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**Nottingham  
City Council**

## **Nottingham City Council Planning Committee**

**Date:** Wednesday, 21 September 2022

**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 - 6  
Of the meeting held on 17 August 2022 (for confirmation).
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
  - a Land At Prospect Place, Prospect Place** 7 - 26
  - b Former Site Of Chronos Richardson Ltd, Belconnen Road** 27 - 48
  - c Former Site Of Chronos Richardson Ltd, Wyton Close** 49 - 70
  - d British Waterways Building, Castle Wharf** 71 - 98

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

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**Nottingham City Council**

**Planning Committee**

**Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 August 2022 from 2.30 pm - 3.10 pm**

**Membership**

**Present**

Councillor Michael Edwards (Chair)  
Councillor Graham Chapman (Vice Chair)  
Councillor Leslie Ayoola  
Councillor Corall Jenkins  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor Salma Mumtaz  
Councillor Ethan Radford  
Councillor Cate Woodward

**Absent**

Councillor Azad Choudhry  
Councillor Kevin Clarke  
Councillor Jay Hayes  
Councillor Angela Kandola  
Councillor AJ Matsiko  
Councillor Toby Neal  
Councillor Mohammed Saghir

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

Paul Seddon - Director of Planning and Regeneration  
Rob Percival - Area Planning Manager  
Ann Barrett - Team Leader, Legal Services  
Catherine Ziane-Pryor - Governance Officer

**23 Apologies for Absence**

Councillor Kevin Clarke – personal  
Councillor Jay Hayes – unwell  
Councillor AJ Matsiko – personal  
Councillor Toby Neal – personal  
Councillor Mohammed Saghir - other council business  
Councillor Angela Kandola

**24 Declarations of Interests**

None.

**25 Minutes**

The minutes of the meeting held on 20 July 2022 were confirmed as a true record and was signed by the Chair.

**26 38-46 Goose Gate Nottingham NG1 1FF**

Rob Percival, Area Planning Manager, introduced application number 21/01479/PFUL3 by Clarendon Nottingham Ltd. for planning permission to redevelop and extend a former retail and office building to provide purpose built student accommodation and retail/cafe/restaurant/office (class E use).

Rob Percival delivered a brief presentation which included aerial view of the site in relation to the City Centre, contextual Street elevation computer generated images (CGIs) of the proposed front and rear views, and floor plans. Also included were images of brick detail and the development proposals originally submitted, which have since changed significantly.

The following points were highlighted and Committee members' questions responded to:

- a) the application is for purpose built student accommodation and intends to retain the decorative brick frontage of the currently vacant building but fully occupy the plot footprint, including a courtyard and parking area;
- b) it is intended to retain and refurbish the front street level units which may be used for 'class E' activity such as retail, restaurant, cafe or office use;
- c) access to the accommodation will be possible from both Goose Gate at the front and Woolpack Lane from the rear;
- d) care has been taken to be sensitive to the frontage height on Goose Gate by stepping back the 5 and 6 storey levels, which are of a similar height to buildings in the vicinity of Woolpack Lane;
- e) to prevent a block-like effect and to reflect the diversity of building plot sizes in the area, the Woolpack frontage is staggered and of differing heights to give the impression of two separate buildings. This has resulted in some split level floors;
- f) due to the topography of the area, there is no rear access to the lower ground floor units fronting onto Goose Gate;
- g) the upper ground floor provides a communal space, including a courtyard;
- h) consideration has been given to brick colour, the impact on visual space, and texture variation. An artistic panel is proposed for the side of the highest boundary wall elevation for visual interest;
- i) there have been some objections, as outlined in the report, mainly regarding the extended height, but officers are confident that following amendments to the original proposal, the currently proposed height and scale are appropriate for the area and there has also been positive feedback regarding the welcome regeneration impact on Woolpack Lane;
- j) there had been a challenge on the viability of a Section 106 contribution, so as is standard practice, the development was subject to independent viability appraisal which considers the proposal and costings in detail. The appraisal found that of the potential £296,000 contribution, the development is eligible to contribute £170,000. It is noted that the appraisal document has been circulated to members of the Committee;
- k) the application must meet the higher standards requirements of the recently revised Building Regulations which significantly upgraded the requirements around heating, cooling and sustainability;

- l) the potential inclusion of solar panels can be raised with the developer;
- m) the conditions require further detail of design and construction to be approved, but members' comments that any artwork/detail in the boundary wall later may be obscured by the development of neighbouring properties, is noted.

Members of the Committee commented as follows:

- n) the development is welcomed as an attractive design which retains the frontage of the existing building with the higher elevations stepped back;
- o) there is a need for student accommodation and the City Centre is ideal;
- p) the entrances need to be of a sufficient design value and easily identified along with appropriate lighting and security;
- q) sustainability is important, including ensuring that light is retained within the courtyard to prevent it appearing dark;
- r) additional colour, potentially including brickwork, would be welcomed;
- s) the green technology credentials need to be strengthened, including heat management to ensure that the building doesn't become too hot to prevent comfortable living, and it would also be sensible to include solar panels;
- t) the frontage of Woolpack Lane will be much improved by this development;
- u) The effort to define a 'plinth' on the Woolpack Lane ground floor is acknowledged, but an alternative to the 'corduroy' brick detailing needs to be reconsidered and made to appear less bulky. The Woolpack Lane entrance also requires more consideration to detail;
- v) concerns are understood regarding the fixing solar panels to a boundary wall against which a later development may be proposed, but the panels can later be moved if required: we all need to be more imaginative and more ambitious;
- w) the architect is congratulated on the elegance of the shop frontage and overall design is welcomed.

**Resolved:**

- 1) **to grant planning permission for the reasons set out in the report, subject to:**
  - (i) **prior completion of a Section 106 Planning Obligation to secure the following:**
    - (a) **an off-site Affordable Housing contribution of £102,000;**
    - (b) **an off-site Open Space contribution of £58,000;**

- (c) **local employment and training during construction, including a financial contribution of £10,000;**
    - (d) **a student management plan and restriction on occupants keeping private vehicles within the City;**
  - (ii) **the indicative conditions substantially in the form of those listed in the draft decision notices at the end of the report;**
- 2) **for the power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Regeneration;**
- 3) **that Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.**

**Wards Affected:** Lenton And Wollaton East (May 2019)

**Item No:**

**Planning Committee  
21st September 2022**

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

### **Land At Prospect Place, Prospect Place**

#### **1 Summary**

Application No: 21/02655/PFUL3 for planning permission

Application by: Mr Marcus Tams on behalf of Mr A Marjerrison

Proposal: Residential development of 36 dwellings

The application is brought to Committee because it is a major application with important land use considerations and, for viability reasons, the application is being recommended for approval without policy compliant planning obligations.

To meet the Council's Performance Targets this application should have been determined by 17th March 2022; an extension of time has been agreed with the applicant to cover the extended period of negotiation.

**2 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

#### **3 Background**

3.1 The site is approximately rectangular with an additional spur to the north west and was historically occupied by a varying collection of industrial and commercial buildings. The site appears to have cleared in approximately 2011/2012 and at present is undulating and covered in scrub vegetation and rubble from previously demolished buildings. The immediate area is largely residential in character with two and three storey terraced properties to the east and west of the site. To the north is the Lenton Centre; a community centre with associated swimming pool and car parking area. Immediately to the south on Prospect Place, within a former commercial unit, is Skateland, a roller skating leisure facility.

3.2 The site is allocated within the local plan (SR38 Prospect Place) for residential; predominantly family housing.

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

4.1 The proposal is for the construction of 36 residential dwellings. The properties are proposed to be constructed for Nottingham Community Housing Association (NCHA) and would be 100% affordable dwellings comprising largely two storey terraces of 4-11 dwellings, with one pair of semi-detached. The proposal has been designed with properties largely fronting Harley Street and Willoughby Street and a pair fronting Prospect Place. A central private road would provide access and parking for a number of the properties with the remaining dwellings having on-plot

frontage parking.

- 4.2 The properties would all be constructed from brick and tile with a 'saw tooth' roof profile and detailing to their front elevations. Properties would be a mix of 2 bed (15), 3 bed (19) and 4 bed (2). NCHA have stated that 26 of the properties would be available for affordable rent and 10 of the units (2 bed and 3 beds) would be available for shared ownership. Walls and railings are proposed to property frontages and indicative landscaping and planting details have also been provided.
- 4.3 The properties would be 100% electrically powered and heated with air source heat pumps. Solar pv panels are proposed on all appropriate roof slopes.

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

52 properties consulted on Harley Street, Prospect Place, Willoughy Street, Hart Street, Mettham Street, Fredrick Grove and Osmaston Street. Press & site notices displayed.

Eleven letters of representation have been received in addition to a petition on behalf of the Lenton Centre signed by approximately 100 people. The following points have been raised:

### Traffic/parking

The area is already busy with a school, community centre and insufficient parking for existing residents. The parking situation deteriorated when the new housing was built and this proposal will make it almost impossible to use the Lenton Centre, especially for disabled people and their workers/carers if this scheme is approved.

I am concerned about the number of plots and impact on volume of moving traffic and parking in the area.

The proposal will result in a loss of approximately 50% of on-street car parking on Willoughby and Harley Streets, which will be detrimental to users of the Lenton Centre and Quakers swimming school.

The development makes in-sufficient provision for off-street parking with 1 space per property.

Roads in the area are often blocked, particularly when the students are present, making it unsafe to cycle/walk.

Submitted reports do not take into account the volume of traffic that goes down Meltham & Harley Street. The corner is also a hazard due to double yellow line location.

A strip of the site on the northern boundary should be given to the Lenton Centre to improve parking. This would result in the loss of 2 houses based on the current layout but better to lose these houses than lose the Lenton Centre.

### Other matters

The proposal will result in disruption to local businesses and residents during construction.



36 dwellings is over development of the site and results in a too dense layout.

The loss of on-street parking will detrimentally impact upon the viability of the Lenton Centre which is a multi-purpose community focused centre for local people which supports some of the most vulnerable people within the community. The community took over the running of the centre in 2004 when NCH decided it was no longer viable. The centre now offers a range of services for all ages and abilities and has invested over £150,000 over the last 2 years to improve the building. It is considered that the proposed neighbouring development would have a very detrimental impact on the future viability of the Lenton Centre should it go ahead and we strongly urge that permission in the interests of local residents and community organisations and businesses is refused.

10 properties are detailed as being available for shared ownership and concern is raised that these could then become student houses. All houses should be rented.

I support the development, it appears well thought out and fits the street pattern. It would be great to have more soft landscaping, trees and hedges are very important for health and well-being and providing habitat for wildlife.

#### Cllr Trimble

Whilst I'm aware that the application is for social housing by a registered social landlord, I am also aware that due to the nature of the area we have a serious parking issue in the vicinity. I'm also aware that The Lenton Centre which is a much needed social enterprise leisure centre has submitted a petition with regard to the proposed loss of on street parking spaces on both Prospect Place and Willoughby Street, which they rely on to sustain their valued facility.

In terms of the local housing position this is dominated by Houses in Multiple Occupation run by Student Landlords creating a very high density per property and a substantial number of right to buy social housing. I'm aware that other local residents are concerned that this proposed development would also end up with high numbers of right to buy properties adding even more to the current substantial over density.

In terms of overall design of the estate it seems to me that too many extra properties have been squeezed into a tight space which exacerbates the parking situation unnecessarily. Also should planning permission be given in any form then there should be planning conditions attached in order to protect against future applications for C4 housing in particular stopping any building into the loft spaces.

#### Nottingham Action Group on HMO's (NAG)

An application for 22 family dwellings was refused in 2004 and a subsequent appeal withdrawn. In principle we welcome redeveloping the site for family housing, however there are aspects of the application which raise concerns.

The proposed shared communal area with limited car parking is questioned in terms of appropriateness for the location and whether it satisfies the criticism made about the 2004 application, i.e. that the development provides insufficient parking and will result in on-street parking in the area, which would lead to an inconvenience for other users and the Lenton Centre. The area already suffers from

a lack of on-street parking due to the intensification of use of neighbouring streets by increasing numbers of students who bring cars with them.

The 2004 application raised concern that any new housing would likely become student occupied HMO's. The Article 4 direction mostly addressed immediate concerns but there remains a question about future ownership and potential increases in density through converting roof space etc. it is too easy to imagine that in due course the properties will be owned and managed by private sector landlords. With these potential future concerns it is considered that in the interests of existing residents and community facilities the application should be rejected.

### Nottingham Civic Society

We largely support the layout and appearance of the proposed housing development. The terraces are contextually appropriate and would fit well with the grain of the surrounding area. The house designs do have the potential to create interesting townscape although the shallower pitched house types, whilst resembling factory architecture, do look somewhat incongruous. However, the communal space would appear to be a rather mundane car park, potentially dominated by parking rather than a shared green space, so more intensive landscaping should be specified.

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

**Environmental Health** - No objection subject to conditions to secure contaminated land remediation and noise and sound insulation details.

**Highways Officer** – No objection subject to further clarification relating to the private driveway being secured via condition in addition to electric vehicle charging points, a construction traffic management plan, footways being reinstated and a small area of land being stopped up.

**Lead Local Flood Authority** – No objection subject to conditions to secure construction drainage details and drainage verification prior to occupation.

**Biodiversity Officer** – No objection subject to provision of bird and bat boxes and landscaping details being secured via condition.

**Carbon Neutral Team** – The proposed incorporation of a number of energy/carbon saving measures is positive as is the removal of gas as an energy source. The predicated emission reduction of 75% is impressive.

