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**Nottingham
City Council**

Nottingham City Council Planning Committee

Date: Wednesday, 18 November 2020

Time: 2.30 pm

Place: Remote - To be held remotely via Zoom -
<https://www.youtube.com/user/NottCityCouncil>

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: Kate Morris **Direct Dial:** 0115 876 4353

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|----------|---|---------|
| 1 | Apologies for Absence | |
| 2 | Declarations of Interest | |
| 3 | Minutes | 3 - 12 |
| | To agree the minutes of the meeting held 23 September 2020 | |
| 4 | Planning Applications : Reports of the Chief Planner | |
| a | Site Of Middletons Public House Trowell Road | 13 - 32 |
| b | South West Section Of Bulwell Academy Henry Mellish Site
Highbury Road | 33 - 52 |
| c | Sports Ground Junction Of Piccadilly Brooklyn Road | 53 - 72 |
| 5 | Planning White Paper Response - For information and to note | 73 - 94 |
| | Update from the Director of Planning and Regeneration | |

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

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Nottingham City Council

Planning Committee

Minutes of the meeting held remotely via Zoom and livestreamed on the Council's YouTube Channel - <https://www.youtube.com/user/NottCityCouncil> on 23 September 2020 from 2.35 pm - 5.20 pm

Membership

Present

Councillor Leslie Ayoola (items 22-27)
Councillor Graham Chapman (Vice Chair) (items 22-27)
Councillor Kevin Clarke
Councillor Michael Edwards (Chair)
Councillor Maria Joannou
Councillor Gul Nawaz Khan (items 22-27)
Councillor Pavlos Kotsonis
Councillor Sally Longford
Councillor AJ Matsiko
Councillor Toby Neal (items 22-26)
Councillor Lauren O`Grady
Councillor Ethan Radford (items 22-27)
Councillor Mohammed Saghir (items 22-25)
Councillor Wendy Smith (items 22-26)

Absent

Councillor Cate Woodward
Councillor Audra Wynter

Colleagues, partners and others in attendance:

Lisa Guest - Principal Officer Highway Development Management
Councillor Dave Liversidge - Ward Councillor for St Anns (item 26)
Martin Poole - Area Planning Manager
Paul Seddon - Director of Planning and Regeneration
Judith Urwin - Solicitor
Councillor Linda Woodings - Ward Councillor for Basford (item 27)
Jane Garrard - Senior Governance Officer

22 Apologies for Absence

Councillor Cate Woodward – Leave
Councillor Audra Wynter – Other Council business

23 Declarations of Interest

Councillor Ethan Radford declared an Other Interest in agenda item 4d Basford United Football Club, Greenwich Avenue, Nottingham NG6 0LE (minute reference:

25d) because his grandmother and godmother live on Greenwich Avenue. He left the meeting prior to discussion and voting on this item.

24 Minutes

The Committee confirmed the minutes of the meeting held on 19 August 2020 as an correct record and they were signed by the Chair.

25 Island Business Centre City Link Nottingham

Martin Poole, Area Planning Manager, introduced application number 20/01527/PFUL3 for planning permission and application number 20/01528/LLIS1 for listed building consent both in relation to phase 1A of the Island Quarter and submitted by AXIS David Jones on behalf of Conygar Nottingham Ltd (ref Mr Chris Ware).

Application number 20/01527/PFUL3 proposes mixed-used commercial development comprising enabling works (demolition and earthworks), retail (classes A3/A4/A5), assembly and leisure (class D2) uses, access modifications, utility infrastructure and drainage, new areas of public realm/ landscaping and alteration to the listed Turnover Bridge.

Application number 20/01528/LLIS1 proposes alterations to the listed Turnover Bridge, in association with mixed-use commercial development comprising enabling works (demolition and earthworks), retail (classes A3/A4/A5), assembly and leisure (class D2) uses, access modifications, utility infrastructure and drainage, new areas of public realm/ landscaping.

The applications were brought to the Committee because they are for a prominent site with important design and heritage considerations.

To meet the Council performance targets these applications should be determined by 3 December 2020 and 29 October 2020 respectively.

Additional information, amendments and changes to the item since the publication of the agenda was included in an update sheet appended to the agenda, including confirmation that the value of the employment and skills financial contribution has been finalised as £39,972.

The following points were discussed:

- a) The application is for an area on the western part of the Island site. The grant of outline planning permission for the whole site had previously been approved by the Committee. The applicant has a long term interest in successful development and management of the entire site.
- b) The application is for development of a three storey 'pavilion' building which will include a restaurant and bar, and a single storey bandstand building within an area of public open space to be used for events and entertainment, creating a vibrant public community space. Provision is included in the application for a

step free accessible route from the site entrance down to an extended canal towpath for pedestrian and cycle use.

- c) The proposals reflect the constraints of a public sewer running through the site.
- d) The main building will be red brick with pre-patterned metal panelling.
- e) The proposals include a slight remodelling of the steps from the Turnover Bridge. The applicant has stated that they would prefer a stone finish but are prepared to consider alternatives. Differing views were expressed by Committee members regarding a stone or blue brick finish and it was acknowledged that it needs to fit within the overall materials mix for the site. There was general support expressed for materials to be used that reflect the heritage and historical features of the bridge and wider location, such as proximity to the railway station. It was suggested that there could be a continuation of the railings on the bridge onto the steps.
- f) Some Committee members expressed concern that the remodelled steps lose the current facility for pushing bicycles down the steps. It was noted that consultation had taken place, including with Pedals and the application is for cycle access through the site rather than down the steps.
- g) A formal response has not yet been received from Environmental Health regarding the potential for concerns about noise.
- h) Final confirmation that the Environment Agency is satisfied with the application and the applicant's flood risk assessment is still awaited, and the grant of planning permission would be subject to receipt of that. It is understood that the Environment Agency are seeking clarification regarding some detailed technical matters.
- i) A substantial financial contribution towards highways improvements is proposed. This reflects the applicant's interest in ensuring good accessibility for the entire Island site and Committee members welcomed this level of investment.
- j) A Committee member raised concerns about the level of financial investment for employment and skills, suggesting that the level was too low. It was confirmed that although sitting within a larger masterplan for the whole site, this is a standalone application and financial contributions can only be based on this specific element, and that the application meets all of the Section 106 requirements, there is no viability challenge and there is no further policy ask that could be made of the development.
- k) Committee members felt that it was an exciting scheme and supported the development of more open public space. There was general support for the quality of the architectural design.
- l) Committee members welcomed the sustainability aspects of the scheme, including linking to the district heating scheme, use of rainwater harvesting and greening of the canal side. It was suggested that there should be a detailed

planting plan approved by the Council's Biodiversity Team to ensure that the planting supports commitments to creating a bee-friendly city.

The Committee requested that a copy of the masterplan and outline planning permission for the whole Island site is provided to all Committee members.

Resolved to:

- 1) grant planning permission and listed building consent for the reasons set out in the report, subject to:**
 - i. no material matters arising as a consequence of the revised Certificate of Ownership submitted with application**
 - ii. the further response of the Environment Agency confirming that the objection to the applicant's Flood Risk Assessment has been overcome**
 - iii. the indicative conditions substantially in the form of those listed in the draft decision notices at the end of the report, with the materials condition amended to include submission of full details of the design and materials for all changes to the Turnover Bridge, its steps and retaining wall and railings for approval**
 - iv. prior completion of a Section 106 planning obligation to secure:**
 - a) a financial contribution towards highways improvements in the total sum of £1,050,000**
 - b) local employment and training benefits including opportunities in the construction and operation phases of development together with payment of a financial contribution towards employment and training totalling £39,972**
- 2) delegate authority to the Director of Planning and Regeneration to determine the final details of both the terms of the planning obligation and the conditions of planning permission and listed building consent;**
- 3) that the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought 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.**

26 IQ Nottingham 143 Lower Parliament Street Nottingham

Councillor Dave Liversidge spoke on this item as a ward councillor. He raised the following points on behalf of the local Residents Association and Sneinton Market Action Group:

- a) There are already too many students living in the area, with 362 students in the market area alone, and this application will increase that number and further unbalance the community. Students don't have a sense of community and can drive out local businesses who can't deal with the changes in demand as a consequence of the academic calendar. The application contravenes policy H06

of the 2020 Local Plan and High Quality Objective 2 and Regeneration Objective 5 of the 2014 Core Strategy.

- b) The application will negatively impact on the local market heritage. The application is directly adjacent to the Conservation Area and will greatly affect the character of the area. The existing wavy roofline on Gedling Street and Boston Street is a distinctive local landmark and part of the character of the Conservation Area. The proposal will not preserve the connection with the past.
- c) The application is bad for local businesses – three local businesses will be lost as a result of the proposal. Owners of businesses already operating from the building have not been consulted and the new retail space will not be able to house their businesses. The impact on the local businesses contravenes Objectives 3, 4 and 5 of the 2014 Core Strategy and the policies DE1b and DE1d and RE3 of the 2020 Local Plan.
- d) There has been no community consultation with the local residents, businesses and stakeholders in the drafting of the scheme and there are widespread objections amongst the local community. This contradicts Objective 7 of the 2014 Core Strategy and the application should be refused to enable dialogue around development in the area to take place.

Councillor Liversidge left the meeting.

Martin Poole, Area Planning Manager, introduced application number 20/01095/PFUL3 for planning permission for the partial demolition and new extensions onto Gedling Street, Boston Street and to oval element onto Lower Parliament Street to provide additional purpose built student accommodation, amenity spaces and flexible retail units (Use Classes A1/ A3// A4/ D2).

The application was brought to the Committee because it is a major application for a prominent site with important design and heritage considerations, and it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's performance targets this application should be determined by 27 October 2020.

Additional information, amendments and changes to the item since the publication of the agenda was included in an update sheet appended to the agenda, including information relating to the size of the proposed student bedrooms and retail floor space.

The following points were discussed:

- e) The application relates to an existing building comprising student accommodation and retail space, and includes two elements. Firstly, the creation of two storeys of additional student accommodation; and secondly the remodelling of the existing ground floor for commercial retail space and student facilities. There will be a net gain of 85 student bedrooms. Officers have requested the exact figures of the commercial ground space but this has not been provided. It is estimated

that there will be a reduction from 1140m² to 615m². The frontage onto Gedling Street will be retained as commercial use.

- f) The site is outside the Conservation Area but the proposed development is important to its setting.
- g) Concerns have been raised in relation to existing businesses. The application recognises that existing tenants do have unexpired leases of 7 years and as such they have received formal notification of the application. However, their status is a commercial matter between the parties and cannot be a planning consideration. It is understood that the type of retail space being created is that likely to be attractive to independent operators. The site is important as an independent retail cluster in the Local Plan and officers consider that the application complies with those policies.
- h) Some Committee members raised concerns about the proposed brick colour and quality of materials for the wavy roof, noting that the building will affect the look and feel of the local area, including sites that are important in terms of the City's heritage. It was confirmed that the images are illustrative and the brick colour will be dealt with through detailed planning conditions to ensure that materials are good quality and relate well to the local context and that the concerns of Committee members are addressed.
- i) While local concerns about the density of student populations are understandable, the policy encourages purpose-built student accommodation developments in the centre of the City, and as demand currently outstrips supply the application to create a limited number of additional student bedrooms in an existing building in the context of the mixed developments coming through in the area is unlikely to unbalance the local community. The application is in line with policies relating to student accommodation.
- j) It is in the developer's interest to provide a range of accommodation that will be attractive to students throughout their time at university. The application is for a range of accommodation.
- k) Some Committee members raised concerns about the impact on parking and traffic. The application is confined to the existing site footprint and the proposed section 106 planning obligation including a student management plan will restrict students' ability to keep private vehicles, and therefore officers do not consider that there will be a significant impact. The student management plan is a standard approach to ensuring that the accommodation is managed properly and generally this approach works.
- l) Some Committee members raised concerns about the apparent lack of local consultation. It was confirmed that 211 individual letters had been sent to residents and businesses, with on-site notification in accordance with the usual arrangements for giving notice of an application. The substantial level of responses received suggests that local people are aware of the application and had opportunity to comment.

- m) The requirements for a contribution for local employment and training are being met in full and requirements for off-site open space are based on the additional number of bedrooms generated by this development and will follow Council policy.

Resolved

- 1) to grant planning permission for the reasons set out in the report, subject to:**
 - i. the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report;**
 - ii. prior to completion of an agreement to secure a section 106 planning obligation to secure the following:**
 - a. an off-site open space contribution of £81,345**
 - b. local employment and training benefits including opportunities in the construction and operational phases of development together with payment of a financial contribution towards employment and training**
 - c. a student management plan and restrictions on keeping private vehicles**
- 2) delegate authority to the Director of Planning and Regeneration to determine the final details of both the terms of the planning obligation and the conditions of planning permission; and**
- 3) that the Committee is satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that planning obligations sought 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.**

27 High School Sports Ground Hucknall Road Nottingham NG5 1NX

Councillor Linda Woodings spoke on this item as a ward councillor. She raised the following points:

- a) This is the second time that Nottingham High School has submitted proposals for the sports field without consultation or consideration for neighbouring residents.
- b) Tring Vale is a quiet, narrow road that is little used apart from by residents living there and the adjacent area of the sports field has not previously been used for intensive sporting activity. The distance from the site of the application to the border with neighbouring land is only 9m and residents are concerned about the impact of noise from the proposed netball courts on their lives.
- c) Comparisons have been made with cricket being played, but that is a quieter and seasonal game and therefore not comparable.
- d) Residents are concerned about the hours that the courts will be used for. There are no proposals for permanent floodlights so this will lessen use in the winter but the High School has previously stated that it believes it can use temporary

floodlights without permission being required. Therefore, if the Committee does grant planning permission, it is asked to consider restricting the hours and/or days of use.

- e) It is anticipated that the courts will create additional traffic and parking from visiting teams and their parents. Coaches are unable to enter the grounds and already have to park in unsuitable locations, and the creation of additional sporting facilities is likely to make this problem worse.

Councillor Woodings left the meeting.

Martin Poole, Area Planning Manager, introduced application number 20/01279/PFUL3 for planning permission for the construction of three permeable asphalt netball courts including a fence enclosure by Gaskell Building Surveyor on behalf of Nottingham High School.

The application was brought to the Committee because it had generated significant public interest that was contrary to the officer recommendation, and at the request of a ward councillor.

To meet the Council's performance targets this application should have been determined by 1 September 2020.

Additional information, amendments and changes to the item since the publication of the agenda was included in an update sheet appended to the agenda.

