

# Public Document Pack



**Nottingham  
City Council**

## **Nottingham City Council Planning Committee**

**Date:** Wednesday, 22 December 2021

**Time:** 2.30 pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

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

**Director for Legal and Governance**

**Governance Officer:** Catherine Ziane-Pryor

**Direct Dial:** 0115 876 4298

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** 3 - 10  
Of the meeting held on 17 November 2021 (for confirmation)
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
  - a Diamond Plaza Daleside Road Nottingham NG2 3GG** 11 - 32
  - b Site Of 10 Raleigh Street Nottingham NG7 4DD** 33 - 46

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## Nottingham City Council

### Planning Committee

**Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 November 2021 from 2.30 pm - 4.24 pm**

#### Membership

##### Present

Councillor Michael Edwards (Chair)  
Councillor Graham Chapman (Vice Chair)  
Councillor Leslie Ayoola  
Councillor Kevin Clarke  
Councillor Maria Joannou (minutes 42-46 inclusive)  
Councillor Angela Kandola (part of minute 45 and minute - 46)  
Councillor Gul Nawaz Khan (minutes 42- 46 inclusive)  
Councillor Pavlos Kotsonis (part of minute 45 and minutes 46-47 inclusive)  
Councillor AJ Matsiko  
Councillor Toby Neal (minutes 42-46 inclusive)  
Councillor Ethan Radford (part of minute 45 and 46-47 inclusive)  
Councillor Wendy Smith (minutes 42 -45 inclusive)

##### Absent

Councillor Azad Choudhry  
Councillor Sally Longford  
Councillor Mohammed Saghir  
Councillor Cate Woodward

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

Paul Seddon	Director of Planning and Regeneration
Martin Poole	Area Planning Manager
Tamazin Wilson	Solicitor
Lisa Guest	Highways Officer
Catherine Ziane-Pryor	Governance Officer

#### 42 Apologies for Absence

Councillor Sally Longford (unwell)  
Councillor Kate Woodward (unwell)

#### 43 Declarations of Interests

None.

#### 44 Minutes

The minutes of the meeting held on 20 October 2021 were confirmed as a true record and signed by the Chair.

#### 45 45 Watcombe Circus

Prior to consideration of the item, Councillor Adele Williams, Ward Councillor for Sherwood Ward, delivered a verbal representation which included the following points:

- a) residents have formally responded to planning permission consultation, submitted a petition and the local Neighbourhood Watch has submitted a report on incidents of anti-social behaviour in the area;
- b) concerns include that if the application to convert the former care home into 7 self-contained flats is granted:
  - i. the additional noise from this many units will have a detrimental impact on what is currently a family residential area;
  - ii. there is inadequate parking for the number of units proposed;
  - iii. the development would result in the permanent loss of family home;
  - iv. issues experienced with other such multiple unit properties in the area include antisocial behaviour, including the inappropriate disposal of household waste and associated issues. Residents request that whoever occupies the building, they will be provided with direct and appropriate access to household waste disposal;
  - v. the proposed units will not attract long-term residents and are aimed at transient tenants (which does not benefit the area);
  - vi. the development will result in more traffic within the immediate area;
  - vii. the proposed flats are small and the building will be over populated for its size (size concerns extend to those who would be resident).
- c) the committee is requested to consider the appropriateness of this type of accommodation in a residential area such as this and ensure that any development meets the criteria for sustainable housing.

Martin Poole, Area Planning Manager, presented Planning Permission Application No: 21/01273/PFUL3 by Allan Joyce Architects Ltd on behalf of Phil Collins, proposing a change of use from a care home (Class C2) to 7no 1 bed flats (use class C3). To include replacement windows and removal of an external staircase.

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

A PowerPoint presentation was delivered and included a roadmap of the area surrounding the property, photographs of the property including street views, the proposed floorplan. It is noted, as per the report, that there has been some discussion about the size of the units, a significant level of responses have been received from residents and resident groups.

Questions from the Committee were responded to as follows:

- d) with regard to the concerns raised around the size of the proposed units, sizes range from 31 m<sup>2</sup> to 40 m<sup>2</sup>. It is acknowledged that four of the units do not meet the Government's Nationally Described Space Standard of 37 m<sup>2</sup> per self-contained unit, but Building Design and Use Policy DE1 does not require the standard to be met if 'there is clear evidence to demonstrate that this would not be viable or technically

feasible and that a satisfactory standard of accommodation can still be achieved'. This is a matter of planning judgement but, following an assessment, officers have determined that the proposal provides units of an appropriate standard of amenities, particularly given the constraints of converting an existing building;

- e) some residents have expressed concerns regarding the change of use, however, formally as class C2 residential care, the classification does not specify who the care should be provided for and would permit a variety of uses and there is no reason why the property could be used for residential care of any type, any age group under its current C2 use class without a change of use;
- f) Planning colleagues and members of the committee are only able to consider the planning application submitted and as there are no alternatives presented, such as the family use preferred by some residents, there is no value in considering alternative uses;
- g) the application is for seven flats class C3, which are normal residential units for single households, including those in need of care, which is similar to the vast amount Nottingham housing stock, so residents' concerns regarding saturation can be discounted;
- h) this is not specialist accommodation but is an application by an employee of Framework and it is anticipated that the property will be for the use of Framework clients. Class C3 includes one-bedroom property, as is common across the city, and does not conflict with any City Council Planning Policy;
- i) the care level within the class C3 is not specified, so may range between occasional or 24-hour. This classification has been designed to assist with facilitating care in the community;
- j) this application cannot be classified as providing specialist care as all seven units are completely self-contained and the building will not include any facility other than C3 units. There will be no communal areas or office. There is no indication of mixed use, or that the building will be used for anything other than C3 accommodation;
- k) support for residents of the building can be provided elsewhere and is not necessarily required to be attached to the accommodation;
- l) Highway colleagues have assessed if vehicle use by occupiers of the flats will have a significant impact and have not found this to be the case. There are good transport links within the area and generally citizens renting smaller properties do not often possess cars. However, an assessment on the possibility that there could be one car for each flat determined that these could be accommodated within the existing on-street parking facilities in the vicinity without any detriment to health and safety. Highways colleagues have requested that parking include charging points for electric vehicles;
- m) the proposed conditions require provision for bin and cycle storage, as set out in conditions 2 and 3. The City Council does have separate powers outside of planning control enabling enforcement regarding bins left out on the pavement and in relation to antisocial behaviour. Existing Council authority should not be duplicated in the recommendations;

- n) it would not be appropriate to impose management arrangements on a residential block of this nature. It is responsibility of the owners to ensure appropriate management, it would be unusual to request a management plan for such a development and it is generally felt to be unnecessary;
- o) planning conditions have to be enforceable by the Planning Department. Some of the issues raised by residents and members of the committee fall outside the remit of the planning committee. A management plan will be very difficult to justify and establish on the current application;
- p) in addition to the bin storage area condition, consideration has been given to the implications of 3 bins per household for the site and larger but fewer communal bins have been proposed;
- q) with regard to space concerns, the Committee needs to judge and determine if there is sufficient and appropriate space for people to live, as per Policy DE1. The recommendation of Planning Officers is that there is.

