance with Environment Agency (EA) mapping. The application has been reviewed by internal drainage colleagues and the Environment Agency. A holding objection has been raised by the EA in relation to proposed finished floor levels on the ground floor of the building. The applicant has engaged with the EA to seek a solution to this matter and an update will be provided at Committee. Subject to the proposed development being constructed in accordance with the information submitted and subject to agreement with the EA, it is not considered that the building would result in flood risk concerns. The development would therefore accord with Aligned Core Strategy Policy 1 and Local Plan Policy NE10.

**Highways Impact** (Aligned Core Strategies Policy 10 & 14 and Local Plan Policy T3)

- 7.12 The building would be located within a highly sustainable location on the southern edge of the City Centre and in close proximity to bus, tram and rail connections. Vehicle access would be via Eugene Street and the proposed development would provide 27 car parking spaces, 2 of which would be disabled and 2 with electric vehicle charging points, beneath the level of London Road. In addition, space for parking 48 bikes has been provided on the same level. No objections have been

raised by Highways colleagues, subject to the development being undertaken in accordance with the submitted details and further clarification being secured via condition in relation to a construction traffic management plan, travel plan and cycle parking arrangements, the proposal would accord with Local Plan policy T3 and Aligned Core Strategies policies 10 and 14.

#### **Biodiversity** (Policy 17 of the Aligned Core Strategies)

- 7.13 The application has been supported by a protected species survey undertaken by EMEC dated August 2018. The report concludes that the site is of limited ecological value and subject to an informative relating to timing to avoid bird breeding season (March – September) the development would not detrimentally impact upon biodiversity in the surrounding area. The comments from the Biodiversity Officer in relation to riparian enhancement are noted and detail would be secured as part of a landscaping condition. The proposal would therefore accords with Policy 17 of the Aligned Core Strategies.

#### **Archaeology** (Policy BE16 of the Local Plan)

- 7.14 The application has been supported by an archaeological desk based assessment and reviewed by the Council's archaeologist. The site is not designated as being within an archaeological constraint area but is on the edge of an area recognised as being of archaeological interest. A Written Scheme of Investigation (WSI) was requested and trial trenching undertaken. A report detailing the findings of the trenching has been produced and reviewed by the Council's archaeologist, who concurs with the conclusion that the site is of limited archaeological interest and that the development is acceptable. The proposal therefore accords with Policy BE16 of the Local Plan.

#### **Developer Contributions** (Aligned Core Strategy Policy 19 and Local Plan Policy R2 and H5)

- 7.15 The scheme meets the thresholds for securing contributions towards the provision of public open space, education and affordable housing.
- 7.16 To be policy compliant the scheme requires the following contributions, all for off-site provision, to be secured through planning obligation:
- Public open space - £66,731
  - Affordable housing - £1,119,000
  - Education - No sum sought due to the development being predominantly 1 bed units
- 7.17 The applicant has submitted a viability appraisal which concludes that the development would be unviable with the burden of the entire affordable housing contribution. Due to timeframes associated with the application and the delivery of this scheme, along with a backlog of work that they are currently experiencing, the District Valuer's have been unable to review this viability appraisal. As an alternative, HEB Surveyors have been appointed to provide the necessary independent review of this report.
- 7.18 The applicant's viability appraisal concludes that the scheme is able to provide a total S106 contribution of £102,095. HEB's assessment is that this figure should in fact be £257,095. In response, the developer has revised their proposed total

contribution. It is proposed that £155,000 to be allocated towards affordable housing provision and that £66,731 be allocated towards public open space improvement within the Southern Gateway, in the vicinity of the site. This proposition is considered to be acceptable and the proposal recommended for approval on this basis. The planning obligations are considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that they are (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.

- 7.19 Subject to the applicant entering into a S106 to secure these contributions, the scheme is considered to be compliant with Policy R2 and H5 of the Local Plan and Policy 19 of the ACS.