**Education:** Contribution requested for secondary school places.

**Nottingham Jobs:** A memorandum of understanding will be prepared to promote local employment opportunities.

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (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 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 A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

### **Land and Planning Policies (January 2020)**

Policy CC1 - Sustainable Design and Construction

Policy CC3 - Water

Policy HO1 - Housing Mix

Policy HO3 - Affordable Housing

Policy DE1 - Building Design and Use

Policy DE2 - Context and Place Making

Policy EE4 - Local employment and training opportunities

Policy EN2 - Open Space in New Development

Policy EN6 - Biodiversity

Policy EN7 - Trees

Policy IN2 - Land Contamination, Instability and Pollution

Policy IN4 - Developer Contributions

Policy SA1 - Site Allocations

Policy TR1 - Parking and Travel Planning

### **Supplementary Planning Documents (SPDs)**

Biodiversity (2020)

(2019)

## 7 Appraisal of proposed development

### Main Issues

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

#### **(i) Principle of the Development** (ACS Policies A and 8, LAPP Policies HO1 and SA1)

- 7.1 The site is allocated in the LAPP (SR38 - Prospect Place) for a residential development of predominantly class C3 family housing.
- 7.2 The proposed development would be 100% affordable housing with a mix of affordable rent and shared ownership tenures. The proposal would offer a good mix of house types and sizes with a predominant focus on family housing. Given the site allocation and prescribed development that this permits, the proposal is acceptable in principle and accords with Policy 8 of the ACS and Policies HO1 and SA1 of the LAPP.
- 7.3 Concern has been raised by a number of parties that given the location of the site in Lenton, the units could be occupied by students. The proposal is for all of the units to be class C3 dwellings and by virtue of the Article 4 Direction in Nottingham relating to such matters, planning permission would be required for any of the properties to be used as a class C4 HMO. Furthermore, the local plan policy position on such a change is very clear and creates a robust position to refuse such applications where the existing concentration of student households is high, which is the case in this locality. Whilst as class C3 dwellings there is no ability to restrict any of the units from being occupied by up to 2 unrelated individuals, be that students or others, such a situation would be unlikely given the size of the dwellings proposed; student HMOs generally accommodate 4 or more occupants. It is also noteworthy that the development is for NCHA, a registered social housing provider, with all occupants needing to satisfy their requirements for access to these affordable units. The applicant has also indicated a willingness for a condition to remove permitted development rights for roof alterations, to limit the scope for alterations to the properties without the need for planning permission.

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

- 7.4 The proposed development is felt to be well-considered in terms of its layout and design, and would relate well to the character of the area. Properties are arranged to front Harley and Willoughby Street with a semi-detached pair also fronting Prospect Place. Properties would largely be two storey terraced units constructed of brick with recessed brick panel details to their front elevations. Following negotiation with the applicant, the roof design of 8 of the units has been amended to provide a more uniform approach to the 'saw tooth' roof line, an issue the Civic Society also raised.

7.5 Initial concern was raised in relation to the proposed private drive accessed from Prospect Place to serve units 17 to 24, which also provides additional parking spaces for units 25 & 26. Consideration has been given to revising this element of the layout by pushing the properties fronting Prospect Place to the north and bringing parking to the front of the site. However, it is felt that this would weaken the scheme, with a preference for an active frontage rather than a prominent car park with poor surveillance. A landscaping scheme has been provided which demonstrates proposed planting to the front of the private drive and inclusion of a number of trees and raised beds to provide interest and reduce the perceived extent of hard surfacing. More precise details of the hard and soft landscaping shall be secured via condition. Means of enclosure are specified in visuals supplied by the applicant as a mix of brick walls and railings, which are considered to be acceptable and again more precise details shall be secured via condition. Brick bin store areas are indicated to the front of properties alongside street planters which add further interest to the streetscene. The proposed density, design and layout of the development are considered to be appropriate and would relate well to the current tight urban grain of the area. Subject to condition the proposed development therefore accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

**(iii) Highways and Parking** (ACS Policies 10 and 14, LAPP Policy TR1)

7.6 The proposed development would provide 38 parking spaces for 36 dwellings with the 2 x 4 bed properties benefiting from 2 parking spaces. 26 of the 36 dwellings would have on-plot parking spaces with 10 parking spaces proposed on the private driveway to serve units immediately adjacent. All properties would provide space either within their frontage or rear garden for cycle storage.

7.7 Concerns have been raised that the proposal would remove existing on-street parking bays on the western side of Willoughby Street to the detriment of the neighbouring Lenton Centre, and would result in greater on-street parking demand. The development would also remove some on-street parking on Harley Street but these are for permit holders only. The petition and representation received from and on behalf of the Lenton Centre are noted. At present the Centre has a small car park at the rear of the building that can accommodate approximately 8 cars. There are a number of parking bays on Willoughby Street that are available for short-term stay, accommodating approximately 17 spaces in total. The proposed development would result in the loss of approximately 6 of these. Whilst it is recognised that this would reduce the capacity for short-term parking on Willoughby Street, it would not be significantly so. Furthermore, any harm in this regard is not considered to outweigh the redevelopment of an allocated, longstanding brownfield site which is blighted with a number of constraints that have prevented its redevelopment for many years. The proposed development would not only remove what is currently a large unkempt site to the benefit of the local neighbourhood, it would also deliver a scheme of affordable family dwellings.

7.8 Highways colleagues have reviewed the application and are supportive of the proposal subject to further detail, particularly in relation to the private drive, being secured via condition. The proposal therefore accords with Policy 10 of the ACS and Policy TR1 of the LAPP.

**(iv) Impact on Residential Amenity** (ACS Policy 10, LAPP Policies DE1 and IN2)

- 7.9 The proposed residential layout has been designed to ensure an appropriate standard of outlook for future occupiers and neighbouring residents. The separation distance to properties on Harley Street would be approximately 15-16m and approximately 20m to those fronting Willoughby Street. On Harley Street only a handful of existing properties actually front Harley Street, the majority of which are corner properties with two frontages. Osmaston, Metham and Hart Street to the west of the site are all typical tight grain Victorian terraced streets, with front to front separation of approximately 9-10m and rear to rear distances of approximately 16m. The proposed development would reflect the tight urban grain of its surrounds and not result in any significant loss of amenity. It is also noted that no letters of representation have been received from any neighbouring properties raising amenity concerns. All properties would accord with National Space Standards and provide modest private garden areas.
- 7.10 Initial concerns were raised by Environmental Health (EH) given the proximity of Skateland on Prospect Place. A revised noise assessment has been submitted and discussions are on-going with this facility to mitigate noise levels. It is also noted that Skateland is operating on a temporary planning permission, given that it is not a suitable long term use for the industrial premises that it operates within. Further details are requested from EH relating to contaminated land, sound insulation and ventilation, all of which can be secured by condition.
- 7.11 The proposal is therefore considered to be in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.
- (v) Planning Obligations** (ACS Policies 8 and 19, LAPP Policies EE4, EN2, HO3 and IN4)
- 7.12 A policy compliant planning obligation for the proposed development would be expected to provide the following contributions:
- Public Open Space - £196,622
  - Education - £100,548
- 7.13 The development is being developed on behalf of NCHA and comprising 100% affordable housing, there is no requirement to secure a contribution in this regard.
- 7.14 The applicant has submitted a viability appraisal with the application which has been independently reviewed by an assessor appointed by the Council. In this instance it has been concluded that a contribution, beyond the provision of on-site affordable housing, is not viable.
- 7.15 Given that the development is for NCHA, the Employer Engagement and Apprenticeship team have advised that local employment and training initiatives arising during both the construction and operation of the development can be secured without the need for a S106, via a memorandum of understanding, which has been shared with the applicants. The proposal therefore accords with ACS Policies 8 and 19 and LAPP Policies EE4, EN2, HO3 and IN4.
- (vi) Other Matters** (ACS Policies 1 and 17, LAPP Policies CC1, CC3, EN6 and EN7)

## **Ecology & Trees**

- 7.16 The development has been supported by an ecological assessment which has been reviewed by the Biodiversity Officer. The report recommends the provision of bat and bird boxes at suitable locations on buildings which shall be secured by condition. A planting plan has also been reviewed by the Biodiversity Officer and is considered to be acceptable. A number of street trees are proposed to be removed on Harley Street to facilitate the development. Whilst disappointing that these trees cannot be retained, the applicant is proposing to plant a number of trees to both the Harley Street and Willoughby Street frontages and within the courtyard area of the site itself. The proposal is therefore considered to be acceptable and accords with Policy 17 of the ACS and Policies EN6 and EN7 of the LAPP.

### **Drainage**

- 7.17 The site drainage strategy has been reviewed by the Drainage Team (the Lead Local Flood Authority) and is considered to be acceptable subject to a number of conditions. The proposal therefore accords with Policy CC3 of the LAPP.

## **8. Sustainability**

The applicant has provided an updated energy statement which has been reviewed by the Carbon Neutral Team, who are supportive of the proposed development. All units would be electrically powered and heated with air source heat pumps. Solar pv panels are to be installed on all appropriate roof slopes. The updated energy strategy expects to deliver a minimum reduction in annual regulated carbon emissions of approximately 75% compared to Building Regulations requirements. All units would provide an electric vehicle charging point, which shall be secured via condition. The development therefore satisfies the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP.

## **9 Financial Implications**

None.

## **10 Legal Implications**

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

## **11 Equality and Diversity Implications**

None.

## **12 Risk Management Issues**

None.

## **13 Strategic Priorities**

Neighbourhood Nottingham: Redevelopment of a long term vacant and unsightly brownfield site with affordable, family housing

Safer Nottingham: Enhancing the surrounding streets with activity and natural surveillance

**14 Crime and Disorder Act implications**

None.

**15 Value for money**

None.

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

1. Application No: 21/02655/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R474WPLYJRA00>

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

NPPF (2021)

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Biodiversity (2020) SPD

The Provision of open Space in New Residential and Commercial Development (2019) SPD

**Contact Officer:**

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065



**My Ref:** 21/02655/PFUL3 (PP-10450481)  
**Your Ref:**  
**Contact:** Mr James Mountain  
**Email:** development.management@nottinghamcity.gov.uk

Development Management  
City Planning  
Loxley House  
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Mr Marcus Tams  
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Halifax Place  
Lace Market  
Nottingham  
NG11QN

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

Date of decision:

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

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Application No: 21/02655/PFUL3 (PP-10450481)  
Application by: Mr A Marjerrison  
Location: Land At Prospect Place, Prospect Place, Nottingham  
Proposal: Residential development of 36 dwellings

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

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

**DRAFT ONLY**

**Not for issue**

2. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Remediation Plan, to implement the recommendations of the Phase ii investigation report already submitted, 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 c) above are complete.

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

*Reason: In the interests of amenity and to accord with policy IN2 of the LAPP*

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

The environmental noise assessment shall have regard to the previously submitted Noise Assessment - by Air and Acoustic Consultants dated February 2022. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development (including any air source heat pumps), octave band analysis and all assumptions made (e.g. glazing and façade areas, commercial / residential separation).

The sound insulation and ventilation scheme for the development itself shall include the specification and acoustic data sheets for glazed areas of the development, any complementary acoustic ventilation scheme, acoustic details of the air source heat pumps, details of the thermal insulation scheme for the properties to ensure that the capacity of the air source heat pumps deployed are minimised as far as possible, and be designed to achieve the following internal noise levels:

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

The sound insulation and ventilation scheme and verification plan shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: In the interests of amenity and to accord with policy IN2 of the LAPP*

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**Not for issue**

4. Prior to the commencement of development, a construction management plan must be submitted to and approved by the Local Planning Authority. The plan shall demonstrate how surface water will be managed effectively during construction.

*Reason: To ensure infiltration rates are not impeded as a result of the development and to minimise the risk of flooding during construction and to accord with policy CC3 of the LAPP*

5. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. Provision shall be made to address the parking requirements of vehicles associated with all site operatives, visitors and construction vehicles loading/offloading at the site during the construction period. The Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

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

6. Notwithstanding the plans hereby approved, prior to the commencement of development further detailed drawings and sections in relation to the below elements of the private drive shall be submitted to and agreed in writing by the Local Planning Authority:

- surfacing
- refuse collection arrangements
- turning head tracking

The approved details shall be fully implemented prior to first occupation of any dwellings served by the private drive, unless otherwise agreed in writing with the Local Planning Authority.

*Reason: In the interests of highway safety and to accord with policy 10 of the ACS*

**Pre-occupation conditions**

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

7. Prior to first occupation of any dwelling, the bird and bat boxes as indicated on landscape proposals Dwg No. 0001 issue P01 shall be installed.

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

8. Prior to first occupation of each dwelling, an electric vehicle charging point serving that dwelling shall have been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of sustainability and to accord with policy TR1 of the LAPP*

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**Not for issue**

9. No dwelling shall be occupied until details of all hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- A planting scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators. The scheme shall also include a timetable for implementation
  - Details of all hard surfacing
  - Details of all site and plot means of enclosure
  - Details of the bin stores

The approved site enclosure shall be installed prior to occupation of the first dwelling. The approved hardsurfacing, means of enclosure and bin store for each dwelling shall be implemented prior to the first occupation of that dwelling. The approved soft landscaping and planting scheme shall be carried out in accordance with the approved timetable for implementation and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the ACS and Policies DE1, DE2 and EN6 of the LAPP*

10. Prior to first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed in accordance with the approved scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

*Reason: To ensure the Drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with policy CC3 of the LAPP*

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

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

11. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

*Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.*

**(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)**

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12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

*Reason: To safeguard the character of the buildings and amenity of the wider area and to accord with policies DE1 and DE2 of the LAPP.*

13. Development shall be undertaken in accordance with the Energy & Sustainability Statement received 13/7/22 unless otherwise agreed in writing with the Local Planning Authority.

*Reason: In the interests of promoting a sustainable development and to accord with policy CC1 of the LAPP*

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

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Drawing reference Roof layout plan Dwg No.011 revision A, received 26 August 2022  
Drawing reference First floor layout Dwg No. 003 revision A, received 26 August 2022  
Drawing reference House type A Dwg No. 004 revision B, received 26 August 2022  
Drawing reference House type B Dwg No. 005 revision B, received 26 August 2022  
Drawing reference House type C Dwg No. 006 revision B, received 26 August 2022  
Drawing reference Street scene elevation 1 of 2 Dwg No. 008 revision B, received 26 August 2022  
Drawing reference Street scene elevations 2 of 2 Dwg No. 009 revision B, received 26 August 2022

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

#### **Informatives**

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

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

3. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often

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## **Not for issue**

occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) or by phone on 0115 8765012.

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

Where noise sources shared a floor / ceiling separation or party wall with the development then a sound insulation test of the relevant separation may be required as well as an assessment of the noise source itself and how it is limited or controlled.

The sound insulation and ventilation scheme verification plan must include the measurement of the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating, including any plant and equipment which forms part of the development.

The verification report shall confirm that the approved sound insulation and ventilation scheme has been implemented and shall include;

The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme

Example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)

Photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

The approved post-completion acoustic measurements

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

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

'Cut and fill' operations on site

How trees retained on site will be dealt with

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.

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

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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.

6. The applicant should provide a CTMP as conditioned. 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 via email [highway.approvals@nottinghamcity.gov.uk](mailto:highway.approvals@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.

7. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them via [highway.approvals@nottinghamcity.gov.uk](mailto:highway.approvals@nottinghamcity.gov.uk). All costs shall be borne by the applicant.