Comments from the Committee included:

- a) the Committee can only consider what is in front of them and not suggest alternative options. There is a danger that if the existing use criteria is retained, future proposals may be more detrimental to the immediate area than the current proposal;
- b) it is highly unlikely that residents of the proposed development will possess vehicles and therefore the proposal is unlikely to have an impact on resident parking;
- c) the Committee can only make a decision within its remit. Residents should be assured that the decision of the Committee is the best it can make in the circumstances;
- d) members need to remember that the Council has a target to tackle rough sleeping and homelessness. This application is not for a hostel, but for single household accommodation;
- e) it is a concern that Framework have made the application in an employee's name rather than their own name to lodge the application. This is not a helpful approach and members need further assurance that this has not been due to issues which can be resolved and that further issues will not arise from this. It is suggested that informally investigating this further is delegated to planning colleagues.

It is noted that and that Councillors Angela Kandola, Pavlos Kotsonis, and Ethan Radford were not eligible to vote as they had not been present for the whole of the item.

**Resolved**

- 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 the report;**

**2) for power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**

Councillor AJ Matsiko abstained from voting.

The meeting was adjourned at 3:29pm to allow for a comfort break, and reconvened at 3:38pm.

**46 Land At Kingsthorpe Close, Kildare Road**

Martin Poole, Area Planning Manager, presented Planning Permission Application No: 21/00861/PVAR3 brought by Smith & Love Planning Consultants on behalf of Keepmoat Homes Ltd for the deletion of condition 10 (provision of memorial/artwork) and variation of condition 14 (provision of play area) of planning permission reference 13/01367/PFUL3.

The meeting was adjourned at 3:44pm to enable the update sheet to be circulated, and reconvened at 3:49pm.

The application is brought to Committee because the proposed development seeks amendments to an approved scheme that was previously determined at committee and developer contributions secured via s106 would not be policy compliant.

Martin Poole, Area Planning Manager, delivered a brief visual presentation, including a site map and aerial view of the development, which identifies the areas of flatland which had been designated for a play area and memorial.

It is noted that the applicants have stated that due to the landscape of the land, it is very challenging to provide play equipment as per the original plan, so it is proposed to contribute £40,000 to Section 106 funding in lieu of the play area, towards enhancing an existing play area in the locality, plus £1,500 towards a memorial stone/artwork to be installed on the site.

Committee members are assured that every effort has been made to secure the highest possible value for each contribution.

Members of the Committee commented as follows:

- a) it is a concern that the of original application recommendation delegated the details of the play area and memorial to Planning Officers and that the design of the play area chosen was too challenging to be provided on the site. This indicates that due diligence wasn't fully undertaken and care must be taken to ensure this does not happen again, particularly as the recommendation again includes the details to be determined by Planning Officers;
- b) the contribution in lieu of the memorial needs to be the equivalent to the cost of the original sum agreed as £1,500 is not enough;
- c) Mapperley Ward Councillors should be consulted on the type of memorial marking the Saint Ann's Well, including where it is placed;
- d) the original decision on this application was made by Committee on 18 September 2013 so it is particularly concerning that it has taken this long to resolve issues around the agreed conditions.

## **Resolved**

- 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 the report and subject to:**
  - (a) the prior completion of a Section 106A deed of variation to amend the existing Section 106 Planning Obligation, or a further planning obligation, which shall include:**
    - (i) a financial contribution of £40,000 towards play area enhancement in the local area;**
    - (ii) a financial contribution of £1,500 towards provision of a memorial stone/artwork and provision for it to be installed on the land;**
    - (iii) requirement to landscape an area of on-site open space and the on-going maintenance and management of that area.**
  - (b) power to determine the final details of both the terms of the Section 106A deed of variation to amend the existing Planning Obligation, or a further planning obligation, and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**

Councillors AJ Matsiko and Leslie Ayoola abstained from voting.

Councillor Maria Joannou had withdrawn from the meeting prior to the vote.

## **47 Informal Planning Policy Guidance on the Reduction of Carbon in New Residential and Commercial Development**

Peter McAnespie, Partnerships and Local Plans Manager, presented the draft Informal Planning Policy Guidance on the Reduction of Carbon in New Residential and Commercial Development. Comments may be submitted to the consultation which closes on 28 November 2021.

It was clarified that as it would take 12-18 months to formalise as planning supplementary document and many developers were actively seeking guidance and/or keen support the City Council's drive to become carbon neutral by 2028, the document is initially circulated to bridge the gap until the policy can be formalised.

The guidance cannot be enforced and may change several times prior to formalisation, particularly if Central Government guidance/legislation changes, but this document provides some direction and will provide an indication of the areas in which developers may be struggling or meeting barriers.

Comments from members included:

- a) we should be proud of this document and the work undertaken so far;



- b) a lot of urgent progress is required to achieve the target to be carbon neutral by 2028, so a document such as this is a positive step forward;
- c) the 'check list 'approach is very useful and welcomed;
- d) there are new energy efficient ideas emerging all the time so there may well be changes to the document by the time the Supplementary Planning Document is revised and the guidance can be adopted as policy;
- e) ground and air heat source pumps along with heat reservoirs are amongst the latest developments, but further exploration is needed to ensure that homes can be heated and cooled;
- f) Nottingham needs to ensure that the energy efficient technology, skills, training and jobs are available in the City to further the city's economic development;
- g) consideration how to efficiently combine coping with weather extremes could be included.

**Resolved to note the draft Informal Planning Guidance, and for any further comments to be submitted to the online consultation Committee by 29<sup>th</sup> November 2021.**

Councillor AJ Matsiko abstained from voting.

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**Wards Affected:** Dales

**Item No:**

**Planning Committee  
22nd December 2021**

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

### **Diamond Plaza, Daleside Road**

#### **1 Summary**

Application No: 21/01515/PFUL3 for planning permission

Application by: Williams Gallagher on behalf of Nottingham Community Housing Association Ltd, Liberty Property Co II Ltd & GEDA Construction Company Ltd

Proposal: Partial demolition of existing buildings and erection of 82 dwellings with associated access, parking and landscaping.

The application is brought to Committee because the application is recommended for approval but planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 27th October 2021

#### **2 Recommendations**

- 2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report.
- 2.2 Power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

#### **3 Background**

- 3.1 The application site is located to the north-east of the junction of Trent Lane with Daleside Road. It comprises 1.5ha of land and buildings that have been used by Virgin Media as offices and as a technical hub which supplies a large part of the East Midlands with fibre optic broadband services. It is advised that all of the offices have been vacant since 1 December 2019. The technical hub remains active.
- 3.2 The site is accessed off Trent Lane. There is also a car park egress further along onto Daleside Road. To the west of the site and also with access off Trent Lane is the Eastpoint Retail Park. To the east of the site is Chase Park, which is a small business and office estate with access off Daleside Road. To the north of the site is a sizeable area of woodland, which includes the Sneinton Greenway walking and cycling route and embankment to the Nottingham – Lincoln railway line. To the south of the site is Daleside Road and the Little Tennis Street area industrial and business estate.