The following points were discussed:

- f) The lawful use of the field is for sports and the disposition of sports on the playing field is at the discretion of the school.
- g) The proposal is for the installation of three netball courts in a location relatively close to residential properties. The figures for distances to neighbouring properties contained in the report refer to the distances from the perimeter of the netball court to the houses themselves rather than to the boundary of the properties. Houses are the relevant point for disturbance and this is an important distinction. Some councillors raised concern that the site was so close to residential properties when it could have been located elsewhere on the sports field.
- h) The site is within a flood zone area but there is not considered to be significant flood risk. It is positive that the proposed surface is permeable.
- i) Comments have been received from Sports England objecting to the application unless the school enters into a community use agreement for the cricket field. The school does currently allow some limited use but Sports England commented that it would be appropriate to formalise use. However, it is officers' opinion that requiring a formalisation of community use goes beyond what is reasonable for this proposal in terms of a planning condition.

- j) The application does not make reference to flood lights and officers view this as restricting use to the daytime and therefore there would be limited disturbance at night. There are currently no limitations on the hours of use anywhere else on the field and there is the potential for portable flood lights to be used elsewhere. The comments received from the Environmental Health Team do not suggest that there is a need for additional restrictions on use. However, Committee members raised concern that although the lack of flood lights would restrict use to daytime in autumn and winter, there would be sufficient natural light to play until quite late into the evening in summer months and therefore supported residents' and the Ward Councillor's request to restrict the hours of use through planning conditions.

Resolved to

- 1) grant planning permission for the reasons set out in the report, subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report, including an additional condition restricting the hours of use of the site to no later than 20:30 hours BST to protect the amenity of local surrounding residents; and**
- 2) delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions.**

The meeting was adjourned at 5pm and reconvened at 5:05pm.

28 Basford United Football Club Greenwich Avenue Nottingham NG6 0LE

Councillor Ethan Radford declared an Other Interest in this item because his grandmother and godmother live on Greenwich Avenue. He left the meeting prior to discussion and voting on this item.

Martin Poole, Area Planning Manager, introduced application 20/01277/PFUL3 for planning permission for a single storey extension to Basford United Football Club clubhouse by MDA Mr Dave Smith on behalf of Mr Chris Munroe.

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

To meet the Council's performance targets the application should have been determined by 24 August 2020.

Additional information, amendments and changes to the item since the publication of the agenda was included in an update sheet appended to the agenda, including correspondence from the applicant to local residents and additional conditions proposed by the Council's Highways Team.

The following points were discussed:

- a) The application is for the construction of a flat-roofed brick extension to the existing clubhouse. The extension would result in the loss of five car parking

spaces, with 14 new spaces proposed to the north-east of the car park on a grassed area adjacent to a secondary football pitch.

- b) There have been a number of representations received about the application. The club is successful and attracts significant crowds to watch games on match days. Concerns have been raised about the impact on parking, arrangements for car park management and the potential for anti-social behaviour arising from activities in the clubhouse itself.
- c) The Highways Team has proposed some additional conditions including adding three electric vehicle charging points and requiring a car parking management plan to be put in place to ensure proper management of the car park and to promote sustainable transport measures.

Resolved to:

- 1) grant planning permission for the reasons set out in the report, subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and additional conditions to cover car parking management, cycle parking, electric vehicle charging points and travel planning; and**
- 2) delegate authority to the Director of Planning and Regeneration to determine the final details of the conditions.**

29 Planning White Paper

This item was deferred to a future meeting.

Wards Affected: Wollaton West (May 2019)

Item No:

**Planning Committee
18th November 2020**

Report of Director of Planning and Regeneration

Site Of Middletons Public House , Trowell Road

1 Summary

Application No: 20/01250/PFUL3 for planning permission

Application by: Swish Architecture Ltd on behalf of Swan Homes (Nottingham) Ltd.

Proposal: Proposed Demolition of the Existing Public House and to Construct 16 No. Dwellings

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation, and at the request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 21st September 2020

2 Recommendations

2.1 To **GRANT PLANNING PERMISSION** subject to:

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

- (i) A financial contribution of £121,680 towards off-site Affordable Housing provision;
- (ii) A financial contribution of £36,782 towards provision or enhancement of off-site Public Open Space; and
- (iii) Local Employment and Training opportunities, including a financial contribution of £5,972

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

2.2 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.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought 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.

3 Background

- 3.1 The site formerly contained the Middleton Public House, which has since been demolished. To the north of the site is a day nursery which has a fire escape and a number of windows along its southern elevation. The nursery's rear garden area contains play equipment and shares its boundary with the development. To the north of the day nursery are residential properties fronting Bridge Road.
- 3.2 To the west of the site is the former Waitrose supermarket. This has a service yard and landscaped area with trees adjacent to the site boundary.
- 3.3 The site is bounded by Trowell Road to the south and Bridge Road to the east, a service road accessed from and running parallel to Torvill Drive. On the eastern side of the Torvill Drive junction with Trowell Road is a recent development of small retail units, on the site of a former petrol filling station. Trowell Road is fronted by a mix of commercial and residential properties.
- 3.4 The site forms part of an Independent Retail Cluster, as designated within the LAPP, that is centred on the adjacent supermarket.
- 3.5 An application for Permission in Principle was granted on 15th November 2018 for a proposed scheme of between 6 and 8 large detached dwellings on the site.

4 Details of the proposal

- 4.1 Permission is sought for 16 dwellings which would comprise 2 x 4 bed units, 8 x 3 bed units and 6 x 2 bed units. The 4 bed units and 6 of the 3 bed units are provided with garden areas and on-site parking, whilst 2 of the 3 bed units and the 2 bed units do not have gardens and dedicated parking bays within a more communal arrangement.
- 4.2 The larger dwellings are configured to front both Bridge Road and the northern side of a new cul-de-sac within the site. The 2 bed units are configured in a block of 6 back-to-back dwellings that front both Trowell Road and the cul-de-sac. A pair of 3 bed semi-detached dwellings without gardens address the south eastern corner of the site, also fronting Trowell Road.
- 4.3 6 of the larger dwellings are provided with 2 off-street parking spaces whilst all of the others would have a single parking space. A visitor's space is also proposed near to the entrance to the cul-de-sac. Each dwelling is to be provided with an electrical vehicle charging point. External cycle parking is also proposed for the units without gardens.
- 4.4 The dwellings are of traditional design and to be constructed in a mix of brick and roughcast render, some also incorporating timber detailing and bay windows. All are 2 or 2½ storey in height, the latter incorporating accommodation within the roofspace served by dormers and roof lights.
- 4.5 A bin collection point is proposed near to the entrance with the cul-de-sac.
- 4.6 To the Trowell Road frontage a 1.5m high brick wall with railings above is proposed, which would also wrap around the south eastern corner of the site. 1m high dwarf walls are proposed to the larger units fronting Bridge Road. New tree and shrub planting is proposed within the landscaped areas of the site.

- 4.7 Changes have made to the scheme during the course of determining the application, including:- a reduction to the height of the plot adjacent to the children's day nursery; the removal of the rear dormers to the units that back onto the boundary with the day nursery; an increase the total number of car parking spaces from 18 to 23; the addition of bin and cycle storage facilities; and an existing pillar adjacent to the day nursery's entrance and fencing between plot 1 and the nursery's driveway being reduced to 1m in height.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

35 Properties on Bridge Road, Torvill Drive and Trowell Road have been notified twice in writing in relation to the proposed development. The application has also been publicised through a press notice and a site notice. The second round of publicity expired on the 6th November 2020. As a consequence of this publicity 15 letters of objection and 1 letter of support have been received at the time of writing this report. Members will be updated on any further representations received.

Additionally the Case Officer and Ward Councillors attended a meeting on site in September to discuss concerns raised by local residents.

Local residents have raised the following matters:

- The development would result in an increase in traffic congestion along Bridge Road and impact on the ability to safely access the day nursery and other properties along the road. The height of proposed fencing and an existing pillar adjacent to the Day Nursery is of particular concern.
- The development would contribute to additional on-street parking on Bridge Road, whilst also removing on-street spaces used to the southern end of Bridge Road, which could cause on-street parking to be sought further along the road.
- On-street car parking from users of the vets to the east of the site and commuters using bus services on Trowell Road cause obstruction and narrowing of Bridge Road. There are concerns that this situation would be exacerbated by the proposed development.
- It is already difficult for emergency vehicles and refuse vehicles to access Bridge Road.
- Insufficient car parking provision is provided for the development.
- The development is over-intensive and out of keeping with the area.
- The development causes issues of overlooking and loss of light to neighbouring properties.
- The development does not follow the building line of existing residential development on Trowell Road.
- Concern over noise and dust whilst the site is under development.

- Potential for an increase in surface water from the site and water pooling on the site.
- Concern over the existing capacity of foul drains in the area.

The letter of support comments that the development will make a positive contribution to the area and bring into use a vacant brownfield site.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection to the proposal subject to conditions requiring submission of a Remediation Strategy, Environmental Noise Assessment, Electric Vehicle Charging Scheme and also verification that any approved remediation and noise reduction schemes are implemented. The Air Quality Assessment that has been submitted with the scheme is considered to be appropriate and a condition requiring implementation of a dust mitigation scheme is also requested.

Highways: No objection to the proposal subject to conditions requiring the provision of permeable surfacing to the car parking spaces, cycle storage facilities for the 2 bed units, electrical vehicle charging points, sight lines for the new access road, and that the footpath to the west side of Bridge Road be made good. Tracking details for the new access road are also requested.

Drainage: No objection to the proposal subject to a condition requiring submission of a surface water drainage scheme.

Parks and Open Spaces: An off-site contribution towards open space should be sought. The contribution would be £36,782; £6,316 for the 2x4 beds, £19,672 for the 8x3 beds and £10,794 for the 6x2 beds.

Education: No contribution is requested as the schools in the locality have sufficient capacity.

Housing Strategy: An off-site affordable housing contribution of £121,680 (3 units (20%) x £40,560) should be sought in this instance.

Employment and Training: The scheme should provide local employment opportunities for Nottingham residents, including a financial contribution of £5,972 to support this.

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) (2019)

The most relevant sections of the NPPF to this application are:

Section 2 – Achieving Sustainable Development.

Section 4 – Decision-making.

Section 8 – Promoting healthy and safe communities.

Section 12 – Achieving well-designed places.

Section 2 states, from paragraph 7, that a key purpose of the planning system is to achieve sustainable development. The environmental objective of sustainable development involves making effective use of land, improving biodiversity and using natural resources prudently. Paragraph 10 states that there is a presumption in favour of sustainable development.

Section 4, advises that planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 8, promotes health and safe communities, stating that decisions should promote social interaction, create safe and accessible places and support healthy lifestyles.

Section 12 - Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

Aligned Core Strategies (ACS) (September 2014)

- 1 - Climate Change
- 8 – Housing Size, Mix and Choice
- 10 – Design and Enhancing Local Identity
- 12- Local Services and Healthy Lifestyles
- 14 – Managing Demand for Travel
- 19 – Developer Contributions

Land and Local Planning Policies (LAPP) (January 2020)

- SH7 – Centres of Neighbourhood Importance
- HO1 – Housing Mix
- HO3 – Affordable Housing
- HO4 – Specialist and Adaptable Housing
- CC1 – Sustainable Design and Construction
- CC3 – Water
- DE1 – Building Design and Use
- DE2 – Context and Place Making
- TR1 – Parking and Travel
- EN6 – Biodiversity
- IN2 – Land Contamination, Instability and Pollution
- IN4 – Developer Contributions
- EN2 – Open Space in New Development
- EE4 – Local Employment and Training Opportunities

Supplementary Planning Documents

- Affordable Housing Contributions – Commuted Sum Update (January 2020)
- Provision of Open Space within New Developments (September 2020)

7. Appraisal of proposed development

Issue (i) Principle of Development (Policy 8 of the ACS and Policies HO1 and SH5 of the LAPP)

- 7.1 Although the site falls within a Centre of Neighbourhood Importance (CONIs), in this instance the centre is primarily focussed on the adjacent supermarket and included this site due to the former public house (PH) that existed upon it. Now that the PH has been demolished, the site's redevelopment for residential purposes is considered to be the most appropriate alternative use, and one that would not compromise the vitality and viability of the IRC. Indeed, the adjacent supermarket has recently been granted permission for sub-division into a number of smaller units, anchored by a new Aldi store. A development of small retail units has also recently been completed on the opposite corner of Torvill Drive. The application site has no physical or legible connection with the supermarket and is in fact more closely related to Bridge Road, an otherwise residential street. It is also considered that the amenity and design objectives of Policy SH5 would not be compromised by residential development of the site.
- 7.2 The proposed development consists of 10 family units that support policies 8 and HO1 of the ACS and LAPP respectively, which encourage the provision of family dwellings (units with 3 or more bedrooms). The 2 bed units are also felt to be appropriate for Wollaton and would help to widen the range of accommodation in what is a predominantly family housing area. The Nottingham City article 4 direction in place means that the 2 x 3 bed duplex units could not be occupied by more than 2 unrelated people without requiring planning permission for a change of use to a House of Multiple Occupation.
- 7.3 Overall it is considered that the proposal is in accord with policy 8 of the ACS and policies HO1 and SH5 of the LAPP.

Issue (ii) Design Considerations (Policies 1, 10 and 14 of the ACS and Policies DE1, DE2 and TR1 of the LAPP)

- 7.4 In general terms the layout of the development is felt to respond well to its context. The larger block of 2 bed units is appropriate to the width of Trowell Road and suited to the lack of direct vehicular access available to this part of the site. The pair of semi-detached dwellings are designed specifically in response to the prominent corner of the site, whilst the dwellings beyond this respect the building line of Bridge Road and would provide enclosure and natural surveillance to a stretch of this road that is currently an open car park. The density of development is greater than found along Bridge Road but the nature of the site at this prominent junction and fronting a stretch of Trowell Road with a mix of residential and larger scale commercial premises, is felt to provide an opportunity for greater density. The scheme also makes effective and efficient use of a brownfield site that is in a sustainable location, close to community facilities and public transport. Similarly in terms of scale, although the dwellings in the immediate vicinity are largely 2 storey, the slightly greater height of the 2½ storey dwellings is not significant and considered to be appropriate to the scale and character of Trowell Road and its junction with Torvill Drive. However, the development does step down in scale where it adjoins the nearest neighbouring property, the former house that is now a day nursery, and would sit comfortably within the street scene of Bridge Road.

- 7.5 The architectural style of the proposed dwellings together with the materials proposed would complement the existing houses on Bridge Road and the character of the wider area. It is felt that the scheme would make a positive contribution to the site and its surroundings. The layout also provides for clear and legible access, appropriate boundary treatments, bin and cycle storage, landscaping and active frontages that overlook private and communal areas of the site. The communal areas around the units without their own gardens would be subject to management and maintenance arrangements, secured by condition.
- 7.6 Overall, it is considered that the proposed scheme is a thoughtful response to the site and its context and would improve the character and appearance of the surrounding area. The development therefore accords with policies 1, 10 and 14 of the ACS and policies DE1, DE2 and TR1 of the LAPP.