8. adoption 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.

9. 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.

10. Please contact [Rosie.coyle@nottinghamcity.gov.uk](mailto:Rosie.coyle@nottinghamcity.gov.uk) to seek advice on the electric vehicle charging points (EVCP).

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

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

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**Not for issue**

## **RIGHTS OF APPEAL**

Application No: 21/02655/PFUL3 (PP-10450481)

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,

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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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**Wards Affected:** Bestwood (May 2019)

**Item No:**

**Planning Committee  
21 September 2022**

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

### **Former Site Of Chronos Richardson Ltd, Belconnen Road**

#### **1 Summary**

Application No: 22/00709/PFUL3 for planning permission

Application by: Ms Julie White on behalf of Lidl GB Ltd

Proposal: Development of food store with car park, landscaping, plant and associated works and access from Belconnen Road

The application is brought to Committee because it is a major development that represents a departure from the Local Plan.

To meet the Council's Performance Targets this application should have been determined by 4th July 2022.

#### **2 Recommendations**

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

Prior completion of a planning obligation to bind that part of the application site which is not in the Council's ownership which shall include:

- (i) a financial contribution of £35,503.57 towards off-site Biodiversity Net Gain
- (ii) provision of local employment and training including a financial contribution of £10,660 towards its delivery.
- (iii) a requirement for the planning obligation to subsequently be varied to bind the remainder of the site following sale of the Council owned land

2.2 Power to determine the final details of the planning obligation, it's subsequent variation and conditions of planning permission to be delegated to the Director of Planning and Regeneration.

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

#### **3 Background**

3.1 The application relates to approximately 1ha of land within the western portion of

the former site of Chronos Richardson. It is a former industrial site which has since been cleared and remains vacant. Part of the site is currently owned by the Council and part is owned by an external party. It is proposed that the land to which this application relates, together with the adjoining land which forms the wider Chronos Richardson site, are sold as one development site.

- 3.2 The application site, together with the remaining portion of land within the former site of Chronos Richardson, make up site allocation reference SR13, as defined within Policy SA1 of the LAPP. The site allocation requires the delivery of 63-87 dwellings. The site has been subdivided to form two application sites, this application for a Lidl food store, and a concurrent application for residential development.
- 3.3 The site is bound to the north by Arnold Road and the rear boundaries of properties on The Green Mews, to the south by the remainder of the vacant industrial site beyond which there is a public footpath running east / west and connecting to Nottingham University Hospital to the south. To the east of the site lies part of the vacant industrial site, beyond which is Arnside Road and Wyton Close. To the east of the site is Belconnen Road and further residential development.
- 3.4 The site levels drop down below that on Arnold Road and fall away to the south although the area of the previously demolished buildings is generally level. There are existing trees and mature landscaping within the site, particularly on its frontage to Arnold Road.
- 3.5 The site falls within Flood zone 1.

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

- 4.1 The application seeks permission for the development of a Lidl food store (Use Class E) with car park and associated plant and landscaping with access off Belconnen Road. The proposals for the store have been amended, resulting in a slight decrease in the floor area of the store. As amended, the store would have a gross internal area of 1,895sqm with a net sales area of 1,251sqm.
- 4.2 The layout, as amended, shows the store adjacent to the eastern boundary of the site with car parking to the north and west. Landscaping is proposed to the north and eastern boundaries and along parts of the western and southern boundaries. The car park would provide 100 standard spaces, 4 disabled, 9 parent and child and 4 with Electric Vehicle Charging points. 20% of the spaces will be fitted with the infrastructure required to introduce additional charging points in the future.
- 4.3 The Lidl store would be single storey with a pitched roof. The building would comprise a steel frame structure with a combination of metal cladding for the roof and cladding panels on the elevations and a powder coated aluminium and glazed shopfront.
- 4.4 The site would be enclosed by brick faced retaining walls where it adjoins the existing pavement and acoustic or timber fencing to rear/internal boundaries.

- 4.5 Vehicular access will be via Belconnen Road. The geometry of the access has been revised slightly in response to Highways requirements. The vehicle access would lead customers to the car park and delivery vehicles to the HGV service dock to the south of the store. External plant would be contained within an area to the south of the building and all refuse would be stored within the store.
- 4.6 It is estimated that the store will create 40 Full time equivalent jobs.
- 4.7 As referenced above, the remainder of the site (reference SR13) is subject of a concurrent planning application for residential development of 62 dwellings (planning application reference 22/00675/PFUL3).

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

### **Adjoining occupiers consulted:**

109 neighbouring properties were notified of the proposed development by letters dated 13<sup>th</sup> April 2022.

This notification included properties on the following neighbouring streets: Belconnen Road, Wyton Close, Embley Road, The Green Mews, Williamson Row, Arnside Road and Arnold Road.

The application was also publicised through a site and a press notice.

10 representations from 9 individuals were received in response to this publicity, of which 9 were in support of the proposed development, citing the following reasons why the development will be welcomed;

- The long term vacant site will be brought back into use, reducing the opportunity for vandalism and misuse.
- The retail store will provide a much needed local supermarket for the Bestwood area
- The accompanying development will bring new houses
- The development will create employment opportunities

One letter of objection was received, although this expressed support for the development in principle. The points of objection were as follows:

- Loss of trees/flowers/shrubs, will these be replanted?
- Concern that the retail store will result in a parking 'free for all' on surrounding streets
- Concern that customers will leave engines running whilst parked.

Further notification letters were sent to the same addresses on 18<sup>th</sup> August 2022. The response date for representations was 9<sup>th</sup> September 2022. No further representations have been received.

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

**Environmental Health and Safer places:** No objection, subject to conditions relating to ground gas contamination protection and commercial plant noise.

**Highways:** No objection. Following a series of amendments to the access and car park, the Highway Authority are satisfied with the layout, subject to conditions relating to construction traffic management, electric vehicle charging, cycle parking, tracking and refuse collection.

**Drainage:** No objection. A drainage strategy has been submitted and reviewed by the Drainage Team (Lead Local Flood Authority). Following a request for additional information, the Drainage Team are satisfied with the proposed strategy, subject to conditions requiring further details of surface water drainage works and maintenance.

**Planning Policy:** No objection. The applicant's submission includes both sequential and impact assessment information seeking to address both issues. The council is satisfied with the conclusions reached within the submitted information and the proposal is considered to be in accordance with Aligned Core Strategy (2014) Policy 6 and Land & Planning Policies Development Plan Document (Local Plan Part 2) Policy SH4.

**Biodiversity and Greenspace Officer:** No objection subject to s106 contribution to offsite Biodiversity Gain. The funds will be used for the creation of habitats.

**Carbon Neutral Policy Team:** Consideration should be given to additional planting to compensate the loss. There is no indication of the extent of PV panels or consideration of alternatives to the ASHP and PV panels. There is no evidence that SUDS will be combined with natural planted areas and further consideration to on site mitigation should be given to avoid off site compensation.

## 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 126 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.

Section 7 of the NPPF relates to the vitality of Town Centres.

Paragraphs 87-89 require the sequential approach to site selection to be applied to all development proposals for main town centre uses that are not in an identified centre and not in accordance with an up-to-date Development Plan. It states that Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 90 requires all retail, leisure and office development outside of town centres to be subject to a retail impact assessment if over a proportionate, locally set threshold. Where no local threshold exists the default is 2,500sqm. Impact assessments should include assessment of:

- Impact of the proposed on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Where a development fails the sequential test or will have a significant adverse impact on one or more of the above considerations it should be refused in accordance with paragraph 91.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 states that when determining planning applications, local planning authorities should support development whose primary objective is to conserve or enhance biodiversity while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

**Aligned Core Strategy (September 2014):**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 6: Role of Town and Local Centres

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions.

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

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy DE1: Building Design and Use

Policy DE2: Context and Place making

Policy SH4: Development of Main Town Centre Uses in Edge of Centre and Out of Centre Locations

Policy TR1: Parking and Travel Planning

Policy EN6: Biodiversity

Policy EN7: Trees

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy SA1: Site Allocations

**Supplementary Planning Documents**

Biodiversity (2020)

**7. Appraisal of proposed development**

**Main Issues:**

- (i) Principle of Development
- (ii) Suitability of Retail use in this out of centre location
- (iii) Layout, design and appearance
- (iv) Residential amenity
- (v) Highways and access
- (vi) Biodiversity and trees
- (vii) Planning Obligations



**Issue (i) Principle of the development** (Policies 4 and 6 of the ACS and Policies EE4, SH4 and SA1 of the LAPP)

- 7.1 The site is a vacant former industrial site that has been cleared. The reuse of brownfield sites is actively encouraged and supported by the national and local planning policy.
- 7.2 The application site is part of a wider site allocated as a development site by the Local Plan Part 2 (site ref. SR13) and is expected to deliver 63-87 dwellings. The application is accompanied by a concurrent planning application for residential development (22/00675/PFUL3) for 62 dwellings. Whilst the proposed residential development would deliver one dwelling less than the site allocation requirement, it would comprise 100% affordable dwellings, providing a mix of house types and sizes, thus contributing to the creation of a balanced community. Taking account of these factors, the loss of one dwelling from the provision is not considered to be of any significant consequence. As such, when taking into consideration the associated proposed residential development, there is no objection in principle to the delivery of retail development in addition to the residential development. The Planning Policy Team have confirmed that they have no objection to the proposed development in this regard.
- 7.3 Notwithstanding the above, National and Local Planning Policies require a sequential Test and Retail Impact Assessment to be carried out for Out of Town Retail development of this scale. These assessments have been provided with the application and updated as appropriate and the Planning Policy Team are satisfied with the conclusions, such that it is considered that the development would comply with policy 6 of the ACS and Policy SH4 of the LAPP. The principle of delivering retail development in an out of centre location and the suitability of the location are discussed in greater depth in the following section of this report.
- 7.4 The proposed development would bring the vacant site back into an economic use and create an estimated 40 FTE jobs, leading to direct and indirect benefits to the local economy.
- 7.5 The proposed development would be located in a sustainable location which would be accessible to a large local residential population. Supporting economic growth and productivity in Nottingham, it is considered that the principle of the development is therefore acceptable and in accordance with Policies 4 and 6 of the ACS and Policies EE4, SH4 and SA1 of the LAPP.

**Issue (ii) Suitability of Retail use in this out of centre location** (Section 7 of the NPPF, Policy 6 of the Aligned Core Strategy and Policy SH4 of the Local Plan)

- 7.6 The application site is not in an identified centre. Policy SH4 of the LAPP and paragraphs 87-89 of the NPPF require the sequential approach to site selection to be applied to all development proposals for main town centre uses that are not in an identified centre and not in accordance with an up-to-date Development Plan. The NPPF states that applications for main town centre uses should be in town centres, then edge of centre locations, and only if suitable sites are not available within a reasonable period, should out-of-centre sites be considered.

- 7.7 Policy SH4 also states that for out of centre retail developments of more than 1000sqm, a Retail Impact Assessment must be carried out and where proposals which would result in a significant adverse impact on in-centre investment or the vitality and viability of a centre within the catchment area of the proposal, they will not be supported. This broadly reflects the requirements of the NPPF paragraph 90.
- 7.8 The application is supported by a Planning and Retail Statement which includes a sequential test and impact assessment.

### **Sequential Test**

- 7.9 Taking into account the catchment area of the proposed food store, sites and units have been sought within or on the edge of Sherwood District Centre and Beckhampton Road Local Centre. Other out of centre sites were also considered in the context of paragraph 88 of the NPPF that requires 'preference to be given to accessible sites which are well connection the town centre'. However, following review of available sites within or on the edge of Sherwood District Centre, Beckhampton Road Local Centre and a site on Gala Way, Officers agree with the applicant's assessment that there are no sequentially preferable sites that could accommodate the proposed development.

### **Retail Impact Assessment**

- 7.10 The submitted Retail Impact Assessment uses the criteria set out within Paragraph 90 of the NPPF:

- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

It is noted that Paragraph 91 of the NPPF and the associated Practice Guidance refer to 'significant adverse impact' and that the policies and guidance have been purposefully drafted in these terms because it is accepted that most new developments will have some impact.

- 7.11 The submitted Impact Assessment considers the impact upon Convenience Retailers within a defined Primary Catchment Area. For this site, the size of the proposed store limits the range of convenience products that can be displayed/sold and this in turn reduces the distance most customers travel to shop at a discount food retailer such as Lidl. Based upon this, the primary catchment area (PCA) of the store is a 5-minute drivetime from the application site, which Officers have agreed is appropriate.
- 7.12 It should also be noted that the data used to inform the Retail Impact Assessment, has been updated. The data initially used to inform the impact assessment was taken from NCC's 2015 retail study which the applicant advised was the best information available at that point in time. However, they considered it appropriate to commission a new household survey to ensure that the application assessment was robust and informed by the latest data available. New population and expenditure data was also procured from Experian. The relevant data is appended to the Assessment.
- 7.13 In considering the impact on investment in centres, the applicant states that they

are not aware of any current, committed and planned investment within the 5-minute drivetime with the exception of proposals at Sherwood District Centre, on edge of the catchment area (Sherwood Library site). However, as outlined in the sequential assessment, the nature of the proposed retail floorspace within this redevelopment is different to the proposed food store, particularly in terms of its size (at only 259sqm net). It is also only a small part of a wider development scheme which is focussed on the re-provision of a new library facility and new residential dwellings. As such, it is not considered that the proposed Lidl food store will impact on the delivery of this mixed-use development proposal.

- 7.13 The applicant's assessment of the likely impact of the Lidl proposals on nearby stores and centres concludes that the proposals are unlikely to result in significant adverse impact on any nearby town, district or local centre. It is anticipated that the Lidl store will divert a limited amount of trade (between 1% and 3%) from nearby larger popular food stores including the Tesco Extra stores at Top Valley Way and Bulwell, Asda at Arnold and the Sainsbury's stores in Arnold and Perry Rd. It is suggested that these stores are popular main food shopping destinations within the local network and able to withstand such limited amounts of trade draw.
- 7.14 Following an assessment of the submitted Retail Impact Assessment by the Council's Planning Policy Team, the applicant's conclusions are accepted and it is agreed that the proposed development of a food store, would not result in any significant adverse impact upon existing businesses or upon committed or planned in-centre investment. As such, it is considered that the development would comply with section 7 of the NPPF, Policy 6 of the ACS and Policy SH4 of the LAPP.