- 3.3 There is dense vegetation and trees along the southern boundary of the site. Adjacent and also running along Daleside Road is the eastern cycle corridor/cycle super highway. There is a bus stop on Daleside Road.
- 3.4 The application site falls within the boundary of the Waterside area as defined within the LAPP. The future improvement of the section of Daleside Road that forms the southern boundary of the application site, as part of the Southern Growth Corridor, is identified to be safeguarded within the LAPP.

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

- 4.1 The application proposes the demolition of the majority of the existing office buildings on the site, but with the partial demolition of one of the buildings to allow for the retention of the technical hub. The proposed redevelopment of the site would then comprise of 40 one and two-bed apartments in four-storey pitched roof buildings to the south-west of the site adjacent to the retained technical hub building, and 42 two and three-bed houses in two and three-storey pitched roof buildings on the remainder of the site.
- 4.2 The applicant proposes that the dwellings would be offered in a mix of shared ownership and affordable rent tenures.
- 4.3 Vehicular access into the site would remain at the existing positions off Trent Lane. The primary vehicle access would then be along the northern boundary of the site, with cul-de-sac legs then running towards Daleside Road. Car parking spaces for the dwellings would be generally perpendicular to the access routes. The existing vehicular egress onto Daleside Road is proposed to be formally stopped up and made good.
- 4.4 The application proposes that the existing vegetation and a number of existing trees along the Daleside Road boundary of the site would be removed, with the retention of those trees only where they would not be in conflict with the proposed housing layout. Replacement and additional trees are proposed throughout the housing layout.
- 4.5 Front garden boundaries are to be defined with railings and close-boarded timber fencing is proposed to enclose rear gardens. Gardens are indicated to include timber sheds with fixings for cycles.
- 4.6 On plot positions for bins are indicated for the houses and with bin standing positions also located at point where refuse operators would be able to collect from the adopted highway. External bin store positions are indicated for the apartment buildings.

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

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

The application has also been publicised by site and press notices. The following responses have been received:

**Local Resident:** The principle of the residential development of this site is welcomed and we hope with time that a community will thrive. Sure the construction

phase will have some impact and, although our outlook will have changed considerably, the project should in time become an asset to the area.

**Local Resident:** Overall I am supportive of the site being used for social housing and like the design. However it is on a busy and noisy road with traffic continuing through the night. There is an established buffer of not yet mature 25 year old trees and under-planting of shrubs along the front boundary, which should be all retained to mitigate the noise and air pollution and retain the greenness of our neighbourhood. The development is on the prevailing upwind of a paint stripping business which regularly produces fumes.

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

**Policy:** The application site is located within the Waterside Regeneration Zone and is currently categorised as having an employment land use. Residential use at this site would be deemed to be appropriate development in line with regeneration objectives set out in the ACS and the LAPP, subject to a the development having appropriate standards of design and housing mix, and provided that sufficient justification can be made for the loss of the employment land. The applicant's submission, including a Market Report, has been assessed and appropriately justifies the loss of employment land in policy terms. In addition, the housing mix proposed, together with the provision of affordable rented and shared ownership is acceptable. It is therefore considered that the proposal accords with Policies 4 and 7 of the ACS and Policies EE3, RE1, RE8, SH3 and HO3 of the LAPP.

**Drainage:** There is a private sewer run shown along the boundary of this site. The plans show the proposed properties to be very close to this sewer. Query if an adequate easement has been proposed and if the private owners are happy with the proposals.

From the perspective of increasing permeable areas of brownfield sites for surface water management/opening up space for SuDS, it is disappointing that a large development such as this is not providing open space except for gardens. Note that water butts are to be considered. This is encouraged as well as rainwater planters. Given that infiltration has been deemed inappropriate for this site, query if the permeable paving is to be lined and discharge into the surface water network.

On the drainage drawing provided, it states that minimal flooding may occur during 1 in 100 yr + 40% climate change event. Request exceedance mapping/overland flow routes to evidence that flooding is contained within the site and does not affect buildings.

Query the proposed adoption of the SuDS features and maintenance plan for the lifetime of the development.

**Environmental Health:** Gas as monitoring results have now been included in the report. Provisionally the residential buildings require gas precautions including a gas resistant membrane & a ventilated sub floor void. Recommend contamination conditions. The submitted report confirms that air quality objectives would not exceeded at the facades of the residential properties, therefore no mitigation is required. Upgraded glazing & ventilation will be required on the facades of the development to the Daleside Road boundary of the site. It is recommended that dust control measures for part of the construction management plan for the site. Electric vehicle charging points are required.

**Highways:** No objection subject to planning conditions. The applicant is proposing large areas of unadopted carriageway, amenity space and pedestrian and cycle only routes. These areas will need to be maintained through a Management Company and where the spaces meet with the adopted highway provision for delineation of space is required as well as a good transition design. Further details are to be agreed and any issues resolved through the technical assessment stage with the S38 and S278 process. The proposed development can take advantage of its position adjacent to a good cycle network route and the availability of buses. The provision of off street parking is therefore able to be reduced to provide for amenity space. On street parking is able to be increased slightly. Electric vehicle charging points will be required. Expect to see 100% cycle parking provision provided that is well lit, secure and covered. Recommend that the submission of a waste management strategy be planning condition to ensure that waste storage and collection is suitable and will not detrimentally impact on the highway. The dedication of the of highway to NCC may be required at the existing egress point onto Daleside Road.

**Biodiversity:** The ecology report provided will suffice. Recommend that a pre-commencement survey be carried out to ascertain whether badgers are present in the area on the northern boundary of the site and also a Potential Roost Feature survey to establish if any of the trees being removed on the northern boundary could support bat roost. A condition requiring a landscaping scheme is required. Bat and swift boxes integrated into the design as suggested in the Preliminary Ecological Appraisal report are also required. Hedgehog friendly fencing should be used throughout. Any artificial lighting should be sensitive to bats and should be designed to negate light spill onto the northern boundary woodland. As no open space will be provided within the scheme a S106 contribution should be made to allow enhancement of local open space in the area.

**Nottinghamshire Police:** Appears that the developer has considered many facets of good design. It is unclear however, without a Design and Access Statement (DAS), what considerations have been made with regard to the site and individual premises resistance to crime. Various recommendations to be forwarded to the developer.

**Education:** No education S106 claim as there is sufficient capacity in the area, based on the low pupil yield that the proposed development will generate.