Issue (iii) Residential Amenity (Policy 10 of the ACS and Policies HO4, DE1 and TR1 of the LAPP)

- 7.7 The design of the scheme takes into account the day nursery located along the northern boundary to the site. The garage to the side of plot 1 and the reduction in height of this dwelling minimises any impact in terms of loss of light to the windows located along the side elevation of the main nursery building. This also assists in protecting the privacy and amenity of the future occupants of plot 1 from the security lights and fire escape located along the side elevation of the nursery. A condition is recommended to secure obscure glazing to the side windows of plot 1 that face onto the day nursery. The dwellings that back onto the boundary with the nursery have rear garden depths of approximately 12m and the dormers proposed to their rear elevations have been removed, in order to reduce overlooking of the nursery's garden area. To ensure no dormers or extensions above first floor occur to the rear elevations of these properties, their permitted development rights to undertake such development would be removed. The applicant has also shown that fencing and a brick pillar adjacent to the nursery's access will be reduced to 1m in height in order to improve visibility between its driveway and that of plot 1.
- 7.8 It is noted that on-street car parking does take place along Bridge Road, and local residents and ward councillors have begun discussions in relation to measures that could be employed to address this. Traffic Management have also been made aware of local residents concerns. However, the issues raised regarding current on-street parking are clearly unrelated to the proposed development. It is also noted that the on-street parking at the southern end of Bridge Road takes place within a turning area which should not be used for this purpose; the loss of these inappropriate spaces due to the proposed access to the development cannot be a material highway consideration. Highways did not raise any objection to the originally proposed 18 car parking spaces within the scheme, which has subsequently been increased to 23 spaces. This level of provision is considered to be acceptable, particularly on a site that is close to local facilities and a primary bus route.
- 7.9 The dwellings proposed as part of this scheme range in size from 78-101 sqm for a 2 bed unit, 100-120 sqm for a 3 bed unit and 158-178 sqm for a 4 bed unit. These sizes exceed the national space standards for dwellings which for 2, 3 and 4 bed units are 70 sqm, 84 sqm and 97 sqm respectively. It has also been demonstrated that the larger family dwellings would be provided as adaptable and accessible units. Given the size of the units and the thought given to the layout of the site, the proposal would provide appropriate levels of amenity for future occupants of the

site. The noise assessment condition recommended by Environmental Health and Safer Places would also help to safeguard the amenity of future occupants.

- 7.10 Conditions are recommended to secure the provision of a construction management plan and also to ensure that the dust mitigation measures outlined within the air quality assessment are adhered to. Through the use of such conditions the residential amenity of neighbouring properties would be safeguarded through the construction phase.
- 7.11 The scheme therefore complies with policy 10 of the ACS and policies HO4, DE1 and TR1 of the LAPP.

(iv) Other Matters

Land Contamination and Surface Water (Policy CC3 and IN2 of the LAPP)

- 7.12 As noted in the consultation section above, Environmental Health and Safer Places have recommended conditions to cover ground remediation. Subject to such a condition, the proposal complies with policy IN2 of the LAPP.
- 7.13 The Drainage Team have raised no objection to the scheme and a condition requiring details of surface water would ensure that the development does not cause localised flooding issues. The scheme therefore complies with policy CC3 of the LAPP.

(v) Planning Obligations (Policies 12 and 19 of the ACS and Policies IN4, HO3, EN2 and EE4 of the LAPP)

- 7.14 A policy compliant planning obligation for the proposed development would be expected to provide the following financial contributions:
- Affordable Housing - £121,680
 - Public Open Space - £36,782
 - Local Employment and Training - £5,972
- 7.15 The applicant has confirmed agreement to these figures and that they would also seek to achieve the proposed local employment and training targets. The proposal therefore complies with policies 12 and 19 of the ACS and policies IN4, HO3, EN2 and EE4 of the LAPP, as well as the Affordable Housing and Open Space Supplementary Planning Documents.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1 of the ACS and Policies CC1, CC3 and EN6 of the LAPP)

- 8.1 The scheme would utilise insulation to reduce U-Values and control heat loss by reducing air leakage. The scheme would also seek to improve energy efficiency through its mechanical and electrical systems. In this way, the energy efficiency of the building would be more than 10% above current Building Regulation targets. Additionally the scheme makes provision for each dwelling to have an electrical vehicle charging point.
- 8.2 The scheme is to incorporate measures such as lower capacity baths and dual flush toilets to reduce water consumption in line with policy CC1 (110 litres per day) of the LAPP. Building materials are to be responsibly sourced in order to reduce the embodied carbon of the development. A condition is recommended requiring further

details of the sustainable design features to be used, to maximise the development's resilience and adaption to climate change. The proposal therefore complies with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

- 8.3 Areas of landscaping are proposed within the scheme and as such biodiversity can be enhanced. A condition is recommended to secure precise details of the proposed landscaping and biodiversity enhancing scheme, in accordance with policy EN6 of the LAPP.

9 FINANCIAL IMPLICATIONS

The applicant has indicated that they are willing to meet the required planning obligation financial contributions.

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

14 CRIME AND DISORDER ACT IMPLICATIONS

The development 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: 20/01250/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QC7NEFLYMQ700>

17 Published documents referred to in compiling this report

Aligned Core Strategies (ACS)

Land and Local Planning Policies (LAPP)

Affordable Housing Contributions – Commuted Sum Update Supplementary Planning Document

Provision of Open Space in New Developments Supplementary Planning Document

Contact Officer:

Mrs Jennifer Curry, Case Officer, Development Management.


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

NOMAD printed map



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Key
 City Boundary

Description
 No description provided

My Ref: 20/01250/PFUL3 (PP-08819571)
Your Ref:
Contact: Mrs Jennifer Curry
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Swish Architecture Ltd
FAO Mr Dino Labbate
Unit 2B
100 Melton Road
West Bridgford
NG2 6EP

Date of decision:

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

Application No: 20/01250/PFUL3 (PP-08819571)
Application by: Swan Homes (Nottingham) Ltd.
Location: Site Of Middletons Public House , Trowell Road, Nottingham
Proposal: Proposed Demolition of the Existing Public House and to Construct 16 No. Dwellings

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

Time limit

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

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

Pre-commencement conditions

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



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Continued...

2. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

3. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

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

Reason: To safeguard the residential amenity of future occupants of the development to accord with policy IN2 of the LAPP.



4. Prior to the commencement of development, a surface water drainage scheme that incorporates the measures set out within the Flood Risk Assessment submitted with the application to reduce surface water discharge rates by 80% to 5.0l/s for all events via attenuation with a non-return valve to ensure resilience, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that surface water does not contribute towards localised flooding to accord with policy CC3 of the LAPP.

5. Prior to the commencement of development, a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the following:

- (i) Measures to accommodate the vehicles of all site operatives and visitors;
- (ii) Measures to accommodate construction vehicles loading or offloading during the construction period;
- (iii) Hours of delivery, which shall be outside of peak commute times;
- (iv) Proposed construction traffic routing;
- (v) A drawing showing the location of material storage areas, welfare units and plant/machinery on site during construction;
- (vi) A drawing showing the type, location and height of temporary enclosures and gates erected during the construction phase to secure the site;
- (vii) A drawing showing the proposed location and dimensions of the vehicular access to the site during construction;
- (viii) Measures to prevent mud and debris being deposited on local highways.

The development be implemented in accordance with the approved details.

Reason: To ensure that the construction of the development does not have an adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR1 of the LAPP.

6. Prior to the commencement of development, drawings showing the detailed design of the vehicular access proposed off Bridge Road including its layout geometry (with tracking), signing, lining, a 'Swept Path Analysis', visibility splays and a road safety analysis, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the access into the site is of an appropriate design so as to safeguard the local highway network to accord with policy 10 of the ACS, and policies DE1 and TR1 of the LAPP.

7. Prior to the commencement of development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development incorporates sustainable design features to accord with policy CC1 of the LAPP.

8. Prior to the commencement of any above ground development, details of the external materials of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The information shall include details of the type, make and colour of bricks, render,

roof tiles, window frames (and reveal depths), rainwater goods, timber detailing and external doors to be used within the development. The development shall thereafter be implemented in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS and policy DE1 of the LAPP.

Pre-occupation conditions

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

9. Prior to the development first being occupied, a landscaping scheme (both hard and soft landscaping, including details of surfacing and means of enclosure/gates), shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved drawings, soft landscaping shall be maximised within the site. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. The landscaping scheme shall also include proposals for the on-going management and maintenance responsibilities for the landscaped areas, the access road, street lighting, means of enclosures/gates and cycle storage facilities.

The soft landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development. Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority. Management and maintenance of the hard and soft landscaping shall at all times be in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policy DE2 of the LAPP

10. Prior to any dwelling being first brought into use, their associated car parking space/s shall be provided, and marked out where appropriate, in accordance with the details approved as part of the landscaping scheme (condition 9).

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS and policy DE1 of the LAPP.

11. Prior to any dwelling being first brought into use, their associated electrical vehicle charging point, bin and cycle storage facilities (including any bin collection areas) shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate bin and cycle storage facilities are provided as part of the development to accord with policy DE1 and TR1 of the LAPP.

12. Prior to the development being first occupied, any redundant footway crossings and/or damaged or altered areas of footway/highway shall have been reinstated to the satisfaction of the Local Planning Authority.

Reason: To ensure that footways are made good to accord with policy DE1 and TR1 of the LAPP.

13. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority in relation to the remediation of the site:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
 - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.
- Reason: To ensure that the site has been remediated to comply with Policy NE10 and NE12 of the Local Plan.*

14. Prior to first occupation of the development, verification that the approved sound insulation scheme associated with the Environmental Noise Assessment has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.
- Reason: To safeguard the residential amenity of future occupants of the development to accord with policy IN2 of the LAPP.*

15. Prior to the first occupation of plot 1 of the development as indicated on the approved site layout plan, the brick pillar adjacent to the boundary with the adjacent day nursery on Bridge Road shall be reduced to 1m height in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety to assist visibility for those entering and leaving the driveway to the Day Nursery and also plot 1 to accord with policy DE1 and TR1 of the LAPP.*

Regulatory/ongoing conditions
(Conditions relating to the subsequent use of the development and other regulatory matters)

16. The development shall be carried out in accordance with the dust management details set out in the Air Quality Assessment submitted with the application.
- Reason: To ensure that construction operations on site do not cause nuisance to neighbouring properties to accord with policy IN2 of the LAPP.*

17. The windows in the side elevation of the dwelling at plot 1. facing onto the adjacent day nursery. shall be none other than obscurely glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- Reason: To protect the amenities of the occupiers of nearby property to comply with policy 10 of the Aligned Core Strategies and policy de1 of the LAPP.*

18. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order relating to "permitted development", no dormers, roof or first floor extensions shall be added to the rear elevations of plots 13, 14, 15 and 16 without the prior express permission of the Local Planning Authority.
- Reason: To protect the amenities of the occupiers of nearby property to comply with policy 10 of the Aligned Core Strategies and Policy DE1 of the LAPP.*

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 22 June 2020.

Reason: To determine the scope of this permission.

Informatives

1. Contaminated Land, Ground Gas and Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing and Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

Cut and fill operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

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

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

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

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

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

2. Environmental Noise Assessment



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Not for issue

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

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

3. Surface Water Drainage

This application proposed to reduce surface water discharge rates by 80% to 5.0l/s for all events via attenuation with a non-return valve to ensure resilience, these proposals are considered to be acceptable. Water butts were also proposed for the properties to aid water management in this location. The applicant is requested to confirm the proposed adoption/maintenance regime for the proposed permeable surfaces and attenuation system. Any responsibilities for future owners of the properties in relation to the plant/equipment associated with the surface water scheme should be outlined within the deeds to properties.

4. Highways

1. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, parking and turning within the site during the demolition/construction period. Vehicles delivering to the site cannot be permitted to wait or park on the highway. Demolition Construction Traffic Management Plan (CTMP) will be required and this will also include a construction traffic routing agreement. This is in the interests of highway safety.

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

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. All costs shall be borne by the applicant.

4. Planning consent is not consent to work on the highway. To carry out off site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

5. Nottingham City Council operates the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980). Following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage

of that dwelling. Please contact Highways Network Management on 0115 876 5293 in the first instance.

6. The applicant is to investigate TROs on the adjacent existing highway network and implement any TROs required to protect the access and provide for highway safety considerations. All costs are to be borne by the applicant. Traffic Regulation Orders required for parking and speed orders on the site with all costs borne by the applicant. Prior to occupation of the consented development, if it is necessary to amend and introduce Traffic Regulation Orders, this will be a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicants expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed, please contact Highways Network Management on 0115 876 5293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

7. The applicant has advised that electric vehicle charging points will be provided for each new dwelling, this provision would accord with Council Guidelines. Please contact Rasita Chudasama 0115 8763938 Rasita.Chudasama@nottinghamcity.gov.uk to seek advice on the electric vehicle charging points (EVCP).

8. The off street car parking spaces shall shall be provided with permeable surface construction.

5. Bin and Cycle Storage

It was indicated as part of the application process that each property would be provided with their own bin storage facilities that were in safe and convenient locations for each new household, and that an area would be provided adjacent to the access road for a bin collection area for plots 5 to 16. This bin collection point should not be enclosed, but should be appropriately hard surfaced in a manner that makes clear its intended purpose. The cycle storage facility is to be provided for the duplex units and should be located well within the site in area with high natural surveillance, be covered, secure and well lit.

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

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



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Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 20/01250/PFUL3 (PP-08819571)

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.

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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Wards Affected: Bulwell Forest (May 2019)

Item No:

**Planning Committee
18th November 2020**

Report of Director of Planning and Regeneration

South West Section of Bulwell Academy Henry Mellish Site, Highbury Road

1 Summary

Application No: 19/01270/PFUL3 for planning permission

Application by: Steven Milan on behalf of GR No. 8 LTD

Proposal: Construction of 45 new dwellinghouses and associated infrastructure

The application is brought to Committee because it is a major development with important land use considerations and which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 10th September 2019

2 Recommendations

- 2.1 To **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) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of :
 - (i) A financial contribution of £351,000 towards affordable housing or 20% affordable housing provision on site
 - (ii) An off-site Public Open Space financial contribution of £49,275 towards enhancement in the surrounding area and
 - (iii) A financial contribution of £16,336 towards employment and training and provision of employment opportunities during construction works
 - (b) the indicative conditions listed in the draft decision notice at the end of this report.
- 2.2 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.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought 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.