**Issue (iii) Layout, design and appearance** (Policy 10 of the Aligned Core Strategy and Policies DE1 and DE2 of the LAPP)

- 7.15 The layout of the site has been designed to provide an active frontage and high visibility of the store on Arnold Road, with a legible car park which minimises the opportunity for misuse and anti-social behaviour. The scheme has evolved in response to Highways, drainage and Urban Design feedback, improving pedestrian routes into and through the site and ensuring vehicular movements are safe whilst making efficient use of the land available. The layout of the development balances the constraints of the site with the requirements of the retailers to create a viable and deliverable scheme.
- 7.16 The store building follows a standard layout for the retailer and has been rationalised in response to their latest floorspace and delivery requirements. The scale, form and massing of the building are considered to be appropriate and the palette of materials proposed, comprising steel frames, metal cladding and a powder coated aluminium and glazed shopfront is also acceptable. The delivery and plant areas are contained to the south side of the store away from the boundaries with residential development.
- 7.17 As amended, the pedestrian routes into the site are acceptable and footpath links between the retail site and the residential development beyond, allow for the comprehensive and cohesive redevelopment of the wider site. A new pedestrian link running north south, through the Lidl site and landscaped area to the south is proposed. This will link to the existing pathway to the south of the site which also connects to the hospital site to the south. Landscaping proposals have been enhanced with increased tree planting and screening to boundaries.

- 7.18 The vehicular access into the site has been amended in accordance with Highways requirements and similarly the access to the substation has been reconfigured in line with Highways recommendations. The car park would provide a sufficient mix of standard and accessible spaces as well as bays with Electric Vehicle Charging points. Infrastructure to enable further charging points to be provided in the future, is also to be incorporated during construction, which is welcomed.
- 7.19 In summary, the design and layout are considered to be appropriate for the nature of development proposed and in response to site constraints. Amendments have been made to enhance and improve accessibility and pedestrian routes to and within the site. The development therefore accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP in this regard.

**Issue (iv) Impact on Amenity** (Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP)

- 7.20 Policy 10 of the ACS and Policy DE1 of the LAPP require all new developments to consider the impact on the amenity of nearby residents or occupiers. Policy IN2 of the LAPP requires the impact of noise upon residential properties to be considered. Plant equipment and delivery bays have been sited to the south of the store, away from boundaries with residential properties. A Noise Assessment has been submitted and reviewed by the Environmental Health Team who have no concerns in this regard. A pre-occupation condition is recommended to ensure the plant equipment and associated noise barrier are installed in accordance with the details.
- 7.21 It should be noted that no concerns have been raised by members of the public relating to the impact of the proposed development on their amenity, particularly in terms of noise.
- 7.22 Although the east boundary of the site will adjoin the rear boundaries of properties within the proposed residential development (reference 22/00675/PFUL3) it is not considered that the scale or massing of the building would give rise to any significant adverse impact upon the light to or outlook from these properties.
- 7.23 The store opening times proposed are 08.00 to 22.00 Monday to Saturday, and for any six hours between 10.00 to 18.00 on Sundays which is considered to be reasonable. Deliveries are proposed between 07:00-23:00. Typically, there would be two HGV deliveries within a 24-hour period, although at busier times such as Christmas and Easter this could increase to three deliveries. All deliveries would be made to the service dock which, as detailed above, would be located to the south elevation of the store. It is considered that this is located at a sufficient distance from the nearest existing and proposed residential properties to avoid any significant noise and disturbance.
- 7.24 In view of the above it is considered that the proposed development would comply with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

**Issue (v) Highways, Access and Parking** (Policies 10 and 14 of the ACS and Policy TR1 of the LAPP)

- 7.25 The Highway Authority has assessed the proposals, including the Transport Assessment carried out by the applicants. They are satisfied with the content and findings of this report, and that the impact of the development, as amended, on

traffic flows and road safety are acceptable. The level and arrangement of car parking proposed is also acceptable.

- 7.26 The changes to geometry of the site access have resulted in a reduction in the width of the access road. This would make it easier for pedestrians to cross the road whilst ensuring safe access and egress for vehicles.
- 7.27 Conditions requiring a Construction Management Plan and the implementation of car parking, cycle parking and Electric Vehicle Charging are recommended. The development is considered to comply with Policies 10 and 14 of the ACS and Policy TR1 of the LAPP.

**Issue (vi) Trees and Biodiversity** (Policies 17 and 19 of the ACS and Policies EN6, EN7 and IN4 of the LAPP, Biodiversity SPD)

- 7.28 Policy EN6 of the LAPP states that development will only be permitted where significant harmful ecological impacts are avoided. Where harmful impacts cannot be avoided they should be mitigated through the design, layout and detailing of the development, or as a last resort compensated for, which may include off-site measures. The Biodiversity SPD further supports this.
- 7.29 The application is accompanied by an Ecological Appraisal, Ecological enhancement scheme and Biodiversity Net Gain Assessment. The site comprises areas of established Woodland and grassland, much of which is proposed to be removed to facilitate the development. Whilst a comprehensive scheme of tree replanting and Ecological enhancements (including bird and bat boxes, sensitive lighting and hedgehog connectivity) has been submitted (and in itself is considered satisfactory by the Council's Biodiversity Officer) this is not sufficient to offset the loss of habitats and the Biodiversity Net Gain Assessment demonstrates an overall loss in Biodiversity rather than a gain.
- 7.30 The proposals for the removal of woodland and grassland have been reconsidered by the developer but it is not possible to increase the retention due to the harm arising from the disturbance of the adjacent areas of grassland/woodland. As such, the developer proposes a contribution towards off-site Biodiversity Gain as additional mitigation in order to achieve an overall gain. The Biodiversity Officer has assessed the proposals and provided calculations for a contribution towards off-site Biodiversity Gain based upon a figure per unit for both grassland and woodland. This amounts to a figure of £35,503.57 which is to be requested through the s106 Agreement. The contributions will be placed in a ringfenced account which will be used for the creation of habitats. Taking account of the on-site proposals and the off-site compensation to be provided by a s106 contribution, it is considered that the development complies with Policies 17 and 19 of the ACS, Policies EN6, EN7 and IN4 of the LAPP and the Biodiversity SPD.

**Issue (vii) Planning Obligations** (Policies 17 and 19 of the Aligned Core Strategies, Policies EN6, EE4 and IN4 of the LAPP and the Biodiversity SPD)

- 7.31 The application site comprises land which is partly in the Council's ownership and partly owned by a third party. As the Council cannot enter into an agreement with itself it is proposed that the planning obligation required to enable this permission to be granted will initially only be secured against the land which is in third party ownership. However on completion of the land transfer it is proposed that the planning obligation subsequently be varied to ensure that it binds the remainder of the application site.

7.32 A policy compliant development would be expected to provide the following planning obligations:

- a financial contribution of £35,503.57 towards off-site Biodiversity Net Gain
- Local employment and training opportunities, including a financial contribution of £10,660 towards their delivery

The total contribution is therefore £46,163.57

7.33 The applicant has committed to the above Policy compliant contributions. To conclude, the contributions satisfy policies 17 and 19 of the Aligned Core Strategies, Policies EN6, EE4 and IN4 of the LAPP, and the Biodiversity SPD.

## **8. Sustainability (Policy 1 of the ACS and Policy CC1 and CC3 of the LAPP)**

8.1 The proposed development would incorporate various measures to mitigate and adapt to climate change. The proposal incorporates passive design strategies to take advantage of natural daylight and enhanced fabric efficiencies. The proposed store will also incorporate active design strategies to reduce energy consumption by introducing heat recovery ventilation to pre-heat incoming fresh air and installing low energy lighting.

8.2 As a company, Lidl seeks to reduce CO2 emission rates from its buildings by over 20% when compared with a building of the same type, size and use. The fully glazed, front façade maximises natural daylight entering the building, whilst sensor controlled exterior sun blinds automatically operate to mitigate the effects of excessive heat from solar gain. Finally, photovoltaics, to capture solar power for use in store, will be applied to the roof of the store. As detailed earlier within the report, Electric vehicle charging points are proposed within the car park.

8.3 The site is in Flood Zone 1 and therefore at the lowest risk of flooding. A condition requiring the submission of details of surface water drainage provision has been recommended by the Drainage Team. Overall the scheme will comply with Policy 1 of the ACS and Policies CC1 and CC3 of the LAPP.

## **9 Financial Implications**

None.

## **10 Legal Implications**

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

## **11 Equality and Diversity Implications**

None.

## **12 Risk Management Issues**

None.

**13 Strategic Priorities**

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

Safer Nottingham: The development enhances the pedestrian Connectivity ,contributing to a safer and more attractive neighbourhood

Ensuring Nottingham's workforce is skilled through Local Employment and Training Opportunities

**14 Crime and Disorder Act implications**

None.

**15 Value for money**

None.

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

1. Application No: 22/00709/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9SWP6LYK5800>

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

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059

**Site Location Plan**  
(not to scale)





**My Ref:** 22/00709/PFUL3 (PP-10406758)  
**Your Ref:**  
**Contact:** Mrs Zoe Kyle  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
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Station Street  
Nottingham  
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**Tel:** 0115 8764447  
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Ms Julie White  
3 White Rose Office Park  
Millshaw Park Lane  
Leeds  
LS11 0DL  
United Kingdom

Date of decision:

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

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Application No: 22/00709/PFUL3 (PP-10406758)  
Application by: Lidl GB Ltd  
Location: Former Site Of Chronos Richardson Ltd, , Belconnen Road, , Nottingham, NG5 5HZ  
Proposal: Development of food store with car park, landscaping, plant and associated works and access from Belconnen Road

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. Prior to the commencement of the development, the following shall be submitted to and approved in writing by the Local Planning Authority:
  - (i) plans incorporating the gas protection measures recommended in the previously submitted Phase 2 Investigation Report.

*Reason: To ensure necessary mitigation for gas contamination in accordance with Policy IN2 of the Local Plan.*



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**Nottingham**  
A city we're all proud of

**DRAFT ONLY**  
**Not for issue**

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Continued...

3. Prior to the commencement of the development, details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment to be provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime. Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Local Plan*

4. Prior to the commencement of the development, details of the management of surface water during construction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and C3 of the LAPP.*

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

*Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy 10 of the ACS*

6. Prior to the commencement of development, details of all external materials, including samples, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development is acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan.*



## Pre-occupation conditions

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

7. Prior to the occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

*Reason: To ensure the Drainage system is constructed in accordance with relevant standards in accordance with Policy 1 of the Aligned Core Strategy and Policies CC1 and CC3 of the Local Plan.*

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

(i) A Verification Report, which shall demonstrate the satisfactory incorporation of the gas protection measures into the building's structure.

*Reason: To ensure necessary mitigation against gas contamination in accordance with Policy IN2 of the Local Plan.*

9. Prior to the occupation of the development hereby permitted, the applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment specified to serve the development and the Noise Barrier have been implemented in accordance with the approved details.

*Reason: To safeguard the amenity of nearby residential properties in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan.*

10. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved landscaping plan. The planting and seeding shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which die are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy and Policies DE1, DE2 and EN7 of the LAPP*

11. The development hereby permitted shall not be occupied until ecological enhancements as outlined within the approved Ecological Enhancement Plan and accompanying report, have been carried out in accordance with the approved details.

*Reason: To ensure ecological enhancements are carried out in accordance with Policy 17 of the Aligned Core Strategies and Policy EN7 of the Local Plan.*



12. Unless otherwise agreed in writing, the development hereby permitted shall not be occupied until boundary enclosures have been provided in accordance with the approved details.

*Reason: To ensure the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policies D1 and DE2 of the Local Plan.*

13. Unless otherwise agreed in writing, the development hereby permitted shall not be occupied until bin storage for the development has been provided in accordance with the approved details.

*Reason: To ensure the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policies D1 and DE2 of the Local Plan.*

14. The development hereby permitted shall not be occupied until the car park for the development has been laid out in accordance with the approved plans, including the provision of electric vehicle charging points.

*Reason: To ensure adequate car parking provision is provided for the development in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1, DE2 and TR1 of the Local Plan.*

15. Unless otherwise agreed in writing, the development hereby permitted shall not be occupied until cycle storage for the development has been provided in accordance with the approved details.

*Reason: To ensure adequate cycle storage is provided in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies D1, DE2 and CC1 of the Local Plan.*

**Regulatory/ongoing conditions**

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

16. Unless otherwise agreed in writing by the Local Planning Authority, the food store hereby permitted shall only be open for business between the hours of 08.00 to 22.00 Monday to Saturday, and for any six hours between 10.00 to 18.00 on Sundays.

*Reason: To safeguard the amenities of nearby residential properties in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan.*

17. Unless otherwise agreed in writing by the Local Planning Authority, deliveries to the food store hereby permitted shall only take place between the hours of 07:00 to 23:00 on any day.

*Reason: To safeguard the amenities of nearby residential properties in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan.*

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 4 April 2022.

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

**Informatives**



**DRAFT ONLY**

**Not for issue**

Continued...

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. Informatives

### 1. Construction Traffic Management Plan (CTMP) & mud on the road

The applicant should provide a CTMP as conditioned. 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 via email [highway.approvals@nottinghamcity.gov.uk](mailto:highway.approvals@nottinghamcity.gov.uk). 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 them via [highway.approvals@nottinghamcity.gov.uk](mailto:highway.approvals@nottinghamcity.gov.uk). All costs shall be borne by the applicant.

### 3. Section 278 agreement - highway works

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.

### 4. Cycle Parking

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

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

Please contact [Rosie.coyle@nottinghamcity.gov.uk](mailto:Rosie.coyle@nottinghamcity.gov.uk) to seek advice on the electric vehicle charging points (EVCP).

### 6. Traffic Regulation Orders

The applicant is to contact Traffic Management [Traffic.Management@nottinghamcity.gov.uk](mailto:Traffic.Management@nottinghamcity.gov.uk) to pursue TRO requirements. All costs to be borne by the applicant.

### 7. Public Rights of Way and Access

The applicant is to contact John Lee (Traffic and Safety) [John.Lee@nottinghamcity.gov.uk](mailto:John.Lee@nottinghamcity.gov.uk) to ensure the links to the South of the development that lead into an adopted public right of way are sensitively treated and that gradients, lighting, materials and landscaping as well as boundary treatments are suitable. All costs to be borne by the applicant.

## 3. Ground Gas Contamination

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 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).