**Pedals:** Generally support the application and are pleased to see that it includes careful consideration about the promotion of active travel and improved connections to the Daleside Road section of the Eastern Cycle Corridor including the removal of one access road across the cycle path and footway. We would however like to see a further improvement, i.e. the widening of the rather narrow path between the east side of the Trent Lane crossing and the Daleside Road cycle path / footway towards Racecourse Road. Widening this pinch point would help to cater for very probable increased pedestrian and cycle use, especially with the completion in 2023 of the foot-cycle bridge across the River Trent between Trent Basin / Poulton Drive and Lady Bay, and also the proposed further upgrading of the A612 cycle path towards the Teal Close and other developments in Gedling Borough, etc., also to be funded with DfT Transforming Cities Fund support. Upgrading the present very substandard toucan crossing of Daleside Road just west of the Trent Lane roundabout would be another very welcome improvement in the vicinity, for cyclists and pedestrians, along with improved connections through

the Trent Basin housing development to and from the north bank landing of the new foot-cycle bridge.

**Nottingham Local Access Forum:** Supports the comments made by Pedals. In addition, it is noted that the applicant makes much of the closeness of the site to facilities in Sneinton. Amongst other things, these include the equipped play space and amenity open space at the Greenway Centre and along Sneinton Greenway. As the application makes no provision for public open space on the site, it is particularly important that safe and easy access is provided for pedestrians and cyclists to Sneinton along Trent Lane. This is also the main vehicular access to the site so measures should be considered to mitigate the potential conflict here between motor vehicles, pedestrians and cyclists.

## **6 Relevant policies and guidance**

### **Aligned Core Strategies (ACS)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

### **Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP)**

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy EE3: Change of Use to Non-Employment Uses

Policy EN6: Biodiversity

Policy EN7: Trees

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy RE1: Facilitating Regeneration

Policy RE8: Waterside

Policy TR1: Parking and Travel Planning

### **NPPF (2021):**

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 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 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.

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

### **Main Issues**

Whether:

- (i) The loss of employment land for housing is appropriate within this area.
- (ii) The layout and design of the development is appropriate for this location.

**Issue (i) Loss of employment land for housing** (ACS Policy 7 and LAPP Policies EE3, RE1 and RE8)

- 7.1 The application site includes buildings that have last been in use as offices for Virgin Media (now vacant) and that also remain in use as a technical equipment hub. The associated surface car parking for the site is now substantially unused.
- 7.2 The application site falls within the Waterside strategic regeneration area and as such is recognised for having the opportunity to provide regeneration benefits. LAPP Policy EE3: Change of Use to Non-Employment Uses notes that applications for the regeneration of previously-used employment sites and employment premises are to be considered in accordance with a series of criteria, including:
  - a) whether the existing building or land is of an appropriate quality or in an appropriate location to allow reuse for employment purposes;
  - b) whether there is a demonstrable lack of demand for the existing land or premises and there is a suitable supply of alternative land or premises of a similar scale;
  - c) whether the proposal would alleviate any unacceptable environmental impacts of the current use; and
  - d) whether the proposal is a comprehensive redevelopment which would benefit the wider area.



- 7.3 The application submission includes a Market Report that advises there would be limited occupier demand for this amount of office accommodation in this out of centre and relatively isolated location. This report has been assessed by the Policy team, who have concluded that it appropriately justifies the loss of employment land in policy terms. It is also advised that the principle of the residential use of the site is appropriate development in line with the Council's regeneration objectives.
- 7.4 It is therefore considered that the proposed development accords with ACS Policy 7 and LAPP Policies EE3, RE1 and RE8.

**Issue (ii) Layout and design** (ACS Policies 8, 10 and 14 and LAPP Policies HO1, DE1 and TR1).

- 7.5 The proposed dwellings are arranged to provide a good perimeter block structure, addressing the sites' frontage with Daleside Road whilst also facing onto the new access roads. Garden areas to the rear benefit from being screened from road traffic noise. There is consistency within the structure of the layout, with building lines being created and with three storey house types being aligned onto Daleside Road providing appropriate scale to this primary road frontage and with two storey house types reducing the scale on the cul-de-sac legs. Vehicle access and car parking has been integrated within the proposed layout and with the majority of the houses having frontage car parking spaces, and with landscaping and trees being provided to break these runs.
- 7.6 The scale of the proposed four storey apartment buildings is considered to be appropriate at their position proximate to the roundabout junction of Daleside Road with Trent Lane. Whilst it may otherwise have been appropriate for the apartment buildings to have been positioned on the corner of the roundabout junction, it is acknowledged that there are existing utilities constraints at this point on the application site. The context of these buildings to the scale of the retained section of the existing buildings is also being recognised. It is therefore considered that the proposed layout and scale of apartment buildings is the most appropriate response to those constraints.
- 7.7 The design and appearance of the proposed apartments and houses are considered to provide sufficient interest through their form, with the angled roof form of the three storey houses being particularly distinctive features of this house type. Roof overhangs and angular balconies to the apartment buildings also provide a visual connection between the designs. The two storey house types that sit within the centre of the layout are more modest in their appearance, with contrasting brick types and general details being used to provide visual interest. The proposed predominantly red brick finishes with contrasting brick accent elements is considered to be managed well across the proposed development.
- 7.8 Highways are substantially satisfied with recent updates that have been made to the layout, ensuring that bin standing locations are at positions where they can be collected from the adopted highway. The number of car parking spaces to be provided within the proposed layout has also been reduced in discussion with the applicant, with increased opportunities for landscaping being provided to the Daleside Road frontage and pedestrian points of entry into the proposed development. It is considered that sufficient numbers of parking spaces are still being provided within the layout, with adjustments also having been made to acknowledge opportunities for on-street car parking spaces. Highways have no

objection to the proposed layout subject to minor amendments that are being discussed with the applicant and the recommended planning conditions.

- 7.9 It is considered that the proposed layout and design of the development is appropriate to the site and area and accords with ACS Policies 8, 10 and 14 and LAPP Policies HO1, DE1 and TR1.

### **Other**

- 7.10 The support of local residents for the proposed development is noted and welcomed. Whilst existing trees and vegetation to the edge of Daleside Road is being removed as part of the proposed development, replacement planting is also being proposed and the presence of the development on Daleside Road is also considered to be positive to the area. There has been no objection from Environmental Health in relation to fume nuisance.
- 7.11 The response of Environmental Health is noted. Additional gas monitoring has now been complete and planning conditions are proposed in accordance with LAPP Policy IN2.
- 7.12 The response of Nottinghamshire Police is noted and advisory recommendations have been forwarded to the applicant.
- 7.13 The responses of Pedals and Nottingham Local Access Forum are noted and have been reviewed in association with Highways. Appropriate and safe access into and out of the site is being secured. It is advised that the viability of the proposed development is not able to support other off-site highway improvements, which is outlined in section 9 of this report.