3 Background

- 3.1 The site was formerly occupied by the Henry Mellish School and is located at the junction of Kersall Drive and Highbury Road. The site is bound from Highbury Road with a Bulwell stone wall with railings with a belt of trees immediately to the rear. The site has two existing access points from Highbury Road located in between an existing signalised pedestrian crossing. Palisade fencing forms the boundary on Kersall Drive with scrub vegetation beyond. The land rises gently from Highbury Road back into the site and steps up with a retaining wall on the northern boundary. The former school has been demolished with two small buildings in the north western corner still in situ, one believed to be a water tower and the other a former air raid shelter.
- 3.2 On Highbury Vale there is an existing bus stop to the south of the site and beyond this Highbury hospital. On Kersall Drive are semi-detached residential properties, which are generally set back from the roadside with parking on the frontage. On the western boundary of the site is a commercial building and further to the north the Mellish sports centre and associated car park. To the north east is the Heathfield primary and nursery school.
- 3.3 The development as originally submitted sought the provision of a PRS (private rented scheme) whereby the site would be retained and maintained by a single company and properties rented out. The applicant is now indicating that their intention is for the site to be retained by a Registered Housing Provider and units would be market rent units with 20% of the units on site affordable units (shared equity) or a contribution for off-site units provided in lieu.

4 Details of the proposal

- 4.1 The proposal is for the construction of 45 residential dwellings. Following discussion with highways colleagues the original access from Highbury Road would now just provide pedestrian/cycle access with vehicle access on Kersall Drive. Properties would be a mix of detached, semi-detached and terraced. 31 x two bed 'Type A' units are proposed and 14 x 3 bed 'Type B' units. Dwellings would all be two storey in height and constructed from a mix of lighter and darker bricks and tiles. The site has been designed with units to front onto Highbury Road sat behind the existing bank of trees and to front onto Kersall Drive with a mix of parking to the front and side of the dwellings. Dwellings would be enclosed with a mix of dwarf brick walls and railings.
- 4.2 Properties would have projecting brick detailing on the front elevations and at eaves level to provide the dwellings with interest in the street scene.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

16 neighbouring properties consulted on Highbury Road, Kersall Drive and Kemmel Road. Press and site notices displayed and a two day public consultation event undertaken at the neighbouring sports centre.

14 day re-consultation undertaken. Any further comments received will be reported prior to the committee meeting.

No third party letters of representation received during the lifetime of the application. The following comments were received at the public consultation event undertaken on the 9th and 10th of July 2019:

Design/Layout

- Pleased to see the wall at the front being retained
- Concern the layout is too dense

Highways

- The access onto Highbury Vale is an issue given the crossing, school and post office, the houses will cause issues with traffic flow. Can consideration be given to changing the access?
- Concern about the access on Kersall Drive impacting on existing properties in the vicinity

Other

- I'm happy to see this site developed but not for housing, it should be something for the community
- Concern the bus stop may be moved
- Will the houses be affordable & for local residents?
- The development will put pressure on existing services and nearby schools are already full

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions relating to ground contamination, noise and electric vehicle charging.

Environment Agency: No objection subject to condition relating to ground contamination.

Drainage Officer: No objection subject to surface water management condition.

Highways Officer: No objection subject to conditions relating to construction traffic management, parking provision, EVCP and travel packs to promote sustainable travel.

Employment and Training Officer: No objection subject to employment and training contribution being secured via section 106.

Education Officer: There is a shortage in secondary places in the area and therefore a claim for a contribution towards provision of places is required.

Biodiversity Officer: The submitted survey needs updating. The development should seek to maximise biodiversity provision through suitably worded conditions.

A revised survey has been received and reviewed. Conditions are recommended in relation to a methodology for removal of a fox den and future re-surveying of the

building in the NW corner of the site if works are not commenced on site within 2 years of the date of the survey.

6 Relevant policies and guidance

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 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:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Local Plan Part 2 - Land and Planning Policies (January 2020)

Policy CC1 - Sustainable Design and Construction

Policy CC3 - Water

Policy HO1 - Housing Mix

Policy HO3 - Affordable Housing

Policy DE1 - Building Design and Use

Policy DE2 - Context and Place Making

Policy EN2 - Open Space in New Development

Policy EN6 - Biodiversity

Policy EN7 - Trees
Policy IN2 - Land Contamination, Instability and Pollution
Policy IN4 - Developer Contributions
Policy SA1 - Site Allocations
Policy TR1: Parking and Travel Planning

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Impact on Residential Amenity
- (iv). Planning Obligations
- (v). Other Matters

(i) Principle of the Development (ACS Policy 8 and LAPP Policies HO1 and SA1)

- 7.1 The site is identified in the Local Plan Part 2 as Site Allocation SR12 Highbury Road – Former Henry Mellish School Site. The proposed use is “residential (C3, predominantly family housing) design, layout and access should be carefully considered to take account neighbouring uses”. Having regard to this allocation the principle of residential development of the site is considered to be acceptable. As detailed, above the proposed housing tenure has yet to be determined with the potential for provision of Private Rental Sector dwellings, Open Market or Affordable Housing. Given the allocated nature of the site and the proposal for residential development the proposal is acceptable in principle and accords with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

(ii) Design and Impact on the Streetscene (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.2 The scheme has been the subject of extensive pre-application discussions with the council’s urban design team prior to formal submission to seek to provide the optimum site layout and relationship with existing neighbouring built form. The applicant has been steered to seek to retain the existing Highbury Road frontage and tree belt and develop beyond that. The layout has been revised during the lifetime of the application to provide access only from Kersall Drive due to concerns regarding the proximity of the access on Highbury Road to the existing level crossing and the difficulty with manoeuvring both into and out of the site. The Highbury Road access would be retained, however bollarded and for cycle/pedestrian access only. Properties have been orientated to front Highbury Road but sat behind the existing roadside belt of trees which would positively contribute to the street scene whilst providing future occupiers with a degree of screening from the road. Street trees would be incorporated within road build outs to add interest to the street scene and contribute towards traffic calming.
- 7.3 Properties would largely be set back from the newly created access road with small areas of enclosed frontage. One to two parking spaces would be located either to the front or side of the units. Terraced units would be finished with a gable frontage at one or either end depending on number of units. Materials are proposed to be a

mix of darker brick and lighter brick with brick detailing on the front elevation and at eaves level. To ensure an acceptable form of development it is recommended that precise material finishes and means of enclosure are secured via condition.

- 7.4 Frontages would be enclosed by a mix of 900mm -1800mm high boundary walls of brick to match the dwellings in addition to 900mm high black metal railings. Inner garden boundaries would be enclosed by close boarded timber fencing. No details have been provided in relation to bin storage, however all properties have been designed to provide access to rear garden areas through shared alleyways. Precise details relating to bin storage shall be secured via condition.
- 7.5 A landscaping and biodiversity enhancement scheme would be secured via condition to ensure the scheme positively contributes to the character of the existing area and provides future residents with a good standard of outlook.
- 7.6 The combination of proposed dwelling types and detailing will provide an appropriate quality of built finish to the development and the development will have its own identity within the area. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

(iii) Impact on Residential Amenity (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.7 The proposed layout has been informed through discussions with urban design colleagues. The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation from existing neighbouring built form. Proposed properties which would front onto Kersall Drive would offer a separation at a minimum of approximately 21m between existing dwellings which is considered to be an acceptable degree of separation. Property 1 on the south western boundary of the site would be in close proximity to the boundary of the site which is shared with 74 Highbury Road which is a two storey property which appears to have been sub-divided into flats. The boundary between the sites contains a number of trees situated within the garden area of No. 74 which is considered to limit any perceived overbearing from property 1. No comments have been received from neighbouring occupiers.
- 7.8 Retention of the existing tree belt fronting Highbury Road would positively contribute to the layout of the site and amenity of future occupiers. Tree protection measures and any additional planting to in-fill gaps would be secured via condition.
- 7.9 Having regard to the layout of the development, the scale of the proposed buildings, and the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Sufficient parking is provided both on plot and within road build out for future occupiers and visitors. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

(iv) Planning Obligations (ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4)

- 7.10 The site is currently owned by the Council with sale of the land pending. As the Council (as land owner) cannot enter into a s106 Agreement with itself an agreement will be required with the developer under s111 of the Local Government Act 1972 to require them to enter into a s106 Agreement in respect of the appropriate planning obligations on transfer of ownership. The applicant has submitted a viability assessment which has been reviewed by CP Viability on behalf of the Council. CP Viability have concluded that the scheme is fully viable and the following policy compliant contributions shall be secured via S106.

Contributions sought are as follows:

- £351,000 – Affordable Housing
- £49,275 – Open Space
- £16,336 – Employment and Training

- 7.11 The applicant is yet to determine the exact make-up of the proposed development and as such a S106 would look to secure either 20% provision of affordable units on site with the exact make-up of the allocation to be agreed within the S106 or the payment of a financial contribution.
- 7.12 An initial request for a contribution towards provision of additional secondary education places was received from education colleagues. However, subsequently it has been confirmed that the monies from the sale of the land are ring fenced and would be invested directly within the education budget. It is therefore neither necessary nor appropriate to secure further funds via a planning obligation.
- 7.13 Unlike other similar schemes that Members have reviewed recently, in this instance no contribution has been sought from the NUH NHS Trust in relation to provision of health care provision.
- 7.14 It is considered that the development would accord with policies 8 & 19 of the ACS and policies EN2, HO3 and IN4 of the LAPP.

(v) Other Matters (Policies 1, 10 and 17 of the ACS and policies CC3, EN6 and EN7 of the LAPP)

Highways & Drainage

- 7.15 The layout has been revised during the application process to provide improved functionality. Roads have been designed with reference to the Design Quality Framework with the small spurs to the south west and north west to be a shared surface. Street trees would be included within build outs for traffic calming and to contribute to the street scene. Electric vehicle charging points would be provided on all properties which would be secured via condition. The revised layout with vehicle access only from Kersall Drive is considered to overcome concerns raised by neighbouring properties to accessibility from Highbury Road. The change in layout would also ensure no requirement to amend the bus stop layout on Highbury Road. The proposal has been reviewed by Highway and Drainage colleagues and subject to condition in relation to provision of a construction traffic management plan, surface water management plan and travel packs to promote sustainable travel the development is considered to be acceptable and would accord with policies 1, 10 &

14 of the ACS and policies CC3 and TR1 of the LAPP.

Trees and Biodiversity

- 7.16 Given the timeframe from initial submission to bringing to committee for debate an updated ecology survey has been provided by the applicant. The comments received from the Biodiversity officer are noted and shall be secured via condition. The revised assessment details that the site is covered in dense scrub vegetation following demolition of the former school. A two storey building on the north western corner of the site would need to be demolished as part of the redevelopment of the site. The site has been assessed for bats and is considered to be of limited interest and this was reinforced by a bat survey undertaken last year. Notwithstanding this it is recommended that the building be re-surveyed should works not commence on site within 2 years of the survey being undertaken. A landscaping and biodiversity enhancement scheme will also be secured via condition to seek to provide biodiversity gain across the site to promote the installation of bird/bat boxes and bee friendly planting. Subject to condition the proposal would accord with policies EN6 & EN7 of the LAPP.

8. Sustainability

- 8.1 The buildings would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. The majority of the houses will have roof-mounted PV panels, with precise details to be secured via condition. The applicant has stated that passive measures will be utilised to deliver energy efficient solutions notably; a fabric first approach to improve U values and air permeability, maximisation of natural day light, whole house mechanical ventilation and energy efficient light fixtures. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.2 Ground, groundwater and ground gas remediation details have been submitted and reviewed by pollution control colleagues. Subject to development being undertaken in accordance with the submitted reports the proposal would comply with Policy IN2 of the LAPP.

9 Financial Implications

The previous use of the site for education results in the receipt from the land sale being re-invested into the education budget which would occur via internal transfer on completion of the land sale.

As noted above, the development will otherwise provide policy-compliant Section 106 contributions of:

- £351,000 – Affordable Housing
- £49,275 – Open Space
- £16,336 – Employment and Training

10 Legal Implications

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

11 Equality and Diversity Implications

None

12 Risk Management Issues

None.

13 Strategic Priorities

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

14 Crime and Disorder Act implications

None

15 Value for money

None.

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

1. Application No: 19/01270/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSNY2ILYG0B00>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2019)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.


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Key
 City Boundary

Description
 No description provided

My Ref: 19/01270/PFUL3 (PP-07819200)
Your Ref:
Contact: Mr James Mountain
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Steven Milan
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Date of decision:

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

Application No: 19/01270/PFUL3 (PP-07819200)
Application by: GR No. 8 LTD
Location: South West Section Of Bulwell Academy Henry Mellish Site, Highbury Road,
Nottingham
Proposal: Construction of 45 new dwellinghouses and associated infrastructure

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

Time limit

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

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

Pre-commencement conditions

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



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2. Prior to the commencement of the development, the environmental noise assessment and sound insulation scheme set out in Planning Noise Assessment by Stroma dated 03/05/2019 shall be finalised, submitted to and be approved in writing by the Local Planning Authority.

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

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

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: In the interests of future residents amenity and to accord with policy DE1 of the LAPP

3. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR2 of the LAPP

4. Prior to the commencement of above ground development details of an electric vehicle charging scheme, making provision for each property, including a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable.

Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan - Part 2.

5. Notwithstanding the details hereby approved, 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 policy 10 of the ACS



6. Prior to the commencement of above ground development a detailed drainage management plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include:
- detailed soakaway designs
 - infiltration rates and
 - exceedance routes mapped to ensure no risk to neighbouring third parties
- The approved design shall be installed prior to first occupation and maintained thereafter for the lifetime of the development

Reason: in the interests of promoting sustainable drainage and negating flood risk and to accord with policy CC3 of the LAPP

7. Prior to the commencement of the development, a Remediation Strategy that has regard to the Ground Investigation Report by Hydrock dated March 2018 (ref HMS-HYD-XX-GI-RP-GE-0001) includes the following components to deal with the risks associated with ground, groundwater, ground gas and radon contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

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

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

Reason: In the interests of amenity of residents and to accord with Policy IN2 of the LAPP



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8. No development, including demolition or other operations including clearance of vegetation or tree felling, shall be commenced until a Method Statement which provides for the retention and protection of trees, shrubs and hedges growing on the site has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement unless otherwise agreed in writing by the local planning authority. In relation to the Statement the following shall apply:

No operations shall commence on the site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any other operation involving the use of motorised vehicles or construction machinery) until the tree, shrub and hedgerow protection works required by the 'Method Statement' are in place on site;

No excavations for services, storage of materials, or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place inside or within 10m (or as agreed in writing) of an area fenced off or otherwise protected in the 'Method Statement';

The fencing or other works which are part of the 'Method Statement' shall not be moved or removed, until all works, including external works, have been completed and all equipment, machinery and surplus materials removed from the site, without the prior consent in writing of the local planning authority.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity and to accord with policy EN7 of the LAPP

9. No above ground development shall be commenced until design details of the following, including drawings and sections at a scale of not less than 1:50 where indicated (*), have been 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.