**8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the Aligned Core Strategy and Policy NE2 of the Local Plan)**

Photovoltaic panels are to be provided on the roof of the building to ensure that Building Regulations Part L carbon reduction targets are achieved. The applicant has stated that the development has not progressed to a detailed design stage at this moment in time but can confirm that all U-Values will provide better than Building Regulations Part L minimum. In addition, the applicant has indicated that electric vehicle charging points will be provided within the car park.

The development would result in no impact on biodiversity

**9 FINANCIAL IMPLICATIONS**

The undertaken viability appraisal demonstrates that the total policy compliant contribution of approximately £1.2 million would result in a developer profit of approximately 3%, which would warrant the scheme unviable. The viability report provides the following approximate figures:

- Gross project value: £17.5 million
- 150 PRS apartments ranging from 33m<sup>2</sup> to 75m<sup>2</sup>
- Building repair, retention and partial demolition cost: £300,000
- Developer profit: 10% (industry benchmark)

**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: Providing a high quality and sustainable development

Working Nottingham: Securing training and employment for local citizens through the construction of the development

**14    CRIME AND DISORDER ACT IMPLICATIONS**

Would provide a residential development with good natural surveillance

**15    VALUE FOR MONEY**

None.

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

1. Application No: 18/02107/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PGBI1PLYGB300>

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)  
NPPF 2018

**Contact Officer:**

Mr James Mountain, Case Officer, Development Management.  
Email: James.Mountain@nottinghamcity.gov.uk.   Telephone: 0115 8764065

# NOMAD printed map



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## Key

- City Boundary

## Description

No description provided

**My Ref:** 18/02107/PFUL3 (PP-07291285)

**Your Ref:**

**Contact:** Mr James Mountain

**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](http://www.nottinghamcity.gov.uk)

Indigo Planning  
FAO Miss Hannah Baker  
St James' Tower  
Charlotte Street  
Manchester  
M1 4DZ

Date of decision:

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

Application No: 18/02107/PFUL3 (PP-07291285)

Application by: Cassidy Group (London Road) Ltd.

Location: 66 London Road, Nottingham,

Proposal: The development of 150 apartments with associated communal space and parking.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. Prior to the commencement of development a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to facilitate visitors and construction vehicles loading, offloading, parking and turning within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway.

*Reason: To ensure that the construction of the development has no adverse impact on the local highway network to accord with policy 10 of the Aligned Core Strategy.*

3. Prior to the commencement of the above ground development, details of the landscaping of the site (including hard surfaces, boundary treatments and wherever appropriate the retention of existing trees) shall have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be fully implemented within one year of either the first occupation or use of the development or its substantial completion, whichever is the sooner, and shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS.*

4. Prior to the commencement of the above ground development an air quality management scheme 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 ensure that future occupants of the building are not adversely affected by air quality and to accord with policy NE9 of the Local Plan.*

5. Prior to the commencement of the above ground development, details of the design, specification and fixing (in the form of drawings and sections at a scale of not less than 1:10) of the windows in the element of existing building to be retained, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of the character of the building and wider conservation area and to accord with policy BE12 of the Local Plan and policies 10 & 11 of the Aligned Core Strategies*

6. Prior to the commencement of the above ground development, a sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority. The sound insulation scheme shall have regard to the Noise Impact Assessment Report by Hann Tucker dated 17/10/2018 (ref 25638/NIA1) and subsequent correspondence, and 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 exceeding 45dB LAmax(5 min) more than 10 times per night in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00, Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

The sound insulation 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 ensure that the operation of the building causes no adverse noise and disturbance impacts on neighbouring uses or on the future occupants of the building to accord with policy NE9 of the Local Plan.*

7. Prior to the commencement of the above ground development, details of the heating and hot water required to serve the development shall be submitted to and agreed in writing by the Local Planning Authority.

*Reason: In the interests of residential amenity and to accord with policy 10 of the Aligned Core Strategies and policy NE9 of the Local Plan.*

8. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

*Reason: To secure a development of satisfactory appearance that complies with policies 10 and 11 of the ACS.*

#### **Pre-occupation conditions**

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

9. Prior to the first occupation of the development, full details of cycle parking provision and bin storage shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In accord to accord with the requirements of policy T3 of the Local Plan and policies 10 and 14 of the Aligned Core Strategies*

10. 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: To ensure that future occupants of the building are not adversely affected by air quality and to accord with policy NE9 of the Local Plan.*

11. Prior to first occupation of the development, verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development, including any mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority.

