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**Nottingham
City Council**

Nottingham City Council Planning Committee

Date: Wednesday, 23 November 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** To Follow
Of the meeting held on 19 October 2022 (for confirmation)
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a The Boots Co Plc Thane Road Nottingham NG2 3AA** 3 - 14
 - b Former Nottingham College Clarendon Pelham Avenue Nottingham** 15 - 40
 - c 1 Walleth Street Nottingham NG2 3EL** 41 - 62

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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Wards Affected: Lenton and Wollaton East (May 2019)

Item No:

**Planning Committee
23 November 2022**

Report of Director of Planning and Transport

The Boots Co Plc, Thane Road

1 Summary

Application No: 21/01729/PRES4

Application by: GraceMachin Planning & Property on behalf of Ilke Homes Land Limited

Proposal: Application for the approval of reserved matters (access, landscaping, layout, scale, appearance) - 207 no. dwellings with associated access, car parking, public open space and landscaping

The application is brought to Committee because it is a major application on a prominent site.

To meet the Council's Performance Targets this application should have been determined by 3rd November 2021, an extension of time has been agreed with the applicant until 30 November 2022.

2 Recommendation

To **GRANT RESERVED MATTERS APPROVAL** subject to the indicative conditions listed in the draft decision notice at the end of this report.

3 Site and Background

- 3.1 This reserved matters submission relates to a 17.6 hectare site which crosses the boundary between Nottingham City and Broxtowe Borough. It is set within the Alliance Boots campus and is the 'residential quarter' of the wider site redevelopment. It is located in the south/southwest area of the campus and borders the Beeston Canal to the south.
- 3.2 To the west of the site, within Broxtowe Borough, is the currently operational Severn Trent Water sewage treatment works and a Nottinghamshire County Council administered waste and recycling site. To the south, beyond the Canal, are agricultural fields and Nottingham University playing fields, with the River Trent beyond. To the east, within Nottingham City, is an industrial estate and to the north is the remainder of the Boots campus, with the Midland mainline beyond. In 2021 a new link road was opened through the site connecting Humber Road South in Beeston to Thane Road in Lenton.
- 3.3 Within the LAPP the site is part of a mixed-used development allocation. It is also within an Enterprise Zone (a Government-awarded status to encourage the creation of new businesses which will contribute to the growth of local and national economies) and Flood Zones 2 and 3.

Planning History

- 3.4 Outline planning permission was conditionally approved at a Planning Committee meeting on 17 December 2014 for a mixed-use development comprising:
- up to 82,000sqm of employment floorspace (office units (Class E), research and development (Class E), industrial process (Class E), general industrial (Class B2), storage and distribution (Class B8))
 - residential institutions (Class C2)
 - non-residential institutions (Classes E & F.1)
 - up to 2,500sqm retail & food/drink (Class E & sui generis)
 - up to 675 residential units (Class C3)
 - associated works including demolition of existing structures, earthworks, remediation, access, car parking, pedestrian and cycle routes, open space, utilities, and sustainable drainage systems.
- 3.5 Following lengthy negotiations regarding the S106, the permission was finally issued on 19 July 2021 (reference 14/02038/POUT).

4 Details of the Proposal

- 4.1 This application is for the approval of the 'reserved matters' for the residential phase of the outline permission; essentially the outstanding details associated with the access, layout, scale, appearance and landscaping of the development. Within Nottingham City the scheme comprises 207 dwellings (96 houses and 111 apartments) and associated public open space.
- 4.2 A corresponding 'reserved matters' application has been submitted to Broxtowe Borough Council for the 397 dwellings within their administrative area (reference 21/00672/REM). In total, 604 dwellings are proposed across the entire site.
- 4.3 All of the proposed dwellings, both the apartments and houses, are to be delivered by way of modular, off-site construction.
- 4.4 An application has also been submitted to discharge a number of other non-RM conditions associated with the outline permission (reference 21/01748/PDS4). This relates to conditions 5 (gas contamination), 6 (ground contamination), 8 (noise & sound insulation), 11 (flood risk assessment addendum), 12 (parcel flood risk assessment), 13 (drainage strategy), 14 (drainage system), 15 (green infrastructure), 16 (construction environmental management plan), 18 (ecological mitigation strategy), 19 (trees), 20 (reptile survey), 21 (great crested newts), 22 (energy/sustainability), 23 (hard surface treatment), 30 (public open space design), 31 (public landscaping), 33 (means of enclosure), 36 (parking), 37 (refuse/cycle facilities) and 38 (bat/bird boxes). This submission of largely technical information is being assessed alongside the RM application but is to be determined separately, under delegated powers. Once again, a corresponding submission has been made to Broxtowe Borough Council (reference 21/00670/ROC).