Windows and doors, including their reveal depths *

Treatment of window and door heads and cills *

Verges and eaves *

Rainwater goods and soil pipes

Bin storage

Reason: In the interests of the character of the area and to accord with policy 10 of the Aligned Core Strategies and policy DE1 of the LAPP

10. Prior to the commencement of development a method statement for the removal of the fox den identified in the updated ecology report undertaken by fpcr dated October 2020 shall be submitted and agreed in writing with the Local Planning Authority. Development shall be undertaken in accordance with the approved methodology.

Reason: In the interests of biodiversity and to accord with policy EN6 of the LAPP

Pre-occupation conditions

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

11. No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to accord with policy 10 of the ACS

12. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme (hard and soft) 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, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

13. Prior to the first occupation a scheme of biodiversity enhancement in line with the recommendations of the submitted report by fpcr dated October 2020 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity gain and to accord with policy EN6 of the LAPP

14. Prior to the first occupation details of solar PV installation utilising all available appropriately orientated roof slopes shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the submitted timeframe.

Reason: In the interests of promoting sustainable development and to accord with Policy CC2 of the LAPP

15. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:

- a) the roads serving the development have been provided and surfaced;
- b) the individual parking spaces have been provided and surfaced;
- c) the house plots have been enclosed.

Reason: In the interests of the living conditions of future and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan - Part 2.

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

Reason: In the interests of future residents amenity and to accord with policy DE1 of the LAPP



17. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
 - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.
- Reason: In the interests of amenity of residents and to accord with Policy IN2 of the LAPP*

Regulatory/ongoing conditions
 (Conditions relating to the subsequent use of the development and other regulatory matters)

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.
- Reason: In the interests of amenity of residents and to accord with Policy IN2 of the LAPP*

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 11 June 2019.
- Reason: To determine the scope of this permission.*

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.
3. The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:
 - 'Cut and fill' operations on site
 - How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated
Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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

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

Verification that the approved sound insulation scheme has been implemented shall include;
The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

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

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: 19/01270/PFUL3 (PP-07819200)

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.

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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Nottingham
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Not for issue

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Wards Affected: Bulwell Forest (May 2019)

Item No:

**Planning Committee
18th November 2020**

Report of Director of Planning and Regeneration

Sports Ground Junction of Piccadilly, Brooklyn Road, Nottingham

1 Summary

Application No: 19/01271/PFUL3 for planning permission

Application by: Steven Milan on behalf of GR No. 9 LTD

Proposal: Construction of 57 new dwellinghouses and associated infrastructure

The application is brought to Committee because it is a major development with important land use considerations which is not fully policy compliant and which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 5th September 2019

2 Recommendations

- 2.1 To **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) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of:
 - (i) A financial contribution of £459,977 towards affordable housing or 20% affordable housing provision on site
 - (ii) An off-site Public Open Space financial contribution of £62,523 towards enhancement in the surrounding area and
 - (iii) A financial contribution of £22,500 towards employment and training and provision of employment opportunities during construction works
 - (b) The indicative conditions listed in the draft decision notice at the end of this report.
- 2.2 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.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought 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.

3 Background

- 3.1 The site is located at the corner of Piccadilly and Brooklyn Road and is a playing field associated with the former Henry Mellish school site to the south. Residential properties front the site on Piccadilly, with Jesmond Road marking the eastern boundary of the site. On the western side of Brooklyn Road are playing fields associated with the sports centre beyond. At the corner of Brooklyn Road and Piccadilly is Our Lady of Perpetual Succour Primary school. On the eastern side of Brooklyn Road and directly to the south of the proposed site is the Poor Clare monastery and beyond this a community hall and church. Residential properties in the vicinity of the site are a mix of detached and semi-detached and primarily constructed of red brick and tile.
- 3.2 The site is enclosed by railings, on the north, east and western boundaries, grassed and generally flat. Street trees are situated on the boundary with Piccadilly. The southern boundary to the monastery is partially enclosed by stone walling, railings and hedging. The site forms part of the open space network and is allocated within the Local Plan Part 2 as SR10 – Piccadilly for residential development.
- 3.3 The development as originally submitted sought the provision of a PRS (private rented scheme) whereby the site would be retained and maintained by a single company and properties rented out. The applicant is now proposing that the site would likely be retained by a Registered Housing Provider and units would be market rent units with 20% of the units on site affordable units (shared equity) or a contribution for off-site units provided in lieu.

4 Details of the proposal

- 4.1 Planning permission is sought for the construction of 57 dwellings which would be accessed from Brooklyn Road and Jesmond Road. Properties would be a mix of semi-detached and terraced. 38 x two bed 'Type A' units are proposed and 19 x 3 bed 'Type B' units. Dwellings would all be two storey in height and constructed from a mix of lighter and darker bricks and tiles. The site has been designed to front onto Brooklyn Road, Piccadilly and Jesmond Road with a mix of parking to the front and side of the dwellings. Dwellings would be enclosed with a mix of dwarf brick walls and railings.
- 4.2 As illustrated on the supporting CGI's properties would have projecting brick detailing on the front elevations and at eaves level to provide the dwellings with interest in the street scene.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

29 neighbouring properties notified on Piccadilly, Brooklyn Road and Jesmond Road. Press and site notices displayed.

26 letters of representation received in addition to 19 comments received at the public consultation event undertaken on the 9th and 10th of July 2019. The points raised were as follows:

Design

- This is the one piece of green space in the vicinity for local children to play on. It should be retained and trees planted on it.
- Where will bins be stored?
- The layout is too dense, resulting in parking issues and no green space
- The pictures of the houses aren't attractive, the style of ones near Perry Road prison would be preferred
- Understand a need for dwellings but please build attractive, affordable units for families
- Reference should be taken from the Saffron Lane housing project in Leicester
- The layout onto Piccadilly should be revised; pushing the properties back and providing a private access road should be considered
- A single access point from Brooklyn Road would be preferred
- More green space should be provided in particular trees, subject to their layout
- The layout at Henry Mellish appears better than this site with driveways contained within the site
- Existing street trees appear in danger of being removed
- The proposed dwellings are out of character with surrounding built form offering largely 2 bed properties when surrounding ones are generally larger 3/4 bed
- Existing new houses on Piccadilly already stick out as they are not in keeping with older dwellings
- Trees should be included within the site layout
- The preference would be to see less dense development of dwellings with garages
- Properties fronting Piccadilly should all be detached with 2 off road parking spots to match the existing character

Highways

- The preference would be for rear gardens to back onto roads by turning the properties round with a potential single access off Brooklyn Road
- Having a one way route would allow the roads to be narrowed
- Concern regarding traffic in particular given the large number of existing mostly vans parked on Jesmond Road & on Brooklyn near the football pitches & church
- At school start and end there is a lot of traffic on Brooklyn and buses struggle to navigate the route
- More houses will create more cars on already congested roads, will existing roads be widened to accommodate the increase?
- The existing church car park should be expanded to ease the load
- A lot of people don't have drive ways on Piccadilly so park on the road, where will they park if this scheme is approved?
- I am a disabled driver and need to be able to park near my house on Piccadilly, where will I park if these properties are built?
- Proposed drives for dwellings on Piccadilly don't look wide enough for cars so this will only make the situation worse and could result in accidents
- Parents, carers and staff at Our Lady School use Piccadilly for parking and there doesn't appear to be anywhere else for them to park
- The transport statement is inaccurate stating that the speed limit on

Piccadilly is 30mph when it is signed at 20mph giving concerns that it has been rushed and not accurate

- Could a bus shelter be erected to compensate for the additional people that will need to use existing stops?

Amenity

- The proximity of the houses to the monastery feels quite oppressive and result in a feeling of being hemmed in. The preference would be for greater separation
- Overlooking already occurs with the monastery and this proposal would further contribute to it
- The development would result in overlooking and loss of breathing space
- The development would result in loss of view and impact on existing space and serenity
- The proposal would result in loss of privacy and harm through noise, fumes and pollution
- The scheme isn't considered to be sympathetic to the nearby convent
- Overpopulating the area would decrease people's health due to increases in traffic and air pollution
- Retaining the land as green space with trees would as recommended by the Duchess of Cambridge be healthy for a child's mind

S106/schools

- How will the S106 funds be spent? This should ensure there are adequate school places are provided and that new residents can take places at schools closest to the site
- More properties will require more school places and existing schools are already full. Surely we can't invite people to the area and then tell them their children will need to be schooled elsewhere?

Other

- The preference would be for more council housing, more social rent accommodation.
- What happened to previous plans for the site and consultation notes?
- The preference would be for the land to be retained as a green space for community use
- The scheme feels like money before people
- The development will result in loss of views and overlooking of existing properties, particularly on Jesmond Road
- The preference would be to develop on other land that's for sale in the area
- Given the ex-mining makeup of the area concern that works would destabilise neighbouring land
- Rental properties do not help people get onto the housing ladder, there should be a balance between rented and privately owned
- No regard has been had for existing residents, the proposal will certainly result in a diminishing of the area and a growth in social problems
- Could some of the land be given to the monastery for potential future expansion?
- Can the existing 1930's drainage system cope with the extra demand?
- The proposal will result in de-valuation of existing properties

- The proposal goes against the Nottingham City Council 'Breathing Space Strategy' 2010-2020 which aims to protect and enhance biodiversity in the city.
- Greenfields make a positive contribution to the quality, health and wellbeing of people
- Has permission been refused on the site previously?
- Local doctor and dental surgeries are already over-subscribed
- Believe that the ground has been tested and shown to be unsuitable for building on?
- The site would benefit from a mix of housing i.e. some owner occupier, some retail etc
- The ecology survey should be reviewed as bats are known to be in the area
- Can details be disclosed of the monies that the Council are receiving for the land sale and how it will be spent?

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions relating to ground contamination and EV charging points.

Environment Agency: No objection. The LLFA should be consulted regarding surface water management

Drainage Officer (LLFA): No objection subject to surface water management condition

Highways Officer: No objection subject to conditions relating to construction traffic management, parking provision, EVCP and travel packs to promote sustainable travel

Employment and Training Officer: No objection subject to an employment and training plan being secured via S106

Education Officer: There would likely be a shortfall in secondary education provision and a claim for extra provision is therefore required.

Biodiversity Officer: The submitted survey needs updating. The development should seek to maximise biodiversity provision through suitably worded conditions.

A revised survey has been received and reviewed and no further comments are raised.

6 Relevant policies and guidance

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 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:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Local Plan Part 2 - Land and Planning Policies (January 2020)

Policy CC1 - Sustainable Design and Construction

Policy CC3 - Water

Policy HO1 - Housing Mix

Policy HO3 - Affordable Housing

Policy DE1 - Building Design and Use

Policy DE2 - Context and Place Making

Policy EN2 - Open Space in New Development

Policy EN6 - Biodiversity

Policy EN7 - Trees

Policy IN2 - Land Contamination, Instability and Pollution

Policy IN4 - Developer Contributions

Policy SA1 - Site Allocations

Policy TR1: Parking and Travel Planning

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Impact on Residential Amenity
- (iv). Planning Obligations
- (v). Other Matters

(i) Principle of the Development (ACS Policy 8 and LAPP Policies HO1 and SA1)

- 7.1 The site is allocated in the Local Plan Part 2 as Site Allocation SR10 Piccadilly – Former Henry Mellish School Playing Field. The proposed use is “residential (C3, predominantly family housing) with a proportion of the site retained as open space”. Having regard to this allocation, the principle of residential development of the site is considered to be acceptable. As detailed above the proposed housing tenure has yet to be determined with the potential for provision of Private Rental Sector dwellings, Open Market or Affordable Housing. Given the allocated nature of the site and the proposal for residential development the proposal is acceptable in principle and accords with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

(ii) Design and Impact on the Streetscene (ACS Policy 10 and LAPP Policies DE1, DE2 and HO1)

- 7.2 The scheme has been the subject of extensive pre-application discussions with the council’s urban design team prior to formal submission to seek to provide the optimum site layout and relationship with existing neighbouring properties. The development seeks the provision of 57 x 2 storey dwellings arranged as a mix of semi-detached and terraced blocks. Properties would front onto Piccadilly and largely be terraced with a mix of parking to the front and side of the units with frontages enclosed by metal railings. This rhythm of built form would continue round onto Jesmond Road to the east and Brooklyn Road to the west. An access road would be provided from Brooklyn and Jesmond Road with street trees included within the road design to both add character to the street scene and contribute towards traffic calming. At the southern end of the site a shared surface to provide access to residents incorporating a turning head has been introduced to provide breathing space to the wall of the monastery situated beyond.
- 7.3 The dwellings would be set back from the roadside with small areas of enclosed frontage providing one to two parking spaces depending on unit size. Terraced units would be finished with a gable frontage at one or either end depending on number of units. Materials are proposed to be a mix of darker brick and lighter brick with brick detailing on the front elevation and at eaves level. To ensure an acceptable form of development it is recommended that precise material finishes and means of enclosure are secured via condition.
- 7.4 Frontages would be enclosed by a mix of 900mm -1800mm high boundary walls of brick to match the dwellings in addition to 900mm high black metal railings. Inner garden boundaries would be enclosed by close boarded timber fencing. No details have been provided in relation to bin storage, however all properties have been designed to provide access to rear garden areas through shared alleyways. Precise details relating to bin storage shall be secured via condition.
- 7.5 Policy HO1 of the LAPP supports the provision of family housing including larger family housing as opposed to other forms of development. The proposed development seeks to provide a mix of 2 and 3 bed properties which would be capable of accommodating a range potential future occupiers including families. The comments regarding the site being overly dense are noted, however the provision of

57 units is largely in line with the proposed anticipated housing provision as detailed within the recently adopted LAPP.

- 7.6 Comments raised proposing a single point of access from Brooklyn Road only are noted and have been given consideration. It is not considered that having one single access point would improve the layout of the scheme and would facilitate the need for a turning head where the current access point on Jesmond Road is proposed which would detract from the overall scheme layout.
- 7.7 Concern has been raised with the applicant that existing street trees on Piccadilly appear to block driveways for new units. The applicant has confirmed two existing street trees would need to be removed to facilitate access to proposed dwellings. Replacement street tree planting is indicated on the submitted site plan, however precise details relating to tree retention and future landscaping, both hard and soft would be secured via condition. The comments received regarding a reduction in density of the site and retention of part of the site as open space are noted; however as detailed above the proposed density and layout is not considered to be significantly out of keeping with the area and the proposed units would positively contribute to the need to develop larger family housing in Nottingham as part of the wider mix and balance in order to provide a wider quality of choice for citizens.
- 7.8 The combination of proposed dwelling types and detailing will provide an appropriate quality of built finish to the development and the development will have its own identity within the area. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

(iii) Impact on Residential Amenity (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.9 The proposed layout has been informed through discussions with urban design colleagues. The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation from existing neighbouring built form. Proposed properties which would front onto Piccadilly would offer a separation of approximately 24m between existing dwellings which is considered to be an acceptable degree of separation. The relationship to the monastery to the south has again been given due consideration; the closest dwellings plot 44 & 45 have been positioned to the north east and south west of the monastery. The plots have been orientated to be side (largely blank gable) towards the monastery which would be situated approximately 15m-16m to the south. Existing first floor north facing windows in the monastery would have views over the shared surface which would provide access to dwellings at the southern side of the development. Landscaping is proposed along this boundary of the site which would further soften views into the site from the monastery. Given orientation and separation it is not considered that the proposed development would significantly impact upon the occupiers of the monastery through overlooking or overbearing.
- 7.10 Comments regarding loss of green space and increase in pollution through additional vehicles in the area are noted. Loss of the playing field as green space is regrettable, however it must be acknowledged that the site is allocated for residential development and the proposal would seek to contribute positively towards the wider aim of providing family housing for city residents. In relation to increase in vehicle movements and pollution; as requested by pollution control colleagues all dwellings will look to provide one electric vehicle charging point to

respond to the move towards electric vehicle provision and the push to reduce reliance on vehicles powered by fossil fuels.