#### 4. Construction & Demolition - Noise Control: Hours of Work

The acceptable hours for demolition or construction work (including deliveries to & from the site) are detailed below; -

Monday to Friday:	07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)
Saturday:	08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

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

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

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

## **RIGHTS OF APPEAL**

Application No: 22/00709/PFUL3 (PP-10406758)

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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## **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:** Bestwood (May 2019)

**Item No:**

**Planning Committee  
21 September 2022**

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

### **Former Site Of Chronos Richardson Ltd, Wyton Close**

#### **1 Summary**

Application No: 22/00675/PFUL3 for planning permission

Application by: Ms Julie White on behalf of MyPad 2020 Ltd

Proposal: Development of 62 dwellings, with access from Wyton Close and Belconnen Road, landscaping, drainage and open space.

The application is brought to Committee because it relates to a major development with important land use and design considerations.

To meet the Council's Performance Targets this application should have been determined by 28th June 2022.

An Extension of Time has been agreed until 28<sup>th</sup> September 2022.

#### **2 Recommendations**

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

Prior completion of a planning obligation to bind that part of the application site which is not in the Council's ownership and which shall include:

- (i) a financial contribution of £151,110.69 towards off-site Open Space
- (ii) a financial contribution of £52,546.44 towards off-site Biodiversity gain
- (iii) a financial contribution of £338,875 towards Education Provision
- (iv) provision of local employment and training including a financial contribution of £19,128 towards its delivery.
- (v) a requirement for the planning obligation to subsequently be varied to bind the remainder of the site following sale of the Council owned land

##### **2.2 Power to determine the final details of the planning obligation it's subsequent variation and conditions of planning permission to be delegated to the Director of Planning and Regeneration.**

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

### **3 Background**

- 3.1 The application relates to approximately 1.6ha of land within the former site of Chronos Richardson. It is a former industrial site which has since been cleared and remains vacant. Part of the site is currently owned by the Council and part is owned by an external party. It is proposed that the land to which this application relates, together with the adjoining land which forms the wider Chronos Richardson site, are sold as one development site.
- 3.2 The application site, together with the remaining portion of land within the former site of Chronos Richardson, make up site allocation reference SR13, as defined within Policy SA1 of the LAPP. The site allocation requires the delivery of 63-87 dwellings. The site has been subdivided to form two application sites, this application for residential development and a concurrent application for a Lidl food store.
- 3.3 The site is bound to the north by Arnold Road, to the south by a public footpath, beyond which is Nottingham University Hospital. To the east of the site lies Arnside Road, Wyton Close and residential development. To the west of the site is Belconnen Road and further residential development. The application site lies predominantly on the eastern side of the wider Chronos Richardson site and wraps around the remaining 1ha of land which forms the development site of a proposed Lidl store (application reference 22/00709/PFUL3).
- 3.4 The site slopes from north to south with an approximate level difference across the site of 3m. An existing public footpath runs from east to west alongside the southern boundary of the site (outside of the redline boundary). The site has substantial scrub cover, much of which is self-set following the demolition of the previous industrial buildings and structures. There are also some mature trees within the site, particularly along the western periphery on Belconnen Road.
- 3.5 The site falls within Flood Zone 1.

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

- 4.1 The application seeks permission for a residential development of 62 dwellings arranged in a series of cul-de-sacs. On the east side of the site, there will be 50 houses with vehicular access off Wyton Close. To the west side of the site, there will be 12 flats, arranged in three, two storey blocks with vehicular access off Belconnen Road.
- 4.2 All of the dwellings will be affordable dwellings, available as shared ownership or for social rent and a mix of 1, 2, 3 and 4 bed units will be provided, the 1 bedroom units being provided as flats. Pedestrian access between both parts of the development will be provided along the southern edge of the site. Pedestrian links to the proposed Lidl site are also incorporated in the scheme.
- 4.3 At the southern edge of the site, two attenuation ponds are proposed. Whilst this is

a form of open space, it is not useable as recreational space and as such a contribution towards the provision of off-site open space is sought.

- 4.4 Off street parking is provided throughout the development, with all one and two bed units having at least one off street space and 3 and 4 bed units having 2 spaces. Additional on-street visitor parking is also indicated.

## 5 Consultations and observations of other officers

### Adjoining occupiers consulted:

110 neighbouring properties were notified of the proposed development by letters dated 13<sup>th</sup> April 2022.

This notification included properties on the following neighbouring streets: Belconnen Road, Wyton Close, Embley Road, The Green Mews, Williamson Row, Arnside Road and Arnold Road.

The application was also publicised through a site and a press notice.

1 representation from Nottingham Local Access Forum was received, raising the following objections to the development;

- There is no cycle storage included for the housing development
- The quality of cycle storage proposed for the apartments is insufficient.
- It is recommended that a condition requiring details of cycle storage be requested.

Further notification letters were sent to the same addresses on 18<sup>th</sup> August 2022. The response date for representations was 9<sup>th</sup> September 2022 and no further representations have been received.

**Environmental Health and Safer places:** No objection, subject to conditions relating to ground gas contamination protection and noise.

**Highways:** The final highway layout is under review and as such final Highways comments will be provided to Committee by way of an update sheet.

**Drainage:** No objection. A drainage strategy has been submitted and reviewed by the Drainage Team (Lead Local Flood Authority). Following a request for additional information, the Drainage Team are satisfied with the proposed strategy, subject to conditions requiring further details of surface water drainage works and maintenance.

**Planning Policy:** No objection. It is recognised that the number of houses to be provided will be one less than that envisaged by the site allocation. However, it is also recognised that the applicants will be meeting a valid and important housing need in the City by providing an affordable housing scheme and therefore, on balance there are no policy objections to the above proposal subject to the satisfaction of Officers that the proposed development is acceptable in regard to design, layout, scale, massing and appearance of the development in the context of Policies DE1 and DE2 of the LAPP.

**Biodiversity and Greenspace Officer:** No objection subject to s106 contribution to offsite Biodiversity Gain. The Biodiversity and Greenspace Officer has confirmed that the money will be placed in a ringfenced financial revenue account and will be used when needed for the creation of the habitats.

**Education:** The proposed development generates 10.5 primary pupils and 7.5 secondary pupils. Contributions to the Provision of Primary and Secondary Education are required, totalling £338, 875.

## 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 126 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.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 states that when determining planning applications, local planning authorities should support development whose primary objective is to conserve or enhance biodiversity while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

### **Aligned Core Strategy (September 2014):**

Policy A - Presumption in Favour of Sustainable Development  
 Policy 1 - Climate Change  
 Policy 8 – Housing Size, Mix and Choice  
 Policy 10 – Design and Enhancing Local Identity  
 Policy 17: Biodiversity  
 Policy 19: Developer Contributions.

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

Policy CC1: Sustainable Design and Construction  
 Policy CC3: Water  
 Policy EE4: Local Employment and Training Opportunities  
 Policy DE1: Building Design and Use  
 Policy DE2: Context and Place making  
 Policy TR1: Parking and Travel Planning  
 Policy EN2: Open Space in Development  
 Policy EN6: Biodiversity  
 Policy EN7: Trees  
 Policy IN2: Land Contamination, Instability and Pollution  
 Policy IN4: Developer Contributions  
 Policy SA1: Site Allocations  
 Policy HO1: Housing Mix  
 Policy HO3: Affordable Housing

### **Supplementary Planning Documents**

The provision of Open Space in New Residential and Commercial Development (2019)  
 Biodiversity (2020)

## 7. Appraisal of proposed development

### Main Issues:

- (i) Principle of Development
- (ii) Layout, design and appearance
- (iii) Residential amenity
- (iv) Highways and access
- (v) Biodiversity and trees
- (vi) Planning Obligations

### **Issue (i) Principle of the Development** (Policies 1 and 8 of the ACS, Policies HO1, HO3 and SA1 of the LAPP)

- 7.1 The site is a vacant former industrial site that has been cleared. The reuse of brownfield sites is actively encouraged and supported by the national and local planning policy.
- 7.2 The application site is part of a wider site allocated as a development site by the Local Plan Part 2 (site ref. SR13) and is expected to deliver 63-87 dwellings. The site has been subdivided with the portion of land outside of this application site, being subject of an application for a Lidl Food Store. The remaining 1.6ha of land forms the subject of this application for residential development of 62 dwellings. Although the provision is one dwelling less than that sought under the site allocation, it is recognised that the scheme is providing a wholly affordable scheme. It would provide a mix of house types contributing to the creation of a balanced and sustainable community, thus complying with the aims of Policy 8 of the ACS and Policy HO1 of the LAPP. Taking account of these factors, the loss of one dwelling from the provision is not considered to be of any significant consequence. The Council's Policy Officers have reviewed the proposals in the context of the Housing Land Supply and raise no objection. Officers recognise that the scheme will meet an identified demand for Affordable Housing and on this basis do not object to the reduction (by one unit) in the number of dwellings to the provided as detailed within Policy SA1 of the LAPP. The proposed development would therefore comply with Policies 1 and 8 of the Aligned Core Strategies and Policies HO1, HO3 and SA1 of the LAPP.
- 7.3 An assessment of the suitability of the remaining 1ha of land for retail development is provided within the appraisal of the requisite planning application (ref. 22/00709/PFUL3) and this includes a Sequential Test and Retail Impact Assessment.

### **Issue (ii) Layout, design and appearance** (Policy 10 of the ACS and Policies DE1, DE2, EN2 and IN4 of the LAPP)

- 7.4 The site layout has evolved in response to consultee feedback, particularly that from the Highway Authority and the resulting road layout which comprises a primary carriageway with footways either side, transitioning to a shared surface, is acceptable in principle. Technical details relating to the transitions and materials are under review and it is anticipated that the final details will be agreed by condition. Any additional information provided will be relayed to Committee by way of an Update Sheet.

- 7.5 The points of vehicular access off Belconnen Road and Wyton Close are acceptable to the Highway Authority. Pedestrian access through the site and the links to the retail store and existing footpath to the south have been improved through the design evolution and are considered to be acceptable, contributing to a legible, cohesive design overall.
- 7.6 The proposed development of two storey, semi-detached properties is in keeping with the scale and massing of surrounding residential development. The use of pitched tiled roofs and traditional brick elevations is appropriate to the local vernacular and the use of two types of brick and tile and the inclusion of feature brickwork panels will add sufficient aesthetic interest to the properties.
- 7.7 Boundary treatments have been amended to reflect the best practice guidance within the Design Quality Framework, comprising walls to rear/side boundaries where they have a public interface and timber fences otherwise. Front boundaries are to be enclosed with low level brick and railing above which is acceptable and will assist in providing clear definitions between public and private/defensible space.
- 7.8 There is ongoing discussion in relation to bin storage and how best to place this to ensure that storage is used effectively. This is likely to include some bin storage being relocated to front gardens. It is recommended that a condition be imposed to agree final details in relation to bin storage.
- 7.9 A landscaping plan has been provided with the application and includes tree planting, shrubbery and grassed areas within front and rear gardens. There are a number of areas of landscaping that fall outside of the boundaries of individual plots and these are to be maintained by a Management Company. These areas have been highlighted on a plan and an appropriate condition to ensure this is regulated, is recommended.
- 7.10 Although a degree of public greenspace is provided throughout the development in the form of footpath links and the area around the attenuation pond, this is not considered to be useable open space. As such, a financial contribution of 151,110.69 towards the provision of off-site Open Space is sought through a s106 Agreement. This is in accordance with Policies EN2 and IN4 of the LAPP and the associated SPD on Open Space.
- 7.11 As amended, it is considered that the proposal would create a sustainable and well connected development, resulting in a quality living environment for future occupiers. All units would comply with Nationally Described Space Standards and would benefit from off street parking. It is therefore considered that the proposed development accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

**Issue (iii) Residential Amenity** (Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP)

- 7.12 The development provides a mix of 1, 2, 3 and 4 bedroom properties, all of which meet minimum Space standards. The layout allows for adequate light within and outlook from habitable rooms. Sufficient distances are provided between properties, including back to back distances, to avoid any significant overlooking or loss of privacy for future occupiers. The development is located sufficiently far away from

nearby residential properties to avoid any significant impact upon the amenity of existing occupiers.

- 7.13 Plots 21, 25, 26, 27 and 28 will have shared boundaries with the proposed Lidl store. However, the store has been stepped away from the boundary and all deliveries and plant equipment are sited away from this shared boundary to minimise any noise or disturbance. Acoustic fencing is proposed within the Lidl site and the boundaries will be further screened with planting. These measures are considered sufficient to avoid any significant adverse impact upon the residential amenity of future occupiers of the proposed properties.
- 7.14 All properties benefit from a private rear garden and have access to areas of public realm within the development as well as links to existing footpaths beyond the site boundary, ensuring all residents will have access to adequate outdoor amenity space and greenspace.
- 7.15 In view of the above, it is considered that the proposed development would provide a satisfactory living environment for future occupiers and would avoid any significant impact upon the amenity of existing residential properties in the area. It would therefore comply with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

**Issue (iv) Highways, Access and Parking** (Policy 10 of the ACS, Policies DE1, DE2 and TR1 of the LAPP)

- 7.16 The Highway layout has been through a series of amendments in order to achieve the best possible design for the development. The resulting layout with a primary road into the housing site, transitioning to shared surface is considered to provide the safest and most legible routes for pedestrians whilst ensuring adequate carriageway width and turning space for vehicles. As described above, the final details of the transitions and surfacing are under review and a condition is recommended to secure the agreement of these details prior to commencement.
- 7.17 Access to the flats off Belconnen Road is provided in the form of two private drives, which is considered to be acceptable. Final details of the parking layout are to be requested by condition together with tracking details.
- 7.18 The level of parking proposed is in compliance with the requirements set out by Policy TR1 of the LAPP, namely 1.5 per dwelling. This translates to a minimum of 1 space per dwelling for the smaller units (1 and 2 bed) and 2 spaces for the larger (3 bed and 4 bed) units and this is considered to be acceptable. Local Ward Councillors, during pre-application discussions with the developer, expressed concern about the potential resulting impacts upon parking for surrounding streets and requested some on street parking. Additional on-street parking provision is indicated at appropriate points across the development. The final tracking exercises are underway and as such the final layout of on-street parking is to be requested by condition. It is noted that there is a need to balance the demand for on-street parking for residents and visitors to the properties within the development, with the need to prevent parking by visitors to the City hospital, which has been a problem on surrounding streets in the area. Ultimately, the use of TROs may be an option in the future but this would need to be agreed with the Highway Authority through the appropriate mechanism. In summary, the development is considered to comply with Policy 10 of the ACS and Policies DE1, DE2 and TR1 of the LAPP in respect the



Highways, access and parking issues.