The submission 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 ensure that the operation of the building causes no adverse noise and disturbance impacts on neighbouring uses or on the future occupants of the building to accord with policy NE9 of the Local Plan.*

12. Prior to first occupation of the development, the approved electric vehicle charging scheme as detailed on plan 00140 rev P14, shall be implemented and fully operational.

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

#### **Regulatory/ongoing conditions**

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

13. A Travel Plan with up-to-date user survey data shall be submitted for approval by the Local Planning Authority no later than 3 months after first occupation of the development. The Travel Plan shall include the provision of a travel pack for residents, a car park management plan for the parking spaces within the proposed development, and proposals for the monitoring, review and update of the Plan. The Travel Plan will also detail any other additional measures to be actioned by a named Travel Plan Coordinator for a minimum of 5 years following first occupation of the development.

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

14. The development shall be undertaken in accordance with the revised flood risk assessment and drainage management strategy dated 6/11/18, undertaken by Betts Hydro, unless otherwise agreed in writing by the Local Planning Authority.

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

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

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Planning Layout reference FF plan 00142 revision P14  
Planning Layout reference 3F plan 00144 revision P14  
Planning Layout reference LGF plan 00140 revision P14  
Elevations reference London Rd perspective 00161 revision P07  
Planning Layout reference 4F plan 00145 revision P14

Planning Layout reference 7F plan 00148 revision P14  
Elevations reference London Rd elevation 00150 revision P11  
Elevations reference North/South elevations 00152 revision P10  
Elevations reference London Rd perspective 00160 revision P06  
Planning Layout reference Site Plan 00130 revision P07  
Planning Layout reference GF plan 00141 revision P15  
Planning Layout reference 2F plan 00143 revision P14  
Planning Layout reference 5F plan 00146 revision P13  
Planning Layout reference 6F plan 00147 revision P13  
Landscaping reference 00131 revision P04  
Drawing reference Cross section 01 00170 revision P07  
Drawing reference Section A 00701 revision P02  
Drawing reference Section C 00703 revision P01  
Elevations reference 00151 revision P10  
Drawing reference Section 02 00171 revision P08  
Drawing reference Strip section □ elevation 00180 revision P06  
Planning Layout reference Studio plan 00190  
Planning Layout reference One bed plan 00193  
Planning Layout reference Two bed plan 00194

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

## Informatics

1. The development is located either within or on the boundary of an 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) [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.

An air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling) 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 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.

**DRAFT<sup>5</sup> ONLY**

Continued...

**Not for issue**

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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.

2. All site clearance work and demolition should be undertaken outside of the bird-breeding season (March to September inclusive) because all birds' nests (except pest species) are protected from disturbance and destruction by the Wildlife and Countryside Act 1981 (and as amended). If work has to take place during the bird breeding season it is recommended that searches are carried out by an experienced ecologist before work begins. If nesting birds are present, work will have to be suspended and the nest left undisturbed.

3. 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 or [highway.Agreements@nottinghamcity.gov.uk](mailto:highway.Agreements@nottinghamcity.gov.uk). All costs shall be borne by the applicant.

4. 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.

5. 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 Highway Agreements on 0115 876 5293 or [Highway.Agreements@nottinghamcity.gov.uk](mailto:Highway.Agreements@nottinghamcity.gov.uk). All costs shall be borne by the applicant.

6. The applicant should provide a Travel Plan to contain transport related information on the provision of sustainable modes of transport. The applicant is advised to contact Robert Smith (Senior Transport Planner) on 0115 8763604 or [Transport.Strategy@nottinghamcitygov.uk](mailto:Transport.Strategy@nottinghamcitygov.uk) for further information.

7. There shall be no deliveries and collection of goods and refuse except between 0800 - 1800 hrs Monday - Fridays, 0800 - 1300 hrs Saturdays and at no time on Sundays or Bank or Public Holidays.