- 7.11 Having regard to the layout of the development, the scale of the proposed buildings, and the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Sufficient parking is provided both on plot and within road build out for future occupiers and visitors. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

(iv) Planning Obligations (ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4)

- 7.12 The site is currently owned by the Council with sale of the land pending. As the Council (as land owner) cannot enter into a s106 Agreement with itself an agreement will be required with the developer under s111 of the Local Government Act 1972 to require them to enter into a s106 Agreement in respect of the appropriate planning obligations on transfer of ownership. The applicant has submitted a viability assessment which has been reviewed by CP Viability on behalf of the Council. The outcome of the review has resulted in slight reduction (£8,023) of the proposed Affordable Housing contribution. Full contributions would be provided in relation to open space & employment and training.

Contributions sought are as follows:

- £459,977 – Affordable Housing
- £62,523 – Open Space
- £22,500 – Employment and Training

- 7.13 The applicant is yet to determine the exact make-up of the proposed development and as such a S106 would look to secure either 20% provision of affordable units on site with the exact make-up of the allocation to be agreed within the S106 or the payment of a financial contribution.
- 7.14 An initial request for a contribution towards provision of additional secondary education places was received from education colleagues. However, subsequently it has been confirmed that the monies from the sale of the land are ring fenced and would be invested directly within the education budget. It is therefore neither necessary nor appropriate to secure further funds via a planning obligation.
- 7.15 Unlike other similar schemes that Members have reviewed recently, in this instance no contribution has been sought from the NUH NHS Trust in relation to provision of health care provision.
- 7.16 It is considered that the development would accord with policies 8 & 19 of the ACS and policies EN2, HO3 and IN4 of the LAPP.

(v) Other Matters (Policies 1, 10 and 17 of the ACS and policies CC3, EN6, EN7 & TR1 of the LAPP)

Highways & Drainage

- 7.17 The layout has been revised during the application process to provide improved functionality. Roads have been designed with reference to the Design Quality

Framework with the small spur to the south to be a shared surface. Street trees would be included within build outs for traffic calming and to contribute to the street scene. Electric vehicle charging points would be provided on all properties which would be secured via condition. The comments received regarding on-site parking being insufficient and prejudicing existing parking that currently occurs on the southern side of Piccadilly are noted. The proposal has been reviewed by Highway and Drainage colleagues and subject to condition in relation to provision of a construction traffic management plan, surface water management plan and travel packs to promote sustainable travel the development is considered to be acceptable and would accord with policies 1, 10 & 14 of the ACS and policies CC3 and TR1 of the LAPP.

Trees and Biodiversity

- 7.18 Given the timeframe from initial submission to bringing to committee for debate an updated ecology survey has been provided by the applicant. The site is grassland with some street trees fronting Piccadilly. Whilst the site provides green open space, it is considered to be of limited ecological value. A landscaping and biodiversity enhancement scheme will be secured via condition to seek to provide biodiversity gain across the site. Subject to condition the proposal would accord with policies EN6 & EN7 of the LAPP.

8. Sustainability

- 8.1 The buildings would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. The majority of the houses will have roof-mounted PV panels, with precise details to be secured via condition. The applicant has stated that passive measures will be utilised to deliver energy efficient solutions notably; a fabric first approach to improve U values and air permeability, maximisation of natural day light, whole house mechanical ventilation and energy efficient light fixtures. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.2 Ground, groundwater and ground gas remediation details have been submitted and reviewed by pollution control colleagues. Subject to development being undertaken in accordance with the submitted reports the proposal would comply with Policy IN2 of the LAPP.

9 Financial Implications

The previous use of the site for education results in the receipt from the land sale being re-invested into the education budget which would occur via internal transfer on completion of the land sale.

As noted above, the development will otherwise provide policy-compliant Section 106 contributions of:

- £459,977 – Affordable Housing
- £62,523 – Open Space
- £22,500 – Employment and Training

10 Legal Implications

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

11 Equality and Diversity Implications

None

12 Risk Management Issues

None.

13 Strategic Priorities

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

14 Crime and Disorder Act implications

None

15 Value for money

None.

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

1. Application No: 19/01270/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSNY2ILYG0B00>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2019)

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: 19/01271/PFUL3 (PP-07819206)
Your Ref:
Contact: Mr James Mountain
Email: development.management@nottinghamcity.gov.uk

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

CPMG Architects
FAO Steven Milan
23 Warser Gate
Nottingham
NG1 1NU
UK

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

Application No: 19/01271/PFUL3 (PP-07819206)
Application by: GR No. 9 LTD
Location: Sports Ground Junction Of Piccadilly, Brooklyn Road, Nottingham
Proposal: Construction of 57 new dwellinghouses and associated infrastructure

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

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

DRAFT ONLY
Not for issue

2. Prior to the commencement of the development, a Remediation Strategy that has regard to the Ground Investigation Report by Hydrock dated March 2018 (ref HPF-HYD-XX-GI-RP-GE-0002) includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

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

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

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

3. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR2 of the LAPP

4. Prior to the commencement of above ground development details of an electric vehicle charging scheme, making provision for each property, including a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable.

Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan - Part 2.

5. Notwithstanding the details hereby approved, 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 policy 10 of the ACS

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Not for issue

6. Prior to the commencement of above ground development a detailed drainage management plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include:

- detailed soakaway designs
- infiltration rates and
- exceedance routes mapped to ensure no risk to neighbouring third parties

The approved design shall be installed prior to first occupation and maintained thereafter for the lifetime of the development

Reason: in the interests of promoting sustainable drainage and negating flood risk and to accord with policy CC3 of the LAPP

7. No above ground development shall be commenced until design details of the following, including drawings and sections at a scale of not less than 1:50 where indicated (*), have been 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.

Windows and doors, including their reveal depths *
Treatment of window and door heads and cills *
Verges and eaves *
Rainwater goods and soil pipes
Bin storage

Reason: In the interests of the character of the area and to accord with policy 10 of the Aligned Core Strategies and policy DE1 of the LAPP

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

8. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme (hard and soft) 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, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

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Not for issue

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

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

Reason: In the interests of amenity of residents and to accord with Policy IN2 of the LAPP

10. No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to accord with policy 10 of the ACS

11. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:

- a) the roads serving the development have been provided and surfaced;
- b) the individual parking spaces have been provided and surfaced;
- c) the house plots and flats have been enclosed.

Reason: In the interests of the living conditions of future and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan - Part 2.

12. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme (hard and soft) 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, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

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Not for issue

13. Prior to the first occupation a scheme of biodiversity enhancement together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: provision of bird and bat boxes/bricks, use of native bee friendly planting and hedgehog friendly fencing.

Reason: In the interests of biodiversity gain and to accord with policy EN6 of the LAPP

14. Prior to the first occupation details of solar PV installation utilising all available appropriately orientated roof slopes shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the submitted timeframe.

Reason: In the interests of promoting sustainable development and to accord with Policy CC2 of the LAPP

Regulatory/ongoing conditions

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 6 June 2019.

Reason: To determine the scope of this permission.

Informatives

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

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

3. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

4. The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

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Not for issue

'Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

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

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

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

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

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

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

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

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

8. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority.

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Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

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

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

10. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

11. Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 876 5293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

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

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

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Not for issue

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Continued...

RIGHTS OF APPEAL

Application No: 19/01271/PFUL3 (PP-07819206)

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.

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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Not for issue

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Planning for the Future White Paper response by Nottingham City Council

- 1 Nottingham City Council welcomes the opportunity to comment on the proposed changes to the planning system and is supportive of changes to bring about a simpler, faster and more predictable system for the benefit of both its dedicated and committed planning officers, its valued citizens and the profession as a whole.
- 2 Planning is at the heart of the Council's corporate priorities and it has first-hand experience of how planning has transformed Nottingham and the lives of Nottingham's citizens. Planning is not about rigidly applying rules and solely measuring success through the number of completed shiny new homes and buildings (though Nottingham has been very successful in this regard). The City Council and its partners have worked relentlessly to connect the benefits brought about by new development to citizens and have made great strides in improving outcomes for them and this is demonstrated by positive movement in the deprivation rankings of the City. In working towards Nottingham's goals, the City Council agrees that the planning regime has become overly complex, plans take too long to prepare, assessments of housing need and environmental impacts have become too complicated and impervious, the process for negotiation of developer contributions has become protracted and unclear, and critical and pressing needs such as, viability in areas of low-land value, infrastructure funding and delivery, social inequality and climate change have not received the national solutions that are needed.

- 3 Ultimately, the City Council is of the firm belief that the system needs improvements but not in the manner and scale that is proposed in the White Paper. Given the current climate of uncertainty and economic stability, and the grave situation that many local authorities find themselves in as a result, Nottingham City Council is even more resolute in its view.
- 4 Furthermore, the City Council vehemently does not accept the criticisms levied at the profession (and which effectively set the context of the White Paper) to be helpful or conducive to bringing about the necessary improvements to the planning system. In particular, the White Paper incorrectly criticises planning for problems that it cannot solve in isolation – such as the production of housing consents (there have been thousands of new homes delivered in Nottingham in recent years, and nationally, in 2019, 371,000 homes were approved, yet developers still only delivered 241,000 homes). The Paper fails to recognise, or even acknowledge, that ten years' worth of government planning reform measures has contributed to creating the current problems, and the lack of strategic planning, has made Local Plan preparation extremely challenging. In this regard it risks undermining Greater Nottingham's sub-regional strategic partnership and the very successful Greater Nottingham Joint Planning Advisory Board.
- 5 Fundamentally, for a White Paper there is both a lack of detail regarding how many of the proposals will be implemented and demonstrable proof that they will work in practice, which render it hard for the City Council to see how these proposals will deliver its objectives, and the Government's objectives (to see a simpler, faster and more predictable system). Furthermore, there are no proposals in the White Paper which set out how the proposed system will assist in the "levelling up" of the nation, as Government housing targets are not proposed to be set within the context of either a national or regional plan. This is a significant omission. This omission, combined with the fact that the Paper is too heavily focused on housing delivery (which Nottingham has been consistently successful in achieving), mean that the proposals risk undermining the City Council's reputation for collaborative working to achieve high quality planning and place-making to help meet the needs of Nottingham's citizens.
- 6 A further critical issue that is very apparent upon reading the White Paper is the conflict between the objectives of the White Paper and the resulting proposals that do nothing to genuinely build the trust of local communities. It is not enough to offer local communities the chance to comment on a drafted version of the Local Plan once it has been submitted for Examination. Front-loading public participation, and limiting it to plan making, undermines local democracy and does nothing to address the stated aims of the White Paper.
- 7 Nottingham City Council firmly believes that the current planning system would benefit from improvements to ensure that it is simpler, faster and more predictable but that it must operate in the public interest and should be both democratically accountable and genuinely participative. It must also reflect the complex social, environmental and economic geography of the different parts of the country and be fit to deal, not just with the current pandemic, but with critical

future issues that require action to start now such as the severe impacts of climate change and social inequality.

PLANNING WHITE PAPER – NOTTINGHAM CITY COUNCIL RESPONSE

A NEW APPROACH TO PLAN-MAKING

Pillar One – Planning for development

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

Question 5. Do you agree that Local Plans should be simplified in line with our proposals?

A more streamlined Local Plan process is supported but not as set out in the White Paper. It is considered that the current planning system would be preferable to the proposals described with an emphasis on improvements to eliminate disproportionate evidence base requirements, secure more resources for planning departments, measures to address market viability, social inequality, infrastructure provision, improved design and critical policy areas (e.g. climate change).

Defining just 3 areas with a blanket approach within each area is inadequate. This unsophisticated approach lacks the fine detail required to address development in complex urban areas. It is not clear how the three categories will be defined in practice and consequently the City Council has no confidence that the system will work as intended. It is noted that there is no detail on the size or scale of the categorised areas. In Nottingham, there are countless examples of Growth (regeneration areas), Renewal (primary residential areas) and Protection areas (open space) all on the same street.

It is considered that the Renewal Areas will be very hard to define, and reach consensus upon, given the strong presumption in favour of development (rather than sustainable development) in these areas and the envisaged provision of an automatic consent regime for them. There will potentially be a huge variation in the types of uses to be found in Renewal Areas (e.g. town centres, employment areas and residential areas) and it will be very challenging to ensure that the Local Plan can adapt to changing circumstances and the specifics of such broad areas. We highlight the enormous efforts we have gone to create new neighbourhoods and that some of our Primary Residential Areas are settled and static and a presumption in favour of development here is not helpful or desirable. It is also concerning that the consent regime for Renewal Areas is very unclear: a 'new permission route' and a 'faster planning application process' are referenced with no further details given.

Clarification is also needed as to how big or small these zones can be as this will directly affect the ability to protect important archaeological remains. The difficulty here from an archaeological perspective is that archaeological remains are somewhat of an unknown quantity. They are buried and therefore their locations and extents are often unknown. It is not possible to clearly define areas of protection given this uncertainty. Even in the case of Scheduled Monuments, their full extent is often unclear. It is for this reason that the NPPF makes provision for remains of demonstrable equivalence to Scheduled Monuments to be afforded the same level of protection as a designated heritage asset. For example, in the case of the Lenton Priory Scheduled Monument (in Nottingham) the full extent of the

Priory precinct is unknown. Indeed perhaps as much as a third or even a half of the Priory exists outside the Scheduled Monument. Where would one define the preservation area? Given the large number of caves within the city there is also the credible potential that caves may be encountered which require preservation and these may only be identified once planning permission has been granted, or at least certainly after an area may have been designated one of Renewal or Growth. The proposed three area system requires further thought to determine how such areas are defined, the factors upon which decision making about how those areas are created is based and how such areas are reviewed over time. As new discoveries are made, and our understanding of known archaeological sites changes, there needs to be a mechanism of review in place. And it needs to be accepted that some remains of archaeological significance may exist in all areas of the city and therefore will be threatened by introduction of the proposed three area unless appropriate measures are in place. The proposals seem rather rigid yet new discoveries and ongoing research change the perception of significance.

For the Government's proposals to work, it is considered necessary to have more than three zones. A binary approach would be even more problematic.

The City Council does not agree with the assumptions under this proposal that zoning-based plans are either shorter or less complex than current Local Plans or that there will be much less work to preparing plans. We cannot conceive that there will be less of an evidence-base requirement as authorities will still need to address all the relevant considerations in arriving at decisions about whether land is suitable for development, and the form it should take. The proposal requires a whole raft of sites to undergo a similar process to an outline planning permission, all at the front end of a 30 month period – the current Nottingham Local Plan includes 74 site allocations. If all were considered Growth areas, there would be insufficient resources to do this within the time frame.

Furthermore, the City Council does not believe that the introduction of the proposals and abolition of the existing system, during the current pandemic and the consequent uncertainty and instability is the right approach. Government do not seem to have taken into account how long a new planning system takes to introduce. The 2004 changes, which introduced Local Development Frameworks, took many years to settle in and refine due to the requirement for changes to legislation, and best practice to emerge.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

Question 6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

In principle this could help to simplify local plans. The NPPF already adopts this approach to some extent, but it is not strictly adhered to and the resultant ambiguity seems to compel authorities to repeat policies, for security, in their Local Plan.

A benefit of the proposal can be seen where national policies give a clear steer to developers, and provide a level playing field nationally, e.g. for carbon neutrality and other key elements of sustainable development.

Fundamentally, the City Council would support a flexible approach so that national policies could be adapted and supplemented due to genuine local circumstances. In Nottingham, it is considered that the presence of over 800 caves beneath the city genuinely merits a locally distinct planning policy due to the unique characteristics of this significant asset. A further example where the City Council calls upon local flexibility is in relation to student accommodation development. The City Council has been able to respond to local concerns surrounding student accommodation and has put an enormous effort into improving the planned environment and amenity of both students and hosting communities through the development of locally responsive policies. Additionally, the City Council is concerned that local flood risk and sustainable drainage policies will be lost and national policies, particularly around SuDS will need to be more rigorous in order to support the existing stance of local authorities.

In reality areas are not the same, do not experience the same issues and there is a consequent need for authorities to be able to draft locally responsive policies to meet valid aims. It is unacceptable to remove key areas of local influence from the democratic process and the Government risks a clear contradiction with the objectives of the White Paper if it proceeds in this manner.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness. The Duty to Cooperate would be abolished. Public engagement is proposed to be largely through plan making, with permission being established through the plan in many instances.

Question 7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

The City Council supports the simplification of the Tests of Soundness in order to speed up Local Plan Examinations. It is important to retain some parts of the Tests to ensure the appropriateness and deliverability of Plans and check their conformity with the NPPF.

The City Council also supports the abolition of the Sustainability Appraisal system, which has become far too onerous, and its replacement with a simplified process for assessing the environmental impact of plans.

Question 7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Whilst the White Paper advocates removing the Duty to Cooperate, it does not offer up any alternative approach to dealing with strategic planning matters and the City Council considers this to be a significant oversight. The Duty to Cooperate has been problematic to many authorities, but without an alternative to planning for strategic development across and between functional areas such as Housing Market Areas, the Government will not meet its housebuilding aims. Too many local planning authorities are constrained, either through being urban (and not having enough land), or environmentally (by Green Belt, AONBs etc.) that they cannot meet their own needs.

The City Council wishes to highlight that the Duty has worked in the past in Greater

Nottingham, and the proposals therefore risk losing established mechanisms and partnership approaches, without a replacement. This will severely impact on cross-boundary strategic planning for our area to address a wide range of issues. Experience from around the Country indicates that powerful incentives are required to achieve meaningful and effective strategic planning. If the Duty is to go, it should be replaced by a process with more teeth that local planning authorities cannot circumvent.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

The City Council supports the development of a standard method for establishing housing requirements as the current approach is both complicated, opaque and time-consuming. We firmly believe that this approach needs managing across functional areas, i.e. Housing Market Areas. Any methodology should be sophisticated enough to take account of areas like Greater Nottingham, which is made up of a number of authorities. The City is tightly bounded, so has little opportunity to extend the built up area, whilst surrounding boroughs are tightly constrained by Green Belt.

Furthermore, it is an absolutely critical requirement that local planning authorities are involved throughout the process of arriving at housing requirement figures (e.g. from a 'policy off' to a 'policy on' scenario) to ensure that requirements are sense checked and any examination begins from a robust starting point to ensure efficiency and credibility. There is little point setting housing targets that cannot physically be met.

In terms of this proposal, it should be acknowledged that consent has been granted for up to one million homes that are yet to be built and is not accepted that land supply should be seen as the most significant barrier to delivering homes. This stance is unhelpful, diminishes the problem and prevents a more effective solution from being implemented. The standard method as proposed would do nothing to address the critical issue that it is not local authorities who ultimately control whether new homes are built. The lack of control for councils over delivery rates means that penalising councils and the communities they support when targets are not delivered is unfair and unjustified and is not supported by the City Council.

A criticism of the approach is that having a methodology linked to household projections risks requiring more homes where they cannot be provided. The City Council therefore supports the development of a regional or even national perspective so that Government is able to realise objectives relating to levelling up and achieving strategic investment across the country.

It is essential that any methodology supports the positive impact of new house building to local economies and supports the growth and regeneration aspirations of Midlands and

Northern cities, and that job density is used within any new methodology. Without this there is significant risk that the methodology will continue to drive an unsustainable pattern of housing growth focussed on already 'over heated' parts of the country.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

In addition to affordability, and the extent of existing urban areas, appropriate environmental indicators should be considered, including the ability to achieve carbon neutral and climate adapted housing. Climate Change is a huge priority for the City Council and we do not wish to see the delivery of this agenda compromised and the opportunity missed to include this as a factor in the standard method process.

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

Question 9(a). Do you agree that there should be automatic outline permission for areas for substantial development (areas) with faster routes for detailed consent?

No. The proposals appear to be very unclear; and the extent to which outline permission will be the same as outline permission under the current system is not confirmed. We would highlight that there is no detail of what will be considered reserved matters, and no clarity as to what would be allowed. In current terms, the level of detail required to effectively grant outline planning permission across a growth area would be very significant, and the resource requirements could overwhelm many planning departments. It could also create a much more complex Local Plan system.

Currently when dealing with an outline planning application, the LPA has to address all considerations which have a bearing on whether the principle of the development should be approved. Consideration may include significant matters such as necessary infrastructure requirements, access, layout, environmental mitigation measures and matters requiring prior site investigation (such as land contamination or stability). These matters all need to be resolved upfront in order to determine whether outline permission should be given.

By way of an example, archaeological evaluation is often required to ensure that archaeological remains are appropriately considered in the determining of planning applications. As a minimum, an archaeological Desk Based Assessment is needed within areas identified of Archaeological Constraint. There are large areas of Nottingham, which could potentially be considered as Growth areas, where there is a high potential for archaeological remains of significance to exist. We do not know the location and extents of all archaeological remains in the City because these can only be established through archaeological fieldwork. Archaeological evaluation is essential to ensure such remain can be appropriately investigated and preserved in situ or by record. PPG16, PPS5 and the

NPPF all emphasised the importance of preserving significant remains in situ but without evaluation this is not possible. It is considered that seeking archaeological advice, and undertaking evaluation at an early stage of the planning process does not hinder development and in fact demonstrably saves time and money. Streamlining the development management process will potentially reverse this. Costs of delays as a result of the discovery of archaeological remains during groundworks can create significant delays and in some cases halt a project permanently as a project may no longer be viable. This is particularly the case where human remains are encountered and, in the case of Nottingham, where a cave is found during groundworks because appropriate investigation had not taken place. It is essential that desk based assessments and archaeological evaluation be permitted as a tool to assess the archaeological potential and to de-risk projects for developers. This enables archaeological costs and timescales of work to be fully factored into a project, ensuring it can be completed successfully.

It is also worth noting that any consent regime will need to take account of the proposals in the Building Safety Bill, including the role of the building safety regulatory regime and Gateway 1, which requires submission of a fire strategy as part of applications for planning permission.

Statutory consultees play an important role in identifying measures required to be able to safely issue outline permission. Consequently, it is feared that the proposed approach will either delay consideration of these matters much further back in the process, or hinder the speed of Local Plan adoption if it is all be done upfront before producing the required masterplans and supporting design codes. Without rigorous evaluation, allocated sites may transpire to be undeliverable further down the line and frustrate the objectives that the Government wishes to achieve in terms of a faster planning system.

Furthermore, local councillors currently play a very significant role in offering democratic accountability at the outline planning stage which constitutes a valuable part of the planning process. Crucially, at this stage, citizens and elected members work alongside each other so that nothing of relevance is missed or inadequately addressed. This process increases the scrutiny which emerging proposals receive and ensures the views and wishes of the local population can be put forward or represented. The City Council is very concerned about the reduced opportunity for democratic involvement at this stage.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

No. There is no clarity given regarding how these consents would work and whether they would work uniformly across the country. Ultimately it is considered that the introduction of more prior approvals, permitted development rights and fast track streamlined consent for pattern book development without democratic accountability and scrutiny will result in poor quality development.

The proposals for renewal areas do not go into much detail about what they might cover and it is conceivable that they will include residential areas, town centres, and employment areas. It is hard to imagine how a Local Plan will be able to definitively consent permission for such a wide range of uses within such a potentially wide area.

Again, the requirements of the Building Safety Bill need to be considered, especially as

how they may apply to permitted development for residential use in 'in scope' buildings.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

N/a. Nottingham comprises a tightly constrained urban area and does not have the land to be able to deliver a new settlement.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

Question 10. Do you agree with our proposals to make decision-making faster and more certain?

A number of the suggested proposals are in general supported:

- Shorter/standardised applications
- Digital template for planning notices
- National standards for technical info
- Standardised national conditions

A number of the other proposals are not supported and/or raise the following issues:

- Extensions of Time are commonly requested by developers due to delays in their scheme development/amendment, delays in the provision of technical information, or as a result of contractual discussions with land owners and investors. Imposing firm deadlines may not always be popular with developers and also has the potential to result in perverse decisions driven by timescales. The approach needs to reflect that some schemes do (rightly) take a long time to determine, and that this is in the public interest (e.g. where schemes can be improved given sufficient time). The current 'minors' or 'majors' break down is too simplistic if firmer timetables are to be attached.
- Refund of fee or deemed approval. The possibility of refunding the planning fee if the application is not determined within the timeframe, or for it to be deemed to have been granted, does not reflect the reality of development management, where applicants and the LPA work together to achieve successful outcomes, and negotiate for unacceptable schemes to be improved to make them acceptable. This inevitably extends the timescales involved, but greatly improves the outcomes for all parties and stakeholders. This punitive approach characterises democratic involvement and partnership working in the planning system as negative, where as in fact it is a positive agent in improving development proposals for all concerned.
- Automated decisions are likely to result in a greater number of refusals/appeals.
- Standardised requirements for validation may be a constraint for developers, particularly smaller ones.
- Providing templates for documentation has merit but who would assess whether submissions meet these (the Planning Portal? Additional resource would be required)? Ultimately, it would not necessarily improve the quality of the documentation and the need for someone to assess the submissions would remain.
- Greater delegation – this would be at odds with greater community involvement.
- For appeals, only a tiny proportion of applications are determined in this way. Giving a rebate on fees for successful applicants misses the point that planning

judgments can be finely balanced. It also provides a perverse incentive for an LPA to not refuse development that is unacceptable, due to the threat of loss of income needed to run the planning service, and equally, an incentive for more appeals, as applicants would have little to lose if they appeal, but could get their fee back (no financial penalty unless costs were awarded). The current system of allowing costs where behaviour by appellant or LPA is unreasonable works well, and takes account of the fact that legitimate planning judgments can result in different outcomes.

- Heritage by its nature is often organic and development is bespoke, characterful and defines Local Distinctiveness and as such is difficult to define in a machine readable manner for decision-making purposes. Known presence and absence can be machine readable for scoping purposes but this would merely identify heritage sites as a place where site-specific technical detail and good design would have to be agreed. This would make anywhere with heritage constraints unsuitable as growth areas unless acceptable uses and proposals had been specified (that would need to be adhered to within any development) or alternatively addressed through a full planning application. This is particularly of concern for those entries on the Local List which do not have any further protection through the proposed system.

A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

Question 11. Do you agree with our proposals for accessible, web-based Local Plans?

More standardisation and access via technology would be welcomed, subject to appropriate resources being available. Nottingham City Council has developed a successful in-house interactive Policies Map and a variety of apps to display information and is supportive of measures in this regard.

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

Question 12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

The City Council does not support the arbitrary 30 month timescale set out for the preparation of Local Plans. It takes no account of the significant resource implications which arise from the proposals to categorise land into the Growth, Renewal and Protection areas and the requirements that arise from granting consents at the outset of the Plan preparation process. The City Council urges the Government to consider the true scale of the proposed front-loading process to ensure that local authorities are properly resourced

and expectations clearly set-out in arriving at a confirmed timescale.

It is disappointing that there is a single time frame for all areas. This is over simplistic, and does not recognise that some areas are more complex than others, for example, urban areas with complex multiple issues as opposed to largely rural areas with market towns and villages. It seems unwise also to include the Examination process in this timescale and assume that 9 months will be adequate for every authority, regardless of area specifics. A local planning authority also effectively relinquishes the majority of its control over timescales at the point of submission and is dependent on the capacity of the Planning Inspectorate at that point. We foresee a great call on the resources of the Inspectorate 30 months after the passing of required legislation to enact the proposals and fear that many authorities will fail to make imposed deadlines as a result.

It is alarming to see the real extent of public engagement in the timescales. It appears that public involvement is limited to Stage 1, prior to a Plan being drafted, and at Stage 6, when the Plan has been drafted and submitted to the Inspectorate. The City Council feels that this sits very uncomfortably with the stated aims of the proposed new system. There will be immense anger from our citizens over the proposals with trust permanently eroded as they realise that a plan has been drafted and submitted for examination before they have commented on it. Suggestions to remove the 'right to be heard', if permitted, would only compound feelings of mistrust and criticisms of the profession.

In the context of increased permitted development rights and planning consents being granted via the Growth, Renewal and Protection categorisations in the Local Plan, it appears that opportunities for democratic scrutiny of development at the point that it is tangible and matters most to people is dramatically curtailed. It is well understood that people engage in the planning system when it directly affects them i.e. at a planning application stage, and less so when proposals are notional, as in a local plan. The City Council therefore believes, contrary to the aims of the White Paper, that the proposals risk reducing the opportunity for consultation and public input into planning proposals.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

Question 13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

N/a there has been no take up of Neighbourhood Plans in Nottingham.

It is unclear how Neighbourhood Plans will operate in the Growth and Renewal areas. Removing the power to designate land and set out policies will remove the incentive for local communities to prepare plans.

Question 13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Additional resources would be critical to achieving this goal. Whilst the neighbourhood planning grant has been a useful tool, if neighbourhood planning becomes more complex,

potentially covering issues such as local design codes or increasing the use of digital tools then significant additional resources will be needed.

The local authority will also need additional resources to provide proper support.

It is also likely that any neighbourhood forum will require additional expert digital assistance which will need to be funded too. As with Local Plans, it will be essential to ensure that there are still opportunities for their communities to participate through non-digital methods.

Proposal 10: A stronger emphasis on build out through planning.

Question 14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Agree but the delivery mechanism needs to be clarified.

Splitting development sites is the only measure aimed at developers to speed delivery. Given inherent incentives in house builders operating models to gradually release houses to the market, tougher measures are required for this to be effective.

In splitting sites, a legally binding mechanism would be required to force developers to work with other house builders to deliver different house types/tenures.

Delivery would not be resolved through masterplans and design codes alone. These could anticipate phasing and create a greater number of phases but additionally a mechanism would be required to control who parcels of land are sold/allocated to. What would be the sanction for failing to meet delivery rates and who would enforce this?

Pillar Two – Planning for beautiful and sustainable places

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

Question 17. Do you agree with our proposals for improving the production and use of design guides and codes?

Design codes in themselves can be helpful documents but their extended use raises a number of issues:

- Beauty and design quality are different things (the National Design Guide – Is the development: fit for purpose/function, durable, and does it bring delight. Beauty only focuses on one of these. Additionally, what weight is to be given to sustainability credentials?).
- Depending on their detail and quality, design codes could result in overly standardised developments and would stifle creativity and innovation. Likely to be based on minimum criteria, not a push for excellence.

- Provably popular locally – how would consensus be reached? Whose view should take precedence? At the very least has the potential to be a lengthy process.
- The level of detail required for automated approvals is not realistic. Cannot eliminate the requirement for judgement by skilled professionals.
- The lack of flexibility presented by design codes is likely to be more constraining for developers. Would result in greater number of refusals/appeals.
- There is commonly much divergence from approved masterplans and design codes, requested by developers.
- Would not suit house builders' standard house type approach.
- Design codes are likely to be conservative on the permitted scale/mass/quantum of development.
- Would not in itself improve the quality of schemes coming forward. Need to upskill the private sector and developers' design teams.
- The resource implications arising from this are significant and need addressing. Many LPAs have very limited design expertise, and no specialist staff. There are simply not enough urban designers available to undertake this work.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

Question 18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

Yes. Whilst the chief officer is appropriate as a championing role, it needs to be recognised that good design and place-making should not be reliant on an individual's opinion but rather the emphasis should be on creating a framework that involves team assessment and consensus.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

Question 19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Agreed. They would however need to be appropriately resourced and governed by a strong performance framework.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

Question 20. Do you agree with our proposals for implementing a fast-track for

beauty?

This matter is too subjective to enable this process to gain local credibility. Furthermore, as stated previously, beauty and good design are not the same thing.

A beautiful design is only part of the planning consideration, and there may be other factors that require consideration through the decision making process. This proposal needs careful framing to ensure only appropriate development is fast tracked, and there are appropriate checks and balances to provide consideration of other planning matters.

Masterplans and in particular design codes are detailed documents that are very resource intensive and time consuming to produce, particularly for small authorities. A greater degree of funding would be required to cover this.

The skills required to produce (and assess) such documents would require an overhaul of the relevant courses in the higher education system, and sufficient time for the output from this to feed into the profession.

Caution should be applied as we consider that the extension of permitted development rights does not always result in higher quality design. While pattern books can deliver high quality neighbourhoods where there is a commitment to quality objectives and cost is not a factor, they may also inadvertently permit the lowest common denominator development of areas.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

This proposal is welcomed. Clear and unambiguous policies which are ambitious in terms of carbon reductions are essential, linked to Building Regulations that are not open to interpretation.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

There is little detail of this proposal. Care is required to ensure that the environment is not placed under greater pressure, nor the need for appropriate mitigation diminished. It is not just the most important habitats and species that need protecting, this sentiment does not sit well with the need to increase biodiversity across the board.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

The reinforcement of the weight for protected areas is welcomed. It is appreciated that MHCLG are exploring ways to secure new and better ways to secure consents for routine works; however, in practice one kind of routine application can harm significance to one building that would not for another. For example, to renew the electrics in a Georgian property would be unlikely to affect its heritage significance, but to do the same in a Cold War bunker where the electrical infrastructure may have been highly specialised, could be harmful to its significance. This is why we have always looked at each application on its merits in considering the impact on the individual significance or setting of a heritage asset.

Further frontloading of applications through Local Listed Building Consent Orders and Heritage Partnership agreements, with the resources to do so, is supported.

Concern is expressed about giving earned autonomy for routine consents to experienced architectural specialists. Such a system could lead to partisan decision making in favour of paying clients and insufficient scrutiny for works to sensitive heritage assets. The quality of decision making would have to be closely monitored by an ombudsman or similar body to ensure that abuses do not occur. It is suggested that a more cost effective means of ensuring efficient decision-making would be to prioritise the retention and training of specialist heritage conservation staff within Local Authorities. The number of these officers has been in gradual decline for over a decade (according to research carried out by the Institute of Historic Building Conservation), creating a bottleneck for quality decision making on heritage projects across the country.

Regarding the move to locally popular consensus, popularity regarding the significance of heritage assets can be very subjective. Often buildings that people can remember being built will never be popular regardless of the quality of the architecture. Popularity of heritage will often be related to its condition. A greater emotional response will be created in a historic building in poor condition than a modern building. There is therefore a concern that buildings of genuine historic significance might be demolished because of unpopularity now.

It is noted however that proposals in the White Paper lack detail regarding the treatment of archaeological remains. Indeed, archaeology is not referred to at all and where heritage is referred to, this is usually in relation to buildings or historic areas. This is a worrying oversight which will potentially result in substantial harm to the Historic Environment. Further detail is therefore required to ensure that archaeological work is not impeded as a result of any changes which may take place to planning system.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

The current level of ambition in this regard as expressed through the consultation on the Future Homes standard is not high enough, so further improvements to efficiency standards would be welcome, but they need to be universal and unambiguous to ensure developer buy-in and a level playing field across the country.

Pillar Three – Planning for infrastructure and connected places

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

Question 22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

A new charging structure that simplifies the process for the developer and local authorities would be welcomed. However, the implications of a fixed proportion of development value above a set threshold in the context of an urban area needs to be fully understood.

- Would the higher costs for brownfield sites, and abnormal costs be reflected. If based on final value, would a higher quality scheme pay more?
- How does affordable housing sit within the provision? Does it come off development value prior to the levy being recognised?
- The term 'Occupation' needs to be defined
- Monitoring/admin fee is not mentioned – preference to have this up front
- In kind contributions are not mentioned

A disadvantage of the proposal is that it compromises the efficient delivery of infrastructure due to the approach of collecting the Levy after the completion of the development. The delivery of infrastructure to support the development not only has to be funded in advance of the development taking place (as now) but additionally with no certainty as to the amount of Levy that the development will pay. This latter new issue makes forward funding of infrastructure too much of a risk for LPAs, especially in the context of current chronic underfunding of local authorities.

The City Council does not support the complete loss of s106 as not all matters dealt with by s106 are financial and delivered through a Levy budget. Developers are required to perform actions or to carry out things in a required order through the use of s106 agreements. As one example, in Nottingham Management Agreements are secured via s106 to ensure purpose built student accommodation does not negatively impact on the amenity of our communities.

Question 22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

The preference would be to set a locally defined rate. There would also need to be more than one rate within a local authority's area. Having a single rate per local authority would have to be set at the lowest possible value and would therefore potentially miss out on achieving higher values in the other areas. Consideration would also be need to be given to how and when the Infrastructure Levy would be reviewed in a local area.

Question 22(c). Should the Infrastructure Levy aim to capture the same amount of

value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

Any system should seek to optimise the funding of necessary infrastructure commensurate with not stopping development for *genuine* viability concerns. Assistance will be required to ensure that infrastructure can be delivered in a timely manner for areas that are challenged with low land values, high remediation costs etc. Against this context, proposals to deliver affordable housing through the levy are unconvincing at present. The City Council calls on the Government to back up its claim that the new Infrastructure Levy would yield more than the existing process through detailed modelling, otherwise it is simply speculation.

Question 22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

Whilst the City Council can see merit in this approach, the risks and implications need to be fully understood.

Given the current financial crisis for many councils, borrowing to forward fund infrastructure against an uncertain future Levy receipt would represent an insupportably high financial risk. The likely differentials between receipts in higher and lower value parts of the country would exacerbate rather than contribute to 'levelling up'. It would also not be fair for authorities to have to bear the cost of interest charges to support infrastructure that should be delivered by the developer as part of the development.

What happens if market conditions change and schemes are not brought forward? If the Infrastructure Levy is to become payable at the point of occupation, this poses a big risk for local authorities to borrow against because there is the risk that the permitted scheme will not be built out or will be substantially delayed.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.

Question 23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes this is strongly supported. The existing CIL system captures changes of use and other development that is permitted through permitted development rights. The Infrastructure Levy should therefore do the same. Permitted development rights should be included due to their additional generated need on local infrastructure. There is no difference in the call upon local infrastructure arising from an office to residential permitted development conversion use than a standard development requiring planning permission and so the different approaches are inequitable.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

Question 24(a). Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?

The City Council supports both proposals. On site provision is important to create a balanced mix of communities.

Question 24(b). Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?

An in-kind approach is preferred but needs to be set at the right level with appropriate quality standards in place, size and type of units etc. This binary question highlights a fundamental misunderstanding of the evidenced affordable housing needs within Nottingham. An either/or is inappropriate as the affordable housing need in the city is social/affordable rent not discounted purchase.

Question 24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

Local authorities should be protected against any overpayment/claw back risk.

Question 24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

Appropriate standards need to be in place with local authorities having the ability to determine the size and type of units to meet the needs of the area.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

Question 25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

The City Council supports this proposal in principle. Funds raised through the levy must however continue to be spent on mitigating impacts or delivering policy requirements resulting from the development.

Question 25(a). If yes, should an affordable housing 'ring-fence' be developed?

An affordable housing 'ring-fence' would be welcomed.

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to

support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:

- **The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers**
- **Planning fees should continue to be set on a national basis and cover at least the full cost of processing the application type**
- **a small proportion of Infrastructure Levy of the income should be earmarked to local planning authorities to cover their overall planning costs**

It is essential that the resourcing crisis within local planning authorities is urgently addressed. This cannot however be seen in isolation to the wider financial crisis facing many councils. As we have comprehensively highlighted in the responses above, the risk of seriously undermining public support for the nation's planning system is significant and this risks being further eroded by a new system being predominantly paid for by the perceived beneficiaries of it.

With recognition of the comment above, the City Council broadly supports Proposal 23 in principle with the following caveats where indicated:

- Greater regulation of pre-application charges.
- Eliminate outdated regulations.
- World leader in digital planning – supported but capital expenditure on IT would be significant. Unrealistic for Local Authorities to meet this.
- Planning system to be paid for by fees and developer contributions – would need to be sufficient to also cover local plans, design codes, enforcement.
- PINS and statutory consultees should be more self-financing through charging – would need to be accompanied by a performance framework in terms of response time and quality.
- Performance framework for LPAs with intervention if necessary.

Furthermore, Nottingham City Council strongly supports the proposals for a comprehensive resources and skills strategy for the planning sector. It will be essential to provide central funding for LPAs to support implementation of the new system. It is critical that the increase in funds needs to be captured as an extension or improvement to planning services beyond retaining existing staff. Against the local government financial crisis, any increases that are required for the delivery of a new planning system will need to be ringfenced for that purpose.

The City Council would also like to highlight that if proposals to cover overall planning costs by using a small proportion of income generated from the Infrastructure Levy is implemented, then the inevitable resulting scenario will be that wildly different contributions will be raised across different parts of the country. This situation is simply inequitable as low value areas will be left with less resources, which would appear at odds with any levelling-up proposals to encourage development in these areas, and the resultant requirements for more capacity in planning departments to enable this. The Government should also be mindful that using even a small proportion of the Levy in this way risks breaking the link to mitigation and so must be looked at robustly.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

It is suggested that the Government plans to strengthen enforcement powers and sanctions but detail is needed about how this can be achieved in the case of failure to comply with archaeological conditions. Once a development has begun, the archaeology is irreversibly destroyed, and no measures of enforcement can change this. Fines should be charged against those who breach planning conditions regarding archaeology.

Question 26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

Overall the City Council would like to highlight the importance of ensuring that proposals implemented via the Planning White Paper, or through an enhanced NPPF, undergo an Equalities Impact Assessment. This will ensure that measures aimed at benefiting people with protected characteristics are set out in detail and the full impacts on people with protected characteristics are fully evaluated.

The City Council is concerned that since the focus of the new system in terms of community engagement will be online and digital, there is a danger that the proposals in this regard will have a negative impact for some people with protected characteristics such as the elderly and also the BAME community (who are over-represented in low income and disadvantaged groups in the City and are more likely to be living in poverty), with lower levels of access to a computer or a smart phone, and less confidence and skills in using them to the extent required for consultation on a Local Plan. In addition, there is a suggestion in the White Paper to remove an individual's 'right to be heard' at an Examination. The City Council considers that this will impact on people with protected characteristics such as disabled people who may feel that their best opportunity to participate in a Local Plan Examination is by being physically present.

Proposals to front-load public involvement and limiting it to plan making needs to be fully assessed for its effect on people with protected characteristics. If groups with protected characteristics are less likely to engage with the planning system, will removing the opportunity to be involved at the point that it is most tangible and directly relevant (i.e. at the planning application stage) reduce the number of people with protected characteristics being involved overall. As a Council where half of all councillors are from a BAME background, the City Council would like to be reassured that the removal of such a significant part of the democratic process has been thoroughly assessed from an equalities perspective.

Furthermore, affordable Housing has an important role in seeking to meet the housing needs of people with protected characteristics who cannot meet their housing needs via market housing. Nottingham City Council wishes to see the provision of affordable housing (of a type, tenure, standard, mix, etc that best reflects evidenced needs) protected or enhanced via any proposed changes to planning system and the S.106 regime. Wider proposals by government would see contributions to affordable housing offset by the requirement to grant discounts for First Homes which are not relevant to the affordable housing need in the City. The White Paper does not set out plans for broader investment in social housing and this is a big oversight in planning for the needs of people with protected characteristics.