## **8. Sustainability / Biodiversity (ACS Policy 1 and LAPP Policies CC1, CC3, EN6 and EN7)**

- 8.1 The Energy Statement submitted with the application states that whilst the proposed development does not include the specification of any low carbon or renewable energy technology, that it will achieve carbon emission reduction goals using fabric improvements, highly efficient space and water heating, and enhanced heating controls, such as delayed start thermostats and weather compensation.
- 8.2 The applicant has responded to the points raised by the Drainage team, confirming that proposed easement is consistent with the relevant title provisions. The applicant has confirmed that water butts are to be provided to each house and that permeable paving will be lined to discharge into the below ground drainage system. The applicant has also clarified an error on the submitted drainage drawing and that the submitted Flood Risk Assessment indicates that there is no flooding with the provision of the permeable paving. The permeable paving is located within private drives/parking areas to be retained by developer who will be responsible for any future maintenance. A drainage strategy that incorporates soakaways and/or SUDS is also to be provided and is a recommended planning condition. It is therefore considered that the proposed development accords with LAPP Policy CC1 and CC3.
- 8.3 It is recognised that a number of existing trees and vegetation along the Daleside Road boundary of the site would be removed (17). Whilst efforts have been made to ensure the retention of as many of these trees as possible, it has not been possible

to retain those that would be in conflict with the proposed housing layout, including a number that are assessed to be of moderate landscape value. Replacement tree planting in numbers in excess of these losses (26) is therefore proposed as mitigation and, in the context of the development being proposed, is considered to be a reasonable strategy in relation the redevelopment of the site in accordance with LAPP Policy EN7. Tree protection measures to those trees that are proposed to be retained is a recommended condition of planning permission.

- 8.4 The Biodiversity team have advised that the submitted Ecology Report is acceptable. A planning condition is recommended requiring pre-commencement badger and bat roost surveys be carried out in a minor area on the northern boundary of the site that was inaccessible at the time of the report survey. Further planning conditions requiring details of a landscaping scheme, incorporation of bat and swift boxes, and hedgehog friendly fencing, and a street lighting scheme designed to negate light spill onto the northern boundary woodland are also recommended in accordance with LAPP Policy EN6.

## 9. Section 106 (LAPP Policies HO3 and IN4)

- 9.1 The application would be expected to provide a S106 planning obligation to include financial contributions towards affordable housing, education, open space (where this is not being provided on site), and employment and training. The response of the Education team, noting that there is sufficient school capacity in the area, is acknowledged. In accordance with the adopted Supplementary Planning Guidance on Affordable Housing and Developer Contributions, and the Supplementary Planning Document on The Provision of Open Space on New Residential and Commercial Developments, the proposed development would be expected to provide the following financial contributions where on site provision is not being made:

Affordable Housing: £719,582.80  
Open Space: £144,918.67

- 9.2 The applicant has submitted a viability appraisal with the application, which has been independently assessed by the Council's consultants. The independent assessment agrees that the scheme is unable to provide a policy compliant S106, and would return a deficit even without any S106 contributions being included in the calculations. The proposed development is for a mix of affordable rented (57) and shared ownership (25) housing that is to be managed by the applicant. It is advised that the applicant wishes to proceed with the development on the basis of seeking a longer term investment into affordable housing in this location. The proposal for 100% affordable housing therefore exceeds the requirements of LAPP Policy HO3. On the basis of the conclusions of the independent assessment of the applicant's viability appraisal and in recognition of the level of affordable housing being proposed, it is therefore considered that the proposed development accords with LAPP Policy IN4.
- 9.3 An Employment and Training Plan has been prepared and has been accepted by the applicant. On the basis of the above conclusion on viability it is advised that the Employment and Training Plan is to be operated via the use of a Memorandum of Understanding, which is an approach that has been successfully used on the applicant's other developments and provides for the same number of job targets to be met as would otherwise be provided under a S106.

## **10 Financial Implications**

None.

## **11 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.

## **12 Equality and Diversity Implications**

The provision of Disability Discrimination Act (DDA) compliant accessible buildings.

## **13 Risk Management Issues**

None.

## **14 Strategic Priorities**

Helping to deliver new affordable homes and well-balanced neighbourhoods with a mix of housing types that meet Nottingham's future needs.

Ensuring that all planning and development decisions take account of environmental and sustainability considerations.

## **15 Crime and Disorder Act implications**

Improved surveillance and community safety.

## **16 Value for money**

None.

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

1. Application No: 21/01515/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVX1V7LYJ9F00>

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

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

NPPF (2021)

The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

### **Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.


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

# NOMAD printed map



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 NOMAD print generated by a NOMAD user on 14/12/2021. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk for high quality maps.



Key  
 City Boundary

Description  
 No description provided

**My Ref:** 21/01515/PFUL3 (PP-09964822)  
**Your Ref:**  
**Contact:** Mr Jim Rae  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

Williams Gallagher  
FAO Mr Matthew Williams  
Portman House  
5-7 Temple Row West  
Birmingham  
B2 5NY  
UK

Date of decision:

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

Application No: 21/01515/PFUL3 (PP-09964822)  
Application by: Nottingham Community Housing Association Ltd, Liberty Pro...  
Location: Diamond Plaza , Daleside Road, Nottingham  
Proposal: Partial demolition of existing buildings and erection of 82 dwellings with associated access, parking and landscaping.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, dust control measures, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the Construction Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

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



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Continued...

3. Other than the partial demolition of the existing buildings, no development shall commence until a Remediation Strategy that has regard to the Geo-environmental & Geotechnical Desk Study Report by EMCUS dated 10/06/2020 and the Phase 2 Geo-environmental & Geotechnical Investigation Report by EMCUS dated 10/09/2021 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A 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 the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

4. Other than the partial demolition of the existing buildings, no development shall commence until a survey has been carried out to ascertain whether badgers are present in the area on the northern boundary of the site and also a Potential Roost Feature survey to establish if any of the trees being removed on the northern boundary could support bat roosts. The findings of the survey shall be submitted to and approved by the Local Planning Authority and any recommended mitigation measures shall thereafter be carried out in accordance with the recommendations of the approved survey.

*Reason: In the interest of ensuring that the development of the site has regard to protected species and in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).*

5. Other than the partial demolition of the existing buildings, no development shall commence until details of tree protection measures, including no-dig construction methods as identified within the approved Arboricultural Survey and impact Assessment (Landscape Science & Consultancy Ltd. - Revision A, June 2021), have been submitted to and approved by the Local Planning Authority. The approved tree protection measures shall remain in place throughout the duration of construction operations.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy EN7 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

6. No above ground development shall commence until a detailed design for the drainage of the approved development has been submitted to and approved by the Local Planning Authority. As a minimum the submitted information should contain:
- i. Details of how the surface water run-off will be managed,
  - ii. Drainage plan showing the layout of the proposed drainage (both foul and surface water),
  - iii. Proposed Adoption of SuDS features (who will maintain the SuDS features),
  - iv. Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
  - v. Relevant surface water calculations from licenced software.

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

*Reason: In the interests of ensuring the appropriate management of surface water and to minimise the risk of surface water flooding events affecting occupants of the development in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

7. No above ground development shall commence until details of the external materials of the buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

8. No above ground development shall commence until details of an external lighting scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be sensitive to bats and should be designed to negate light spill onto the northern boundary woodland. The development shall thereafter be implemented in accordance with the approved external lighting details.