8. During the construction phase of the development, working hours and commercial vehicle movements to or from the site during construction shall be restricted to 0800 to 1800 hrs Monday to Friday and 0800 to 1300 hrs Saturdays, and at no time on Sundays or Bank and Public Holidays

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: 18/02107/PFUL3 (PP-07291285)

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

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

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

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

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

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

#### PURCHASE NOTICES

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

#### COMPENSATION

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

WARDS AFFECTED: Bestwood

Item No:

**PLANNING COMMITTEE**  
**20th February 2019**

**REPORT OF CHIEF PLANNER****William Olds Youth Centre , 84 Chiltern Way****1      SUMMARY**

Application No: 18/00143/POUT for outline planning permission

Application by: Tang And Associates Ltd - Chartered Architects on behalf of LCAM (Nottingham) Ltd. Mr M Aggarwal

Proposal: Demolition of building and erection of 23 three storey dwellings with associated car parking. (Details of access, appearance, layout and scale submitted for approval with landscaping reserved)

The application is brought to Committee at the request of Local Ward Councillors.

To meet the Council's Performance Targets this application should have been determined by 23rd July 2018 but an extension of time has been agreed until 28<sup>th</sup> 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 include:-
    - (i) a financial contribution towards off-site public open space and
    - (ii) a financial contribution towards education provision
  - 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 application relates to the site of the former William Olds Youth Club on Chiltern Way. The site is located on the east side of Chiltern Way and is bounded by Sandy Banks Local Nature Reserve to the north, east and south. The west side of Chiltern Way is residential in character comprising two storey semi-detached and terraced houses. The former youth club building remains on site, standing at the north eastern corner, with a grassed area to the south and a hard surfaced car park to the west. The site is enclosed by palisade fencing around its perimeter as well as some hedging along the Chiltern Way frontage.
- 3.2 The site is currently owned by Nottingham City Council but has been declared surplus and has been vacant for more than 2 years. The Council is in the process of disposing of the land.

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

- 4.1 The application seeks outline planning permission for 23 houses on the site following the demolition of the existing building. Approval of the access, appearance, layout and scale are sought now, with landscaping details reserved for later approval. A new vehicular access is proposed alongside the northern perimeter of the site and the dwellings would be laid out in a cul-de-sac arrangement with five properties fronting onto Chiltern Way. Properties located at the eastern side of the site would face outward onto the Nature Reserve and properties adjacent to the south side boundary of the site would have dual aspect to provide views over the Nature Reserve to the south.
- 4.2 The proposed dwellings would be two storey in height with dormers to provide additional accommodation in the roof space. The dwellings would be of brick construction with accents of render to a small number of units, and pitched, tiled roofs.
- 4.3 The site layout and appearance of the dwellings have been subjected to a series of amendments to overcome concerns. Further amendments to the position of adopted highway and shared surface have been requested by Highways and will be reported to Committee by way of an update.

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

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

112 Pedmore Valley, Flat the Nirmala Surgery 112 Pedmore Valley and Flats 1-16,  
Sunrise House, 118 Pedmore Valley  
57-81 (odds) Chiltern Way  
The Presbytery, 51 Cherry Orchard Mount and Infant of Prague Catholic Church,  
Cherry Orchard Mount

The application has also been advertised by way of a site notice and press advertisement.

Further notifications were sent out to the above addresses and also 1 Chiltern Way, following receipt of amended plans.

Six representations have been received from six addresses, making the following comments:

- Chiltern Way is already congested with traffic and parked cars. It is not wide enough to accommodate an additional 23 dwellings and associated vehicles
- The road should be widened by taking land from the site
- The development only provides one parking space per dwelling which is not sufficient for 3 bedroom dwellings
- Three storey houses would not be in keeping with the existing dwellings within the area
- Three storey dwellings would overshadow and overlook the existing houses on the opposite side of Chiltern Way
- It is not clear whether the houses will be for private sale or affordable.
- Will there be any landscaping carried out beyond the site boundary?
- The construction process will cause disruption for existing occupiers in the area
- The revised layout provides a turning head for a bin lorry but this will not be useable if cars are parked here.
- The original plan showed trees to be retained and now these are to be removed.