**Issue (v) Trees and Biodiversity** (Policies 17 and 19 of ACS, Policies EN6, EN7 and IN4 of the LAPP)

- 7.19 Policy EN6 states that development will only be permitted where significant harmful ecological impacts are avoided. Where harmful impacts cannot be avoided they should be mitigated through the design, layout and detailing of the development, or as a last resort compensated for, which may include off-site measures. The Biodiversity SPD further supports this.
- 7.20 The application is accompanied by an Ecological Appraisal, Ecological enhancement scheme and Biodiversity Net Gain Assessment. The site comprises areas of established Woodland and grassland, much of which is proposed to be removed to facilitate the development. Whilst a comprehensive scheme of tree replanting and Ecological enhancements (including bird and bat boxes, sensitive lighting and hedgehog connectivity) has been submitted, this is not sufficient to offset the loss of habitats and the Biodiversity Net Gain Assessment demonstrates an overall loss in Biodiversity rather than a gain.
- 7.21 The proposals for the removal of woodland and grassland have been reconsidered by the developer but it is not possible to increase the retention due to the harm arising from the disturbance of the adjacent areas of grassland/woodland. As such, the developer proposes a contribution towards off-site Biodiversity Gain as additional mitigation in order to achieve an overall gain. The Biodiversity Officer has assessed the proposals and provided calculations for a contribution towards off-site Biodiversity Gain based upon figure per unit for both grassland and woodland. This amounts to a figure of £52,546.44 which is to be requested through the s106 Agreement. This money will be placed in a ringfenced financial revenue account which will be used when needed for the creation of the habitats. This is in accordance with Policies 17 and 19 of the LAPP, Policies EN6 and IN4 of the LAPP and the adopted Biodiversity SPD.
- 7.22 Policy EN7 of the LAPP relates to Trees and seeks to protect trees of importance and secure adequate mitigation/replanting for the loss of trees. A tree survey and Arboricultural Impact Assessment have been submitted with the application which concludes that none of the trees on the site are category A trees. The lowest value trees will be removed during site clearance. Every effort has been made to retain as many of the higher grade trees as possible and incorporate them into the layout and this includes a band of mature trees along the western edge of the site. However, where it is not possible to retain the trees, mitigation in the form of replanting is proposed. The landscape proposals for the site includes new trees around the residential dwellings combined with a variety of other landscaping. This approach is considered to reach an acceptable balance between the loss of the trees and the viable redevelopment which will provide significant onsite mitigation. It is considered that the development in this regard, complies with Policy EN7 of the LAPP.

**Issue (vi) Planning Obligations** (Policies 17 and 19 of the Aligned Core Strategies and Policies HO3, EN2, EN6 and EE4 of the LAPP, and the Open Space and Biodiversity SPDs.)

- 7.23 The application site comprises land which is partly in the Council's ownership and partly owned by a third party. As the Council cannot enter into an agreement with

itself it is proposed that the planning obligation required to enable this permission to be granted will initially only be secured against the land which is in third party ownership. However on completion of the land transfer it is proposed that the planning obligation subsequently be varied to ensure that it binds the remainder of the application site.

7.24 A policy compliant development would be expected to provide the following planning obligations:

- A minimum 20% on site affordable Housing
- On site public open space/public realm or a contribution towards off-site provision of ££151,110.69
- A contribution of £338,875 towards Education provision (£199,224 for Primary and £139,651 for Secondary)
- A contribution of £52,546.44 towards off-site Biodiversity Gain.
- Local employment and training opportunities, including a financial contribution of £19,128 towards their delivery

The total contribution is therefore £561,660.13

7.25 The applicant has committed to the above Policy compliant contributions, with the scheme exceeding the Affordable Housing Provision requirement. To conclude, the contributions satisfy policies 17 and 19 of the Aligned Core Strategies and Policies HO3, EN2, EN6 and EE4 of the LAPP, and the Open Space and Biodiversity SPDs.

## **8. Sustainability** (Policy 1 of the ACS and Policies CC1 and CC3 of the LAPP)

- 8.1 All dwellings within the development will be provided with increased insulation within the fabric of the building and either photovoltaic panels or Air Source Heat pumps. As the Registered Providers will likely want some input into this decision, these details are to be requested by condition, prior to commencement.
- 8.2 The site is in a sustainable location within walking distance of well served bus routes and will be well connected to existing pedestrian and cycle routes. Cycle racks are indicated for the flats. However, notwithstanding this, a condition requiring details of secure, covered and well-lit cycle storage for the whole development, is recommended.
- 8.3 The site falls within Flood zone 1 and as such is at the lowest risk of flooding. The development includes the use of SUDs in the form of two attenuation ponds at the southern edge of the site. This has been reviewed by the Drainage Team and is considered satisfactory. This will also contribute to Biodiversity enhancement for the development. A condition requiring details of Surface Water drainage proposals and maintenance is recommended.
- 8.4 All dwellings will be provided with electric vehicle charging points and a condition is recommended to secure these prior to occupation. In summary, it is considered that overall the scheme will comply with Policy 1 of the ACS and Policies CC1 and CC3 of the LAPP.

## **9 Financial Implications**

None.

## **10 Legal Implications**

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

## **11 Equality and Diversity Implications**

None.

## **12 Risk Management Issues**

None.

## **13 Strategic Priorities**

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

Safer Nottingham: The development enhances the pedestrian Connectivity ,contributing to a safer and more attractive neighbourhood

Ensuring Nottingham's workforce is skilled through Local Employment and Training Opportunities

## **14 Crime and Disorder Act implications**

None.

## **15 Value for money**

None.

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

1. Application No: 22/00675/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9HSXNLYJBB00>

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

Nottingham Local Plan (November 2005)

### **Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059

**Site Location Plan**  
(Not to scale)



**My Ref:** 22/00675/PFUL3 (PP-10355700)  
**Your Ref:**  
**Contact:** Mrs Zoe Kyle  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
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Ms Julie White  
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Millshaw Park Lane  
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United Kingdom

Date of decision:

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

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Application No: 22/00675/PFUL3 (PP-10355700)  
Application by: MyPad 2020 Ltd  
Location: Former Site Of Chronos Richardson Ltd, , Wyton Close, , Nottingham, NG5 5GW  
Proposal: Development of 62 dwellings, with access from Wyton Close and Belconnen Road, landscaping, drainage and open space.

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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2. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation, compliant with the recommendations of the Phase 1 Assessment submitted.
  - b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

*Reason: To ensure necessary mitigation for ground, groundwater and gas contamination in accordance with Policy IN2 of the Local Plan.*

3. Prior to the commencement of the development, details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment to be provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime. Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Local Plan*

4. Prior to the commencement of the development, details of the management of surface water during construction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and C3 of the LAPP.*



5. Notwithstanding the details on the approved plans, final details of the Highway layout to include details of transitions between carriageway and shared space, including surface materials, build-outs and street trees, shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the Highway layout is satisfactory creating a safe environment for pedestrians and vehicles, in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1, DE2 and TR1 of the Local Plan.*

6. Prior to the commencement of development, details of all external materials, including samples, and large scale details of window reveals and eaves, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development is acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan.*

7. Prior to the commencement of any above ground development, details of Air Source Heat Pumps and renewable energy provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason: To ensure the details of Air Source Heat Pumps and Renewable Energy provision is acceptable in accordance with Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan.*

8. Notwithstanding the details on the approved plans, prior to the commencement of any above ground development, details of bin storage for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason: To ensure that adequate bin storage for the development is provided in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan.*

9. Notwithstanding the details shown on the approved plans, prior to the commencement of development, details of cycle storage for the development (flats and houses) shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure adequate cycle storage is provided in the interests of sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies DE1 and CC1 of the Local Plan.*

**Pre-occupation conditions**

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

10. Prior to the occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

*Reason: To ensure the Drainage system is constructed in accordance with relevant standards in accordance with Policy 1 of the Aligned Core Strategy and Policies CC1 and CC3 of the Local Plan.*



11. 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 necessary mitigation for ground, groundwater and gas contamination in accordance with Policy IN2 of the Local Plan.*

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

*Reason: To ensure adequate sound insulation and ventilation is provided in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan.*

13. Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the development, the greenspace, pedestrian footpaths, attenuation ponds and associated landscaping, shall be provided in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1, DE2 and EN7 of the Local Plan.*

14. The development hereby permitted shall not be occupied until ecological enhancements as outlined within the approved Ecological Enhancement Plan and accompanying report, have been carried out in accordance with the approved details.

*Reason: To ensure ecological enhancements are carried out in accordance with Policy 17 of the Aligned Core Strategies and Policy EN7 of the Local Plan.*

15. The development hereby permitted shall not be occupied until details of the management and maintenance of landscaped areas which fall outside of the individual plots (as indicated on the approved maintenance plan) have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure adequate maintenance arrangements are put in place in accordance with Policy 10 of the Aligned Core Strategies and Policy DE2 of the Local Plan.*

16. Unless otherwise agreed in writing by the Local Planning Authority, no property within the development hereby permitted shall be occupied until the following have been provided for that property, in accordance with the approved details:

- (i) hard and soft landscaping;
- (ii) boundary enclosures;
- (iii) bin storage;
- (iv) electric vehicle charging
- (v) cycle storage

*Reason: To ensure a satisfactory quality living environment is created for future occupiers in*





accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies DE1, DE2 and CC1 of the Local Plan.

### Regulatory/ongoing conditions

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

17. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

*Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.*

**(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)**

### 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 29 March 2022.

*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. Construction & Demolition - Noise Control: Hours of Work

The acceptable hours for demolition or construction work (including deliveries to & from the site) are detailed below; -

Monday to Friday: 07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)

Saturday: 08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

#### 3. Environmental Noise Assessment

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;



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

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

#### 4. 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

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own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

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

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

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



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## **RIGHTS OF APPEAL**

Application No: 22/00675/PFUL3 (PP-10355700)

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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## **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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**Wards Affected:** Castle (May 2019)

**Item No:**

**Planning Committee  
21st September 2022**

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

### **British Waterways Building, Castle Wharf**

#### **1 Summary**

Application No: 21/02662/PFUL3 for planning permission

Application by: Philip Smith on behalf of Mr Richard Thomas

Proposal: Conversion of British Waterways Building to provide a total of 95 residential units (12 studios, 42 one bedroom apartments & 41 two bedroom apartments) including construction of a rooftop extension providing 8 apartments. Works to include internal and external alterations to allow the creation of the apartments including new lifts, staircases, secondary glazing, reception and communal lounge and other alterations to facilitate the proposals

The application is brought to Committee because it is a major application on a prominent site where there are important land use and design considerations. Additionally, for viability reasons, the application is being recommended for approval with proposed planning obligations which are less than required by planning policy.

To meet the Council's Performance Targets this application should have been determined by 18th April 2022. An extension of time has been agreed with the applicant to cover the extended period of negotiation.

#### **2 Recommendations**

2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

- (i) prior completion of a Section 106 Planning Obligation to secure the following:
  - (a) a contribution to Education of £55,783
  - (b) an offsite contribution towards public open space of £19,502
  - (c) a contribution towards Employment and Training Opportunities of £3,714
- (ii) 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 both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Regeneration.

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

necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

### **3 Background**

- 3.1 The site relates to a 6 storey former warehouse building dating from 1919 which was built to assist the transit of goods along the Nottingham and Beeston Canal, and is known as the British Waterways Building (BWB). It is a highly prominent and iconic building within the local area and is instantly recognised by the sign writing to each of its parapets. It is a Grade 2 Listed Building and located within the Canal Conservation Area. Immediately to the north of the site is Castle Wharf and to the east and west are pedestrianised areas associated with the canal frontage. This area contains a mix of offices and commercial leisure uses, including a number of public houses/restaurants. To the south the building is bounded by the Nottingham and Beeston Canal and beyond this is the Nottingham Justice Centre, whilst a short distance to the east is the Nottingham Train Station. There are a number of other listed buildings in proximity to the site, the closest being the former Canal Museum, 54 Canal Street (Fellows, Morton and Clayton Public House) and 50 Carrington Street (former Railway Goods Offices).
- 3.2 The BWB has most recently been in commercial use as a pub, gym and comedy club. The building is still partially occupied by the comedy club (The Glee Club), but the rest of the building is currently vacant.
- 3.3 As well as being within the Canal Conservation Area, the site is situated in the Canal Quarter and acknowledged as a landmark building within the LAPP. The site is also located within Flood Zones 2 and Flood Zone 3a, therefore at medium to high probability of flooding.

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

- 4.1 Permission is sought for the conversion of the whole of the building into residential use, including a roof top extension. 95 residential (C3) apartments would be provided (12 studios, 42 one bedroom apartments and 41 two bedroom apartments), that would range in size from 40 square meters to 85 square metres. The roof top extension would accommodate 8 of the apartments.
- 4.2 Part of the ground floor would provide a reception area and residents lounge, whilst the basement would provide 15 car parking spaces (including Electrical Vehicle Charging Points), waste storage, cycle parking and space for plant. Access to the basement facilities would be from Castle Wharf and Canal Street to the north. An existing raised walkway to the north elevation would be retained as part of the proposals, though the scheme would see the existing canopies (modern additions) over two of the glazed ground floor areas being removed on this elevation. On the east elevation one of the ground floor window openings would be infilled internally but glazing will be retained externally. Changes are also proposed to the glazing within the historic loading bays to the southern elevation. The most substantial alteration to the appearance of the building would be the roof top extension.
- 4.3 During the lifetime of the application revisions have been negotiated to the extension to improve its design in relation to the rest of the building, and to secure a more sensitive alteration to the loading bays in the southern elevation.



- 4.4 The listed status of the building constrains the ability to improve its thermal fabric but secondary glazing is to be provided. The new roof top extension has been designed using a fabric first approach. The building would be space heated using electric panel heaters and a central heat recovery mechanical ventilation system. The ventilation system would also assist with reducing overheating in the summer. It is also indicated that air source heat pumps would be utilised within the roof top apartments. Water consumption will be limited to 110 litres per person/per day. Additionally, as part of negotiations a green roof is to be applied to the roof top extension.
- 4.5 Listed building consent has also been applied for separately under application reference 21/02663/LLIS1.