*Reason: In the interest of ensuring that the development of the site has regard to protected species and in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).*

**Pre-occupation conditions**

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



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: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*
- 
10. No individual dwelling shall be occupied until the access road and car parking provision to serve that individual dwelling have been completed in accordance with the approved plans and are available for use.
- Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*
- 
11. No individual dwelling shall be occupied until the boundary enclosure associated with that individual dwelling has been completed in accordance with the approved details.
- Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategies.*
- 
12. The approved development shall not be occupied until a detailed scheme for the incorporation of bat and swift boxes throughout the approved development has been submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details.
- Reason: In the interest of ensuring the incorporation of these features within the approved development to support biodiversity and in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).*
- 
13. The approved development shall not be occupied until details of hedgehog friendly fencing and walls to be provided to all house plots within the approved development has been submitted to and approved by the Local Planning Authority. Development shall thereafter be implemented in accordance with the approved details.
- Reason: In the interest of ensuring the incorporation of these features within the approved development to support biodiversity and in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).*

14. The approved development shall not be occupied until details of a waste management strategy for the development has been submitted to and approved by the Local Planning Authority. The submitted waste management strategy shall ensure that waste storage and collection is appropriate to the amenity of the residential occupants of the development and will not detrimentally impact on the highway.

*Reason: In order to ensure that bins are not scattered either on or off the adopted highway and causing nuisance, inconvenience, or amenity issues for residents of the development as a whole, in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2.*

15. No dwelling within the approved development shall be first occupied until detailed arrangements for the future maintenance and management of the sections of private highway, communal parking areas, and communal landscaped areas have been submitted to and approved by the Local Planning Authority. Thereafter the approved maintenance and management arrangements shall be implemented at all times unless varied with the further written consent of the Local Planning Authority.

*Reason: In order to ensure the on-going management and maintenance of these areas within the approved development in the interests of the residential amenity of future occupants of the dwellings in accordance with Policy 10 of the Aligned Core Strategy.*

**Regulatory/ongoing conditions**

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

16. The approved electric vehicle charging scheme shall be implemented prior to the first occupation of each dwelling to which the electric vehicle charging point relates.

*Reason: To enable future occupiers to make green vehicle choices and to comply with paragraph 107 of the National Planning Policy Framework (July 2021)*

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

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

**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 28 July 2021.

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

**Informatives**

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



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

### 3. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, 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 verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- 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. 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 on 0115 8765293 or email [Highway.Management@nottinghamcity.gov.uk](mailto:Highway.Management@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.

5. 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 via [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) or 0115 8765293. All costs shall be borne by the applicant.

6. If the applicant is to pursue an adopted highway a S38 agreement is to be entered into and necessary technical details and processes followed to achieve the access and other estate roads as suitable for adoption. Vehicle tracking and other technical assessment details are necessary. The applicant is to contact [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) to pursue further.

7. Please contact [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) to pursue discussions on Advance Payment Code requirements.

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. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management at [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) or 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. The applicant is to provide traffic calming on the new adopted highway with street tree build outs. Please contact [Alex.Begg@nottinghamcity.gov.uk](mailto:Alex.Begg@nottinghamcity.gov.uk) to pursue tree species and placement alongside the S278 works.

10. 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 8765293 or email [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) to instigate the process. For TRO advice and further information the applicant is advised to contact [traffic.management@nottinghamcity.gov.uk](mailto:traffic.management@nottinghamcity.gov.uk).

11. The applicant is to contact our cycling team [CyclingTeam@nottinghamcity.gov.uk](mailto:CyclingTeam@nottinghamcity.gov.uk) to progress the cycle facilities.

12. Please contact Rasita Chudasama 0115 8763938 [Rasita.Chudasama@nottinghamcity.gov.uk](mailto:Rasita.Chudasama@nottinghamcity.gov.uk) to seek advice on the electric vehicle charging points (EVCP).

13. Bins left unattended on our highway are fined and should not block any footway or carriageway. Bin store locations at this development will require a kerbside collection point to store individual dwelling bins. The applicant is proposing a large number of private drives and unadopted highway that will necessitate bin stores at the point they meet the adopted highway. Waste operatives should not need to enter onto private property to carry out refuse collection. The applicant is to contact Jason Martyn [Jason.Martyn@nottinghamcity.gov.uk](mailto:Jason.Martyn@nottinghamcity.gov.uk) in the first instance to liaise on an

acceptable waste management strategy and collection agreement to serve dwellings off the new development.

14. The applicant is advised to provide travel packs for each dwelling to promote sustainable transport travel choices. To obtain further information please email [HighwaysDM@nottinghamcity.gov.uk](mailto:HighwaysDM@nottinghamcity.gov.uk).

15. The applicant is to provide the Highway Authority with further details for pedestrian and cycle link routes onto Daleside Road, including the closure of the existing vehicle egress point onto Daleside Road. It is advised that these areas be dedicated to Nottingham City Council. Please contact [John.lee@nottinghamcity.gov.uk](mailto:John.lee@nottinghamcity.gov.uk) to resolve design and approach to these elements of the approved layout.

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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## **RIGHTS OF APPEAL**

Application No: 21/01515/PFUL3 (PP-09964822)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

## **STREET NAMING AND NUMBERING**

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) as soon as possible,



# **DRAFT ONLY**

## **Not for issue**

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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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**Not for issue**

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**Wards Affected:** Hyson Green and Arboretum

**Item No:**

**Planning Committee  
22nd December 2021**

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

### **Site Of 10 Raleigh Street**

#### **1 Summary**

Application No: 20/02128/PFUL3 for planning permission

Application by: Zenith Planning and Design on behalf of Asiana LLP

Proposal: Erection of 5 storey apartment building and stopping up of street corner.

The application is brought to Committee because the application is recommended for approval but planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 5th January 2021. An extension of time has been agreed in principle with the applicant.

#### **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.

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

#### **3 Background**

- 3.1 The site has been vacant for some years and is located on the corner of Raleigh Street and Stoneleigh Street. The site is located within Gamble Street / Alfreton Road Conservation Area. The site formerly held a public house which was demolished several years ago. The site has no allocation in the Local Plan, although the area is generally residential. To the south and west are blocks of flats; adjacent to the site is Portland Square, which presents four storeys to the street but with a setback clerestory fifth storey. To the west is a seven storey block of flats. To the north are one and two storey residential units
- 3.2 Planning permission was refused in February 2018 for a "new five-storey building containing 18 apartments, car park, landscaping and stopping up of street corner" (ref.17/02563/PFUL3). Reasons for refusal were adverse impact on the street scene and the historic character of the conservation area; unacceptable impact on the living conditions of residents of the existing Portland Square flats; and the development providing neither on-site public open space nor a contribution toward the provision or enhancement of public open space elsewhere for the benefit of its future residents.