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

**Environmental Health:** No objection.

**Highways:** the revised layout and access is generally considered acceptable. However, further details have been requested in relation to tracking, turning, extent of shared surface and the width of pedestrian footpaths through the site.

**Biodiversity Officer:** The additional bat survey carried out in September 2018 is satisfactory. The applicant should be made aware that a further survey will be required if the development is not commenced within 2 years. Appropriate landscaping will need to be agreed. Conditions requiring bat friendly lighting and hedgehog friendly fencing are recommended.

**Tree Officer:** Although it would be preferable to retain the birch tree within the site, it is not of sufficient amenity value to justify retention at the cost of the development.

## **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.
- 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);
  - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - 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.

## H1 - New Housing 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) Trees

#### **Issue (i) Principle of Residential Development (Policies ST1, H1 and Policy 8 of the Aligned Core Strategy)**

- 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. The existing building has been declared surplus to requirements and has been vacant for more than 2 years and the surrounding area is very much residential in character. The site is therefore considered appropriate for residential development.
- 7.4 The current proposal would deliver quality housing of an appropriate size and design for occupation by families, offering three bedroom properties with private rear gardens and off street parking. The development would benefit from good public transport links to the city centre being located close to a primary bus route. 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 houses would now be comparable in scale to two storey dwellings, which would be in keeping with the existing houses along Chiltern Way. The amended scheme would provide a legible layout with an appropriate number of dwellings to make the most efficient use of the site. Whilst the density is higher than the immediate neighbouring residential development, it is considered that the site is visually separate from the houses opposite and that the development of short terrace blocks, oriented generally facing outwards, is an appropriate design response to the context. The proposed dwellings are of an acceptable size providing three bedrooms with adequate sized gardens and would therefore be suitable for family accommodation.
- 7.7 The layout has been amended a number of times to maximise views and natural surveillance over the adjoining Nature Reserve and ensure that the development is as outward looking as possible. The site frontage with five dwellings with direct access off Chiltern Way reflects the existing residential frontage on the opposite side of Chiltern Way. The plots on prominent corners have been designed with dual frontages where possible.
- 7.8 In-curtilage parking for one vehicle would be provided for each of the houses. The proposed palette of materials comprises brick, render and tiles. A condition requesting samples of all external materials is recommended. Details of landscaping have been reserved.
- 7.9 Rear access is provided to all properties for bin storage. 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)**

- 7.10 The closest residential properties are located on the opposite side of Chiltern Way, and it is not considered that the development would result in any significant overbearing impact or loss of light for the occupiers of existing properties on Chiltern Way.

- 7.11 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)

- 7.12 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 Chiltern Way. Local Residents cite existing problems of congestion and suggest that the road is not wide enough to accommodate an additional 23 dwellings. The Highway Authority has been consulted, and raises no objection to the development on capacity or safety grounds. Each dwelling would provide off-street parking for one vehicle and the internal roads will allow for some informal on-street parking. 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 a significant increase in demand for on-street parking on Chiltern Way. 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)

- 7.13 The application is accompanied by an Arboricultural Impact Assessment and Tree Survey which highlights the need for the removal of a Birch tree and a Hedge within the site. Although the survey is considered to undervalue the existing Birch Tree, its amenity value does not justify its retention at the cost of the development. The possibility of retaining the tree within one of the plots has been explored but this was not possible.
- 7.14 Landscaping details have been reserved for approval and as such a subsequent application will be submitted which will provide such details. A further condition requiring the provision of replacement trees is also recommended.
- 7.15 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.

**8. SUSTAINABILITY / BIODIVERSITY**

- 8.1 An initial bat survey of the building was carried out by an Ecologist and a further survey to establish the presence or absence of bats was recommended. This was carried out in September 2018 and found no evidence of bat activity within the building. The Biodiversity Officer has reviewed the report and is satisfied with the findings. Given the proximity of the site to Sandy Banks Nature Reserve, details of bat friendly lighting would be secured as part of the ecological enhancement strategy required under condition 4 of the draft decision notice.
- 8.2 It will be important to ensure that the landscaping for the site is appropriate given the proximity of the Sandy Banks Nature Reserve. Landscaping details are

reserved and will be submitted as part of the reserved matters application. A further condition requiring the use of hedgehog friendly fencing is recommended.