## 5 Consultations and observations of other officers

### Adjoining occupiers consulted:

Neighbours in Castle Wharf House, the Waterfront Public House and County House have been notified of the proposal by letter. The application has also been publicised through site and press notice. As a result of this consultation 1 representation has been received, which raises the following matters:

- Conversion would damage the listed building and the roof top extension looks like a plant room. Concern that the visuals do not show the true visual impact of the building and query need for the roof top extension and the need for the 8 roof top apartments.

Comments have also been received from:

**Nottingham Civic Society** – No objections in principle. It is felt that the roof top extension is visually well contained and would not be obtrusive within the wider view of the building from the Castle and the area around Canal Street. Concern though over the changes to the window framing to the former loading bays.

(NCS were re-consulted following amendments to the design of the roof top extension but raised no objections. They did however reiterate concerns over the changes to the former loading bays)

**Local Access Forum** – No objections, subject to conditions securing sheltered cycle parking for visitors. The cycle parking provision for residents is welcomed.

### Additional consultation letters sent to:

**Environmental Health and Safer Places** – No objections, subject to conditions to secure submission of an environmental noise assessment, a sound insulation scheme and a noise and dust management scheme. A condition requiring a remediation strategy has also been requested.

**Environment Agency** – Initially objected to the scheme on flood risk grounds. Following submission of a revised Flood Risk Assessment, the EA were re-consulted and now raise no objections, subject to implementation of the proposed flood mitigation measures. These measures include raising habitable ground floor finished levels to 26.02 metres above Ordnance Datum, provision of an evacuation plan and provision of flood resistance and resilience measures.

**Lead Local Flood Authority** – Requested provision of a Green roof, to assist surface water drainage, and also queried the original flood mitigation measures proposed.

**Highways** – No objections, subject to conditions securing a construction traffic management plan, electrical vehicle charging points being provided for each car parking space and provision of travel packs for residents.

**English Heritage and Amenity Societies** – Have advised no comments to make on this scheme and that advice of the Conservation Officer should be sought.

**Conservation Officer** – The proposed conversion to residential use is considered to be acceptable in principle. The overall impacts on the significance of the listed building and conservation area are minor and the limited harm is weighed against the public benefit of bringing the building back into use. The conversion would also reverse previous unsympathetic alterations made to the building.

While the proposal is generally considered to be acceptable there were initial concerns in relation to the colour of the secondary glazing, the treatment of the loading bays and the design of the roof top extension. These matters have now been addressed and are discussed in the main body of the report.

**Nottingham City Biodiversity Officer** – No objections, subject to conditions requiring provision of boxes for birds and bats, and to secure as much landscaping as possible.

**Carbon Neutral Team** – Recognise that the listed status of the building does restrict the extent to which the energy efficiency of the building can be improved. However, note that secondary glazing, air source heat pumps and electrical vehicle charging points are to be provided, and that water consumption is to be restricted to 110 litres per person/per day.

The Team also requested provision of a green roof, which is now included.

**Education** – Have requested a contribution towards primary school places.

## **6 Relevant policies and guidance**

### **Aligned Core Strategies (ACS) (Local Plan Part 1) (September 2014)**

Policy 1: Climate Change  
Policy 5: Nottingham City Centre  
Policy 8: Housing  
Policy 10: Design and Enhancing Local Identity  
Policy 11: The Historic Environment  
Policy 14: Managing Travel Demand  
Policy 17: Biodiversity  
Policy 19: Developer Contributions

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

Policy CC1: Sustainable Design and Construction  
Policy CC3: Water  
Policy EE4: Local Employment and Training Opportunities

Policy RE2: Canal Quarter  
Policy HO1: Housing Mix  
Policy HO3: Affordable Housing  
Policy HO4: Specialist and Adaptable Housing  
Policy DE1: Building Design and Use  
Policy DE2: Context and Place Making  
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets  
Policy TR1: Parking and Travel Planning  
Policy EN2: Open Space in New Development  
Policy EN6: Biodiversity  
Policy IN2: Land Contamination, Instability and Pollution  
Policy IN4: Developer Contributions

### **National Planning Policy Framework (NPPF)**

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.

Paragraphs 159 to 169 of the NPPF relate to planning and flood risk, these paragraphs seek to steer development away from inappropriate areas at risk of flooding. They also set out when a sequential and exceptions test will be required in relation to developments, applications for a change of use do not require provision of sequential and exception test.

In determining applications that may affect heritage assets, paragraph 194 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance

and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 195 requires local planning authorities to assess the significance of the affected proposal taking into account available evidence and any necessary expertise.

Paragraph 197 of the NPPF then states that in determining applications, local planning authorities should take account of:

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

Paragraphs 199 – 202 indicate that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraphs 203-205 require that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

## **Supplementary Planning Documents (SPDs)**

Biodiversity (2020)

The Provision of Open Space in New Residential and Commercial Development (2019)

## **Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990**

Given the listed status of the BWB and its location within the Canal Conservation Area, consideration needs to be given to Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66 places a duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings (including Grade II), however, it does not prevent the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring.

Section 72 places a duty on local planning authorities, in exercising their planning functions in relation to Conservation Areas to give special attention to the desirability of preserving or enhancing the character or appearance of that area.

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

### **Main Issues**

- (i) Principle of the Development
- (ii) Listed Building, Conservation Area and Design Considerations
- (iii) Impact on the Amenities of Surrounding Residents and Future Occupants
- (iv) Other Matters

### **Issue (i) Principle of Development (Policies 5 and 8 of the ACS, Policies RE2 and HO1 of the LAPP)**

- 7.1 Policy 5 of the ACS supports the creation of housing within the City Centre where suitable living conditions can be secured. Policy RE2 of the LAPP also supports the provision of housing where it does not prejudice the activities of nearby uses, and the re-use of historic buildings. Therefore, the proposed residential redevelopment of the BWB is in accord with this broader strategic context.
- 7.2 Policy 8 of the ACS and policy HO1 of the LAPP support the creation of smaller residential units within the City Centre; the proposed mix of studios, one and two bedroom apartments would meet this requirement whilst providing a range in

typology and size.

- 7.3 The proposal is therefore considered to be acceptable in principle.

**Issue (ii) Listed Building, Conservation Area and Design Considerations**  
(Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP, Paragraphs 126, 130 and 195 to 206 of the NPPF, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- 7.4 By reversing some of the previous unsympathetic alterations to the building's interior character and reinstating lost fabric, the internal works would preserve and enhance the significance of the building as an early 20th century warehouse. Changes to facilitate its conversion to residential use have been well considered and would lead to a rational and ultimately reversible subdivision of the open plan form. In providing a generous communal area on the ground floor the scheme would preserve some sense of the open character of the warehouse interior and within the apartments themselves features such as the spiral staircase, steel columns and beams, and the exposed brick external walls would be retained. The windows would be upgraded by utilising a simply designed secondary glazing system which is compatible with the characterful deep reveals, while acoustic and fire separation between the floors would be provided by lining the ceilings and floors with a reversible boarding system. The applicant has agreed to the use of a dark coloured frame to the secondary glazing proposed, which will address a concern raised by the Conservation Officer.
- 7.5 The revised proposals for the loading bays to the southern elevation are considered to be acceptable and would involve the introduction of metal windows with multiple panes, similar in design to existing windows in the building and more sympathetic than the modern glazing system currently found here. Whilst the Civic Society still feel that further changes are required to these loading bays, it is considered that the amendments made adequately addresses the concerns raised by the Conservation Officer. The final detailed plans and sections for the windows can be secured by condition. The existing timber shutters and boards that sit to the side of the loading bays would be retained.
- 7.6 The most substantial alteration proposed by the scheme is the single storey roof top extension. Design revisions to this have sought to create a cohesive and rational roof top extension that achieves a sympathetic addition whilst also preserving the architectural interest of the building. The extension would be faced in a consistent dark grey cladding system with recessed panel joints to give a cleaner aesthetic. Although, the extension would be visible above the brick parapet of the building from several vantage points (including longer views from the Castle, along Wilford Road, the Canal towpath and Carrington Street bridge), the submitted drawings and visuals demonstrate the limited impact that the extension would have on these views and that its design, together with choice of materials, mitigate this visual impact. The information submitted also shows that the setting of neighbouring listed buildings would be unaffected and would be preserved. The proposed green roof would be visible from the Castle grounds and provide visual interest in addition to its sustainability and biodiversity benefits. Indeed, the view from the Castle has the potential to be enhanced as the roof top extension would replace existing roof plant, some of which is very large and visible above the parapet of the BWB, detracting from its appearance in longer views.

- 7.7 Overall, it is considered that the development's impact on the significance of the listed building, the character of the Conservation Area and on longer views from the Castle and other locations, would be minor and the harm outweighed by the public benefits that the scheme would bring in terms of creating a viable long term and sustainable use for the building, and by reversing unsympathetic changes made to the building in the past. The proposal therefore complies with policies 11 and 10 of the ACS, policies DE1, DE2 and HE1 of the LAPP and paragraphs 126, 130 and 195 to 206 of the NPPF.
- 7.8 The proposal would also preserve the historic and architectural interest of the building and its setting, and preserve the setting of nearby listed buildings. As such it is considered that that the statutory duty imposed by section 66 of the 1990 Listed Building Act will be complied with. Section 66 relates to the duty of having special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The NPPF glossary states that: *"The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 7.9 Section 72 of the 1990 Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. As indicated above, the proposal would preserve the character and appearance of the Conservation Area, and enhance views from higher vantage points. It is therefore considered that the statutory duty imposed by section 72 would also be complied with.

**Issue (iii) Impact on the Amenities of Surrounding Residents and Future Occupants (Policies RE2, DE1, DE2 and IN2 of the LAPP)**

- 7.10 Due to the relationship of the building to neighbouring properties and the design of the roof top extension, the proposed development would not affect the amenity of neighbouring occupants in terms of loss of light, daylight or privacy, nor would it result in any visual intrusion or cause any overbearing impact.
- 7.11 Secondary glazing is proposed to existing windows and the changes to the glazing in the loading bay openings in the southern elevation would assist in ensuring that future residents of the development would not be unduly affected by external noise. Additionally, an environmental noise assessment and a sound insulation scheme, as requested by Environmental Health, can be secured by condition.
- 7.12 The scheme also proposes the creation of private defensible space through the provision of planters in front of the northern elevation of the building, which would create a sense of separation with the surrounding uses. A ground floor opening in the eastern elevation would also be infilled internally to prevent public access; access to the remaining eastern opening would be controlled through building management. The provision of a reception area would also benefit the amenities of future occupants.
- 7.13 Sound insulation would be provided between the floors and walls of neighbouring apartments in order to reduce noise transference, details of which can be secured by condition. The scheme has also been designed to provide good levels of natural light within each apartment. The size of the apartments would meet nationally

described space standards and more than 10% of them would be provided as accessible and adaptable homes, meeting the requirements of Policy HO4 of the LAPP. The rooftop apartments would also be provided with their own outdoor amenity space.

- 7.14 Overall, the proposal would not unduly affect the amenity of neighbouring occupants and future residents of the building would be provided with a good standard of living environment. The proposal therefore complies with policies RE2, HO4, DE1, DE2 and IN2 of the LAPP.

#### **Issue (iv) Other Matters**

##### **Flood Risk** (Policy CC3 of the LAPP and paragraphs 159 to 169 of the NPPF)

- 7.15 Whilst the development would introduce a more vulnerable use into the building, given that the proposal involves a change of use and a roof top extension, sequential and exception tests have not been required in this instance. A revised Flood Risk Assessment (FRA) has been approved by the Environment Agency. The mitigation measures set out in the FRA can be secured by condition, and as such the proposal complies with policy CC3 of the LAPP and paragraphs 159 to 169 of the NPPF.

##### **Highways** (Policy 14 of the ACS, Policy TR1 of the LAPP)

- 7.16 Highways have raised no objection to the proposal. Details of a construction traffic management plan, electrical vehicle charging points and travel packs for future occupants can be secured by condition. In relation to the comments provided by the Local Access Forum, given the limited amount of external space around the building it would be difficult to provide visitor cycle parking stands outside of the building. However, details of how the internal car and cycle parking spaces will be managed could be secured by condition. The proposal therefore complies with policy 14 of the ACS and policy TR1 of the LAPP.

##### **Contamination** (Policy IN2 of the LAPP)

- 7.17 Environmental Health have requested details to deal with ground gas contamination. A condition is recommended to address this, if and where ground is to be broken as a result of the development. The proposal therefore complies with policy IN2 of the LAPP.

##### **Planning Obligations** (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP)

- 7.18 A policy compliant development would be expected to provide the following planning obligations:
- 19 affordable housing units (20% provision) or a contribution towards off-site provision of £833,663
  - On site public open space/public realm or a contribution towards off-site provision of £151,782
  - A contribution towards education provision of £55,783
  - Local employment and training opportunities, including a financial contribution of £28,758 towards their delivery



The total contribution would therefore be £1,057,980.

7.19 The applicant has submitted a viability appraisal with the application which has been independently reviewed by an assessor appointed by the Council. The assessor has found the scheme to be unviable if the full S106 contributions were to be paid, but rather than the zero contribution concluded within the applicant's viability appraisal, they have recommended a reduced contribution of £79,000. Following a period of negotiation this has been accepted by the applicant. The contributions are proposed to be apportioned as follows:

- Education - £55,783
- Public open space/public realm - £19,502
- Local employment and training opportunities (financial contribution) - £3,714

7.20 Policy 19 of the ACS and policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. These policies are therefore complied with on this basis. The contributions themselves satisfy policies HO3, EN2 and EE4 of the LAPP, and the Open Space SPD.

**8. Sustainability / Biodiversity** (Policies 1 and 17 of the ACS, Policies CC1, CC3 and EN6 of the LAPP, and the Biodiversity SPD)

8.1 The proposal does include some planting along with the installation of bat and bird boxes as recommended in the ecology report. A green roof is also to be provided which would support wildlife and assist with surface water disposal. Given the limited space available around the building, it is considered that these measures would result in biodiversity enhancement across the site. The proposal is therefore in accordance with policy 17 of the ACS, policy EN6 of the LAPP and the Biodiversity SPD.