5 Consultations and Observations of Other Officers

Adjoining occupiers consulted:

28 neighbouring properties have been notified individually, primarily units at The

Medway industrial estate and other industrial units to the east of the site.

The application has also been publicised through press and site notice.

Two responses have been received to the consultation.

One response states there is no public transport to the industrial estate and staff have to commute by private car. Current traffic leaving Boots in the late afternoon rush hour means it can take up to an hour to travel the 1 mile to the ring road. 216 homes will only add to this. What are the plans to improve public transport before adding to the already crippling congestion?

The second response is from the 'Pedals: Nottingham Cycling Campaign': The proposal does not give any details of proposed cycle connections. Not clear whether the linear park along the canal frontage is to be shared or not. The path is an important link, not just making the development more permeable, but as a connection to the east and west. Should also be lit in the interests of safety of path users after dark and in poor weather.

To the west the path will connect to the existing public footpath and the footbridge across the Canal which is a useful link for cyclists. It would be useful to upgrade it to shared use (perhaps by using developer contributions). Two main north-south green routes should also contain shared paths.

Paths should be constructed from an all-weather surface suitable for people cycling, walking and wheeling to use. The Thane Road extension (Spine Road) does not contain a segregated cycle path and footways. With this proposal the opportunity should be taken to upgrade the layout.

The wooden boardwalk around the pond has an awkward layout and more links to the path could be added. In all locations where two roads meet there should be bollards to allow people to walk and cycle through, rather than fences.

As there would be a large number of driveways meeting the spine road, there should not be a lot of up and down lumps and this should be kept level.

Pleased every house will have cycle storage, but only shows enough space for one adult bike (no cargo bikes or tandems). Good cycle storage also needs to allow space to store related equipment such as panniers and helmets.

Environmental Health: No comments received.

Drainage: Will comment specifically on the relevant conditions as part of the discharge of condition application (21/01748/PDS4).

Biodiversity: No comments received.

Highways: No objection. Conditions are recommended in relation to a construction management plan; access design (to be a pedestrian priority); redundant footway crossings and altered areas of footway to be reinstated; minimum sizes for vehicle parking spaces; cycle parking; the provision of electric vehicle charging points, refuse collection, travel packs for each dwelling and changes to the public right of way.

The Nottingham Local Access Forum: The proposal does not give any details of the proposed cycle connections and certain pedestrian connections. Not clear whether the linear park along the canal is to be a shared path (for pedestrians and cyclists) or not. Existing footpath to the west, and the footbridge across the Canal, connects to the well-used towpath on the south of the Canal. Would be useful to upgrade it to shared use. Eastern end it is not clear where the canal side path connects with Thane Road.

The two main north-south green routes should also contain shared paths.

Disappointing that the new spine road did not reflect the most recent DfT Cycle Infrastructure Design Standards by including segregated cycle paths and footways (rather than unsegregated shared paths) alongside the new road and cycle priority at junctions. With these development proposals, and a series of new minor road junctions, the opportunity should now be taken to upgrade their layouts to reflect the latest DfT guidance.

6 Relevant Policies and Guidance

National Planning Policy Framework (July 2021) (NPPF)

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.

Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

Making effective use of land: Paragraphs 119-125 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving well-designed places: Paragraphs 126-136 are focused on achieving the creation of high quality buildings and places. 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 will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: Spatial Strategy

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Land and Planning Policies (LAPP) (2020)

Policy EE3: Change of Use to Non-Employment Uses

Policy RE1: Facilitating Regeneration

Policy HO1: Housing Mix

Policy HO4: Specialist and Adaptable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in New Development

Policy EN5: Development adjacent to Waterways

Policy EN7: Trees

Policy IN2: Land Contamination, Instability and Pollution

Policy SA1: Site allocations (SR45)

Supplementary Planning Policy Documents:

Biodiversity February 2020

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

7 Appraisal of Proposed