## **9 FINANCIAL IMPLICATIONS**

9.1 For this development, the policy compliant planning obligations are required as follows:

- An off-site financial contribution of £27,247.74 towards public open space.
- A Financial contribution of £59,418.39 towards education provision.

9.2 The public open space contribution would be used towards facility improvements at Southglade Park and Sandy Banks Local Nature Reserve which are in the vicinity of the site. The sum towards education provision has been negotiated with the Education department and would be used to improve facilities in the Bestop Primary Planning Area (0010) which includes the following schools; Warren, Rise Park, Stannstead, Westglade, Southglade, Margaret Clitherow, Glade Hill, Henry Whipple and Robin Hood.

## **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 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: 18/00143/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P30IJ5LYH3B00>

2. Highways comments dated 8.1.19
3. Environmental Health comments dated 18.10.18
4. Biodiversity Officer comments dated 19.12.18
5. Tree Officer comments dated 27.4.18
6. Objection from local resident dated 28.4.18
7. Objection from local resident dated 28.4.18
8. Objection from local resident dated 13.5.18
9. Objection from local resident dated 21.5.18
10. Objection from local resident dated 1.1.19
11. Objection from local resident dated 20.1.19

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

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.  
Email: zoe.kyle@nottinghamcity.gov.uk.   Telephone: 0115 8764059

# NOMAD printed map



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## Key

City Boundary

## Description

No description provided

**My Ref:** 18/00143/POUT (PP-06654053)

**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](http://www.nottinghamcity.gov.uk)

Tang And Associates Ltd - Chartered Architects

FAO: Mr Barry Tang

Entrance W1, First Floor

Westwood House

Greenwood Business Centre

Manchester

M5 4QH

Date of decision:

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

Application No: 18/00143/POUT (PP-06654053)

Application by: LCAM (Nottingham) Ltd. Mr M Aggarwal

Location: William Olds Youth Centre , 84 Chiltern Way, Nottingham

Proposal: Demolition of building and erection of 23 three storey dwellings with associated car parking. (Details of access, appearance, layout and scale submitted for approval with landscaping reserved)

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

**Time limit**

1. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

*Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. Application for the approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

*Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Pre-commencement conditions**

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



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Continued...

**Not for issue**

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3. Notwithstanding the details shown on the approved plans, 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.

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

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. 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 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.

*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.*

6. Notwithstanding the details shown on the approved plans, 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. This should include details of hedgehog friendly timber fencing to be installed along the side boundaries of private rear gardens

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

7. 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.*

#### **Pre-occupation conditions**

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

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

*Reason: To ensure that the appearance of the development is satisfactory, in accordance with Policy 10 of the Aligned Core Strategies.*

9. 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)

There are no conditions in this section.

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

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
- Drawing reference 9413-010 revision B, received 28 December 2018  
Drawing reference 9413-111 revision B, received 28 December 2018  
Drawing reference 9413-112 revision B, received 28 December 2018  
Drawing reference 9413-113 revision B, received 28 December 2018  
Drawing reference 9413-114 revision B, received 28 December 2018  
Drawing reference 9413-120 revision A, received 28 December 2018  
Drawing reference 9413-101 revision C, received 28 December 2018  
Other reference Arboricultural Impact assessment P.992.18 revision March 2018, received 27 March 2018  
Ecology Report reference Ascerta Bat Survey Report revision September 2018 dated 17 September 2018

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

#### **Informatics**

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

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

3. The applicant will be expected to include proposals for the planting of a replacement tree for the tree to be felled, including details of species, size, location and tree pit, within the landscaping details required by condition 1 of this permission.

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.



# DRAFT ONLY

## Not for issue

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Continued...

**RIGHTS OF APPEAL**  
Application No: 18/00143/POUT (PP-06654053)

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

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

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

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

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

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

#### PURCHASE NOTICES

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

#### COMPENSATION

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

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