- 3.3 Planning permission was refused in April 2018 for a “new four-storey building containing 16 apartments” (ref. 18/01143/PFUL3). The reason for refusal was the adverse impact on the living conditions of residents of the existing Portland Square flats.
- 3.4 In July 2019 a Planning Inspector dismissed appeals relating to both of these refused applications. Following negotiations and the submission of information and revisions by the applicants, the Planning Inspector (in his words) “alluded to some areas in which the appeal schemes would be acceptable which ... would result in compliance with a number of policies in the development plan”. Remaining areas of contention across the two appeal schemes were the impact of the new development on the living conditions of residents of the existing Portland Square flats and certain design elements and their impact on the Gamble Street / Alfreton Road Conservation Area. The current application seeks to address those issues.

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

Planning permission is sought for the erection of a five storey apartment building containing fourteen apartments. The building would have a flat roof at fourth storey level, the same height as the existing Portland Square building, with a setback clerestory and a parapet wall forming the fifth floor. The building would be of red brick with aluminium rain screen cladding, recessed aluminium windows and juliet balconies. In plan, the new building would extend out from the existing gable end of the Portland Square building and would be L-shaped at ground floor level where one flat would be provided in a single storey section of the building. Eight off-street car parking spaces and cycle storage are proposed in a landscaped car park to the east of the building.

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

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

Two hundred and fifteen neighbouring properties consulted in adjacent flats and houses. Site and press notices displayed.

Fourteen emails of representation received from neighbouring residential occupiers, objecting to the proposal for the following reasons:

- New proposals fail to address the previous reasons for refusal.
- Design of the fifth floor and the proposed cladding materials are out of character with the existing building and the surrounding area.
- The proposed single storey element is out of character.
- Problems of parking from the provision of eight off-street parking spaces for fourteen flats.
- Proposal would lead to a loss of light for existing flats in Portland Square.
- Proposal would lead to a loss of view and outlook for existing flats in Portland Square.
- Proposal would lead to overlooking of existing flats in Portland Square.
- Larger, two or three bed flats would be more appropriate for the housing mix in the area.
- Potential for increased anti-social behaviour from students
- Problems of security for Portland Square flats due to provision of flat adjacent to the existing building.
- Reduction in value of existing flats (it is noted that this is not an issue for the planning system to consider).

One email received in favour of the proposal as it would improve the appearance of the vacant site.

Nottingham Civic Society supports the proposal in that scale and form of the building now proposed is more in keeping with the traditional former textile factories and warehouses which give character to the conservation area.

**Additional consultation letters sent to:**

**Highways:** No objection subject to conditions regarding construction Management plan, stopping up of highway and electric vehicle charging.

**Pollution Control:** No objection subject to provision of electric vehicle charging.

**Lead Local Flood Authority:** No objection subject to use of sustainable drainage.

**School Organisation Team:** No education contribution required.

## **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 130 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 1 - Climate Change  
Policy 8 - Housing Size, Mix and Choice  
Policy 10 - Design and Enhancing Local Identity  
Policy 11: The Historic Environment  
Policy 19 – Developer Contributions

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

Policy CC1 - Sustainable Design and Construction  
Policy HO1 - Housing Mix  
Policy HO3 - Affordable Housing  
Policy DE1 - Building Design and Use  
Policy DE2 - Context and Place Making  
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets  
Policy EN2 - Open Space in New Development  
Policy IN4 - Developer Contributions

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

### **Main Issues**

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

### **Issue (i) Principle of the Development** (ACS Policy 8 and LAPP Policies HO1 and DE1)

- 7.1 The principle of residential development has been considered acceptable in assessing the previous applications. Whilst the above policies support the provision of family housing in the city, it is considered that the characteristics of the surrounding development are such that the site is more suited to a development of flats. A recent Housing Market Assessment has been carried out in Nottingham and has confirmed the need for more housing types, of all tenures, in almost all wards in Nottingham. The site is in a sustainable location, accessible to public transport and local amenities on Alfreton Road. The proposal would provide 9 x 1 bed units and 5 x 2 bed units ranging in size from 39m<sup>2</sup> to 63m<sup>2</sup>. These flat sizes comply with the Nationally Described Space Standards contained in Policy DE1. The proposal complies with Policy 8 of the ACS and Policies HO1 and DE1 of the LAPP.

### **Issue (ii) Design and Impact on the Streetscene and Conservation Area** (ACS Policies 10 and 11 and LAPP Policies DE1 and HE1)

- 7.2 The proposal is now considered to have reached an acceptable design that preserves the historic industrial character of its surroundings. The height and massing of the building, use of materials and detailing have been carefully considered and result in façade treatments that complement the historic mill buildings on the opposite side of the road, but make their own 21st century contribution to the area. The top floor clerestory section of the building is similar in design to that of the neighbouring apartment building, but not as heavily glazed.

The addition of more glazing compared to solid panels would be beneficial in terms of making the top floor appear more lightweight in character. However, when viewed from Raleigh Street this element will not be visually prominent due to its adequate set back and the narrow width of the street. For these reasons the application in its current form is considered to comply with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.

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

- 7.3 The appeals were dismissed by the Planning Inspector (regarding impact on residential amenity) in relation to the impact of the return section of the building on Portland Square residents. A Planning Inspector's decision on an appeal is a material consideration in determining future applications and should provide applicants with a direction as to how to overcome concerns. It is evident from the Inspector's decision letter that he considered the return section of the new building, in both cases, to be the element that led to 'a sense of restriction and enclosure'.

The return section of the new building has, as noted above, been omitted from the current proposal. Whilst it is accepted that the building itself would have an impact on light and outlook for existing Portland Square occupiers, it is considered - particularly taking into account the Planning Inspector's decision - that this would not be sufficiently detrimental to warrant a refusal of planning permission. In this regard, the proposal is considered to comply with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

The scheme would provide eight parking spaces for fourteen flats. This is a sustainable location close to general amenities, close to the city centre and to public transport routes on Alfreton Road. It is noted that there is no Highway objection and the parking provision is considered to be acceptable. A store for eight cycles and waste bins is proposed in the parking area, which is considered to be acceptable.

The flats may be occupied by students, as could any one and two bed flats; in general, the low level problems of anti-social behaviour associated with student occupation tend to relate to areas with very high student occupation and the presence of houses in multiple occupation; it is not considered that this should be a reason for refusal.

**Issue (iv) Sustainability** (ACS Policy 1 and LAPP Policy CC1)

- 7.4 The Council is committed to Carbon Neutrality by 2028 and an action plan has been produced setting out how this is to be achieved. However, planning applications must be assessed in the light of the national and local planning policies in place at the time the application is determined. Mandatory energy performance standards for all new homes are now incorporated into Building Regulations, rather than to be achieved by the planning process. There is no Local Plan policy regarding the amount of energy to be provided by renewables. The proposal is considered to comply with Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan Part 2.

## **Issue (v) Planning Obligations** (ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4)

- 7.5 A policy compliant planning obligation for the proposed development would be expected to provide a total contribution of £91,836.18 in lieu of on-site provision comprising affordable housing (£71,643.48) and off-site open space enhancement (£20,192.70), as the site is not large enough to provide on-site open space.