8.2 Energy efficiency and sustainability measures are set out within the Energy and Sustainability Report submitted as part of the application. As indicated in the Proposal section above, the listed status of the building has restricted the scope of improvements that can be made, and this is acknowledged by the Council's Carbon Neutral Team. Despite this constraint, the following sustainability measures to be incorporated into the scheme:

- A fabric first approach is being adopted within the new roof top extension, and secondary glazing will be provided to existing windows thereby improving their thermal performance. The proposal would deliver a minimum 15% increase to the 2013 Part L Building Regulation u-value requirements in relation to the rooftop extension. The thermal improvements within the existing building would result in an overall improvement of the existing fabric performance by approximately 18.75%.
- The Air Permeability target for the roof top extension would deliver a minimum 50% improvement on air permeability requirements. A mechanical ventilation heat recovery (MVHR) system would be provided throughout the building.
- The inclusion of Air Source Heat Pumps to the roof top apartments to provide space heating and hot water.
- Water consumption to be limited to 110 litres per person/per day.

- Provision of electrical vehicle charging points
- Provision of a green roof

8.3 Given that the scheme has yet to be designed to a sufficiently detailed stage, further details of the proposed sustainability measures are to be required by condition. The proposal therefore complies with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

## 9 Financial Implications

Financial contributions, as detailed above in the Planning Obligations section of the Report, are in accordance with policy 19 of the ACS and policies IN4, HO3, EN2 and EE4 of the LAPP, and the relevant Supplementary Planning Documents.

## 10 Legal Implications

Under s 66 Planning (Listed Building and Conservation Area) Act 1990, in determining an application which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 must also be considered as a material consideration in the planning balance.

The Committee must afford considerable importance and weight to the "desirability of preserving... the setting" of listed buildings when weighing this factor in the balance with other "material considerations" which have not been given this special statutory status.

A finding of harm to the setting of listed buildings is a consideration to which the Committee must give "considerable importance and weight, when weighing up the harm, against any benefits or countervailing factors. However, that does not mean to say that a strong presumption against granting permission for development that would harm the listed building and or its setting, cannot be outweighed by substantial public benefits so as to rebut that presumption.

It is also 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 great enough.

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 legal considerations arise these will be addressed at the meeting.

## **11 Equality and Diversity Implications**

The proposed development has been designed to be compliant with current Building Regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

## **12 Risk Management Issues**

None.

## **13 Strategic Priorities**

Neighbourhood Nottingham: Retention and redevelopment of a long term vacant heritage asset

Safer Nottingham: The development enhances the surrounding pedestrian environment and bringing this long term vacant building back into use would contribute to a safer and more attractive neighbourhood

Working Nottingham: Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities

## **14 Crime and Disorder Act implications**

The development would enhance natural surveillance in and around the site.

## **15 Value for money**

None.

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

1. Application No: 21/02662/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R479YMLYJUQ00>

2. Application No: 21/02663/LLIS1 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R479YOLYJUR00>

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

NPPF (2021)

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Biodiversity (2020) SPD

The Provision of open Space in New Residential and Commercial Development  
(2019) SPD

**Contact Officer:**

Mrs Jennifer Curry, Case Officer, Development Management.

Email: [jennifer.curry@nottinghamcity.gov.uk](mailto:jennifer.curry@nottinghamcity.gov.uk) Telephone: 0115 8764027

**My Ref:** 21/02662/PFUL3 (PP-10405211)  
**Your Ref:**  
**Contact:** Mrs Jennifer Curry  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

Philip Smith  
The Heritage Skills Centre  
Canal Lane  
Hatton  
Warwick  
CV35 7JL

Date of decision:

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

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Application No: 21/02662/PFUL3 (PP-10405211)  
Application by: Mr Richard Thomas  
Location: British Waterways Building, Castle Wharf, Nottingham  
Proposal: Conversion of British Waterways Building to provide a total of 95 residential units (12 studios, 42 one bedroom apartments & 41 two bedroom apartments) including construction of a rooftop extension providing 8 apartments. Works to include internal and external alterations to allow the creation of the apartments including new lifts, staircases, secondary glazing, reception and communal lounge and other alterations to facilitate the proposals

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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**DRAFT ONLY**  
**Not for issue**

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Continued...

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

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

*Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy IN2 of LAPP.*

3. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the development and shall provide for:
- a) The parking of vehicles of site operatives and visitors;
  - b) Loading and unloading of plant and materials;
  - c) Storage of plant and materials used in constructing the development; and
  - d) Wheel washing facilities.

*Reason: In the interests of highway safety to accord with Policy TR1 of the LAPP.*



4. Prior to the commencement of development, a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and;

- (i) Minimise noise and dust arising from such works by technical and physical means, and through work scheduling and management best practice
- (ii) Identify (and make stakeholders aware of) the person responsible for recording, investigating and dealing with complaints from residents
- (iii) Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance
- (iv) Ensure that as much of the disruptive, noisy or dust generating work as possible is carried out during the normal construction operating hours
- (v) Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders

*Reason: To ensure that noise and dust arising from conversion or construction work is appropriately managed to accord with Policy TR1 of the LAPP.*

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

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

6. Prior to the commencement of any above ground development, design details (together with drawings and sections at a scale of not less than 1:5) of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (i) all new windows and external doors (including the reveal depths);
- (ii) the roof top extension; and
- (iii) Rainwater goods and soil pipes, and any other external features required to facilitate the residential conversion such as ventilation grilles etc.

Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of the design quality of the development and character of the area and to accord with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.*

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

*Reason: To secure a development of satisfactory appearance that accords with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.*

8. Prior to the commencement of any above ground development, a method statement for undertaking the following works shall be submitted to and approved in writing by the Local Planning Authority:

- (i) Repair of brickwork including details of mortar mixes for repointing brickwork;
- (ii) Repair of concrete cills to the south facing elevation (including details of materials to be used within repair work);
- (iii) Removing the existing canopies to ground floor windows on the north facing elevation, together with details of how existing brickwork will be made good; and
- (iv) Internal bricking up of the door opening to ground floor of the east facing elevation, together with details of external facing materials.

*Reason: To secure a development of satisfactory appearance that accords with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.*

9. Prior to the commencement of any above ground development, details of the planting for the green roof and infrastructure required to maintain it together with a management plan for its on-going management, maintenance responsibilities, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the green roof shall be provided prior to the development being first occupied and maintained in accordance with the approved details.

*Reason: To ensure that the green roofs are provided and are of appropriate design to be retained, in order to accord with Policies 10 and 11 of the ACS and Policies CC1, DE1, HE1 and EN6 of the LAPP.*

10. Prior to the commencement of any above ground development, an environmental noise assessment, sound insulation and ventilation scheme and a verification plan shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

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

The sound insulation and ventilation scheme verification plan shall include details of the post-completion acoustic measurements and other data that will be collected following completion of the development in order to demonstrate that the internal noise levels set out above have been achieved.

The sound insulation and ventilation scheme and verification plan shall be carried out in





accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure that future residents of the scheme do not experience undue noise and disturbance in order to accord with policies DE1 and IN2 of the LAPP.*

### **Pre-occupation conditions**

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

11. Prior to first occupation of the development, a verification report, which shall include the data referred to in the verification plan, to demonstrate that the approved sound insulation and ventilation scheme and any complementary acoustic ventilation is fully operational and meets the required internal noise levels, shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that future residents of the scheme do not experience undue noise and disturbance in order to accord with policies DE1 and IN2 of the LAPP.*

12. Prior to first occupation of the development, a landscaping scheme together with a timetable for implementation of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

- (i) proposed location of planters, together with details of the dimensions, colour and proposed materials of the planter;
- (ii) the type, height, species and location of proposed trees and shrubs;
- (iii) details of the treatment of the existing steps and raised walkway to the north elevation; and
- (iv) the location of any external lighting scheme, together with details of luminance levels and the design of any proposed lighting columns.

The landscaping scheme to be submitted shall include native species that support and encourage local wildlife.

The landscaping scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the ACS and Policy DE1 and DE2 of the LAPP.*

13. Prior to first occupation of the development, bat and bird boxes of a variety of sizes shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details of the design and location of bird and bat boxes.

*Reason: To enhance the biodiversity of the site to accord with Policy 17 of the ACS and Policy EN6 of the LAPP.*

14. Prior to first occupation of the development, details for the management of and access to the basement area, together with details of how car parking and cycle spaces will be allocated, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the basement area shall be managed in accordance with the approved details.

*Reason: To assist in providing a safe and secure environment for future residents and in the interest of highway safety to accord with Policies DE1 and TR1 of the LAPP.*

15. Prior to first occupation of the development, waste storage facilities shall be provided in accordance with the details shown on drawing reference BCW-FEA-B1-B1-DP-A-2200 Rev 7. Thereafter the facilities shall be retained for the lifetime of the development.

*Reason: To ensure that appropriate waste storage facilities are provided within the building to accord with Policy DE1 of the LAPP.*

16. Prior to first occupation of the development, cycle parking facilities shall be provided in accordance with the details shown on drawing reference BCW-FEA-B1-B1-DP-A-2200 Rev 7. Thereafter the facilities shall be retained for the lifetime of the development.

*Reason: To ensure that appropriate cycle parking is provided within the building to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.*

17. Prior to first occupation of the development, electrical vehicle charging points shall be provided for each car parking space within the basement car parking area. These electrical vehicle charging points shall be provided in accordance with a specification that has first been submitted to and approved in writing by the Local Planning Authority.

*Reason: To promote the use of more sustainable forms of vehicles to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.*

18. Prior to the first occupation of the development, any redundant footway crossings shall be replaced with full height kerbs and any footway crossings affected by the development shall be made good.

*Reason: In the interests of highway safety to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.*

**Regulatory/ongoing conditions**

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



19. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (ref [May 2022/600413/by Hexa Consulting Ltd]) and the following mitigation measures it details:

- (i) Finished floor levels for the 'more-vulnerable' habitable section of the ground floor shall be raised 280mm above existing ground floor levels. Set at 26.02m Above Ordnance Datum (AOD). 'Less-vulnerable' communal space and building reception shall be retained at the existing ground floor level.
- (ii) The building envelope has multiple openings at basement level which shall be maintained to allow the water to permeate during a flood event and promote draining and drying once the flood levels lower, subject to the required structural assessments.
- (iii) Flood resistance and resilience measures shall be implemented as detailed within Section 4.1 of the revised FRA.
- (iv) A flood warning and emergency plan shall be established as per Section 4.2 of the revised FRA.
- (v) Safe access/egress arrangements shall be put in place in accordance with Section 4.3 of the revised FRA.

These mitigation measures shall be fully implemented prior to first occupation of the development. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to provide safe access and egress of people within the occurrence of an extreme flood event, in order to accord with Policy CC3 of the LAPP.*

20. Prior to the installation of any mechanical services plant or equipment (including any air handling plant), an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

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

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

*Reason: To ensure that future residents of the scheme do not experience undue noise and disturbance from mechanical ventilation systems or other proposed plant in order to accord with policies DE1 and IN2 of the LAPP.*

21. The Framework Travel Plan shall be implemented in accordance with the details set out in the Hexa Framework Travel Plan (Ref 600413-HEX-00-TP-RP-X-0002 V02) dated 24th November

2021 and travel packs shall be provided to each first occupying household of each apartment within the development in accordance with the details set out in section 6.2 of the Hexa Framework Travel Plan.

*Reason: To reduce the number of car journeys and to promote the use of more sustainable forms of travel to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.*

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

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 17 January 2022.

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

#### **Informatives**

##### 1. Environmental Health and Safer Places

##### Construction and Demolition

##### Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk)) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

##### Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below;  
Monday to Friday: 07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)  
Saturday: 08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council Environmental Health Team (email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

##### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression or silencers.

##### Dust or Grit and Other Fugitive Emissions

Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate guidance and methods (eg Guidance on the Assessment of Dust from Demolition and Construction v1.1, IAQM, 2016) to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.



Appropriate measures include  
Flexible plastic sheeting  
Water sprays or damping down of spoil and demolition waste  
Wheel washing.  
Periodic road cleaning.

#### Contaminated Land, Ground Gas and Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency 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 and Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- Cut and fill operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers and 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 Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions and refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council 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.

Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445 2003 Description and Measurement of Environmental Noise. The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions. The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

#### Environmental Noise Assessment

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

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

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

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

#### Air Source Heat Pump

Air source heat pumps generate noise and care is required to select, specify and correctly site and install an air source heat pump so that will not raise ambient noise levels in the area and provoke justified complaints from neighbours.

The key considerations are:

- The sound power level (and directionality of the sound) of the air source heat pump
- Its location ie is it surrounded by sound reflecting surfaces
- Its proximity to neighbouring gardens and dwellings
- The ambient background noise levels when the air source heat pump is operating both day and night

## 2. Highways

### 1) 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.

### 2) Highway licences

Nottingham City Highways should be notified regarding when the works will be carried out as disturbance to the highway may be occurring and licences may be required. Such disturbances

may be subject to costs borne by the applicant, these matters should be discussed with the County Council.

### 3) Refuse collection

The applicant is to ensure that bin storage suitable in size to accommodate all residents is placed adjacent to the roads confirmed as appropriate collection routes as the application site is within Nottingham City, Nottingham City Highways and Waste Services should be contacted in relation to refuse collection.

### 5) TROs (Traffic Regulation Orders)

TRO changes will be required in regard to the development, Nottingham City Highways should be contacted as soon as possible to discuss them.

### 6) S278 Agreement

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, Nottingham City Highways will need to be contacted in relation to this.

It is strongly recommended that contact at the earliest opportunity to discuss costs and to allow time for the process to be completed, as no work will be permitted on the Highway before it is complete.

### 7) S38 Agreement and Advanced Payment Codes

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Local Highways Authority, which would be Nottingham City Council. The new roads and any highway drainage will be required to comply with the Nottingham City Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is strongly recommended that the developer contact Nottingham City Council as Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Network Management on 0115 876 5293.

### 8) Commuted sums

The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

### 9) Street Trees

All trees to be planted on highway will be subject to commuted sum payments for their maintenance. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management.

## 3. Environment Agency

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants or users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to Flood risk emergency plans for new development and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities, and flood hazard rating against the design flood for the proposal. This indicates exercise caution or would present a danger to some people (e.g. the elderly and infirm).

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

#### Building integrity - advice to LPA and applicant

The basement level of the building could potentially experience a flood depth of up to 2.8m within a residual breach event. As highlighted within the Greater Nottingham Strategic Flood Risk Addendum, September 2017. For depths greater than 0.6m, it is likely that structural damage could occur in a traditional masonry structure due to excessive water pressures. In these circumstances, the strategy should be to allow water into the building, but to implement careful design in order to minimize damage. The following issue is not within our direct remit or expertise, but nevertheless is an important consideration for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given in relation to this issue and the advice of qualified structural engineer should be sought.

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: 21/02662/PFUL3 (PP-10405211)

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, 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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