The applicants have submitted a viability appraisal which has been independently appraised by CP Viability on the Council's behalf. CP Viability conclude that the development is not viable with the burden of any of the required obligations, and it is therefore recommended that developer obligations are waived in this instance. The proposal is thereby considered to accord with ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4.

## **8 Financial Implications**

As noted above, a policy compliant planning obligation for the proposed development would be expected to provide a contribution of £125,096 in lieu of on-site provision of affordable housing and enhancement of existing areas of open space. It is, however, recommended above that these contributions are waived.

## **9 Legal Implications**

It is necessary for a Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, as designated heritage asset, under section 72 of the Planning (Listed Building and Conservation Area) Act 1990, when determining a planning application within a conservation area.

While the duty with regard to preserving or enhancing may only require that no harm should be caused, it nonetheless creates a "special presumption" and "considerable weight and attention" as a material planning consideration, should be given to any harm found to arise with regard to the character or appearance of the area.

The above duty means there is a strong statutory presumption against granting planning permission which does not so preserve or enhance. This must be placed in the planning balance in determining the application. However, that presumption may be outweighed by other material considerations.

The weight to be attached to each of the relevant historic dimensions or ingredients of the judgment is a matter which section 72 clearly leaves to the decision-maker in each individual case.

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

## **10 Equality and Diversity Implications**

None

**11 Risk Management Issues**

None

**12 Strategic Priorities**

Neighbourhood Nottingham: Providing a high quality and sustainable development

**13 Crime and Disorder Act implications**

None

**14 Value for money**

None

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

1. Application No: 20/02128/PFUL3 - link to online case file:

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

**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:**

Phil Shaw Case Officer, Development Management.

Email: Philip.shaw@nottinghamcity.gov.uk Telephone: 0115 8764076


# NOMAD printed map



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Key  
 City Boundary

Description  
No description provided



**My Ref:** 20/02128/PFUL3 (PP-09094677)  
**Your Ref:**  
**Contact:** Mr Phil Shaw  
**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

Zenith Planning And Design  
FAO Alison Dudley  
38 Greenhills Road  
Eastwood  
NG16 3DG

Date of decision:

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

Application No: 20/02128/PFUL3 (PP-09094677)  
Application by: Asiana LLP  
Location: Site Of 10 , Raleigh Street, Nottingham  
Proposal: Erection of 5 storey apartment building and stopping up of street corner.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a) the external materials of the new building;
  - b) the design, appearance and materials of the means of enclosure of the site;
  - c) the hard surfacing of the site;
  - d) the design, appearance and materials of the bin and cycle store;
  - e) a scheme for the use of Sustainable Drainage Systems (SuDS);
  - f) an electric vehicle charging scheme to include one electric vehicle charging point per domestic unit and one electric vehicle charging point per 10 parking spaces (unallocated parking). To prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

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



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Continued...

*Reason: To ensure that the appearance of the development is acceptable and in the interests of sustainable development in accordance with Policies 1, 10 and 11 of the Aligned Core Strategies and Policies CC1, CC3, DE1, DE2 and HE1 of the Local Plan.*

**Pre-occupation conditions**

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

3. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
  - b) the approved landscaping scheme 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
  - c) 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 Local Plan.*

4. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:
- a) the car parking areas have been laid out and surfaced;
  - b) the cycle and bin storage has been provided;
  - c) the electric vehicle charging scheme has been implemented.

*Reason: In the interests of sustainable development and the living conditions of residents in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies CC1 and DE1 of the Local Plan.*

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 6 October 2020.

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

**Informatives**

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



other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

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

### 3. Highways

#### 1. CTMP and mud on road

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Highway Network Management [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) 0115 8765293. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

#### 2. Highway licences

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 [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) 0115 8765293. All costs shall be borne by the applicant.

#### 3. S278

In order to carry out all off-site highway works the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Highway Management in the first instance on 0115 876 5293 or via email at [Highway.Management@nottinghamcity.gov.uk](mailto:Highway.Management@nottinghamcity.gov.uk). All costs shall be borne by the applicant.

#### 4. Traffic Regulation Orders

The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Highway Management in the first instance on 0115 876 5293 or via email at [Highway.Management@nottinghamcity.gov.uk](mailto:Highway.Management@nottinghamcity.gov.uk). All costs shall be borne by the applicant.

#### 5. Road Safety

The applicant can contact our Road Safety colleagues on 0115 8765227 or via email at [Road.SafetyAudit@nottinghamcity.gov.uk](mailto:Road.SafetyAudit@nottinghamcity.gov.uk) to discuss Road Safety audit requirements.

#### 6. Street Lighting

The development may require the repositioning of street lighting column 3S295. Please contact Street Lighting on 0115 876 1850. All associated costs shall be borne by the applicant.

#### 7. Cycle Parking

For information on cycle parking including stands and cycle maps please [CyclingTeam@nottinghamcity.gov.uk](mailto:CyclingTeam@nottinghamcity.gov.uk)

#### 8. Residents Parking Permits

Residents of the new development WILL NOT qualify for a permit to park in any existing nor future surrounding residents parking scheme.

#### 9. Electric Vehicle Charging points (EVCPs)

Please contact Rasita Chudasama 0115 8763938 Rasita.Chudasama@nottinghamcity.gov.uk to seek advice on the electric vehicle charging points (EVCP).

#### 10. Stopping Up Order

The development will require the stopping up of the public highway and no part of that development hereby permitted (or any temporary works or structures) shall obstruct the public highway until the areas of public highway thereon, shown indicatively on plans 2202(08)005 and 2202(08)G02 Rev A by Rayner Davies Architects have been formally stopped up. The applicant must contact Rights of Way Officer John Lee on 0115 8765246 or via email at John.Lee@nottinghamcity.gov.uk to discuss the stopping up order required.

4. All developments must consider the use of Sustainable Drainage Systems (SuDS) within their application, and should prioritise incorporating rainwater re-use. For water that cannot be reused, the building regulations hierarchy for the disposal of surface water must be followed. If the proposals do not include SuDS, then we require robust evidence for the justification to do so. SuDS should be utilised to achieve multiple benefits e.g. biodiversity, carbon capture etc.

We will require surface water discharge rates to be restricted to provide a 30% betterment compared to the site's previous use.

This must be supported by the relevant calculations and drainage strategy, and if infiltration is deemed a feasible method for this site, we will need to see evidence of the appropriate infiltration testing (BRE365).

The Drainage Strategy as a minimum should contain:

- Details of how the surface water run-off will be managed,
- Drainage plan showing the layout of the proposed drainage (both foul and surface water),
- Proposed Adoption of SuDS features (who will maintain the SuDS features),
- Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
- Relevant surface water calculations from licenced software.

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: 20/02128/PFUL3 (PP-09094677)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

## **STREET NAMING AND NUMBERING**

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) as soon as possible,



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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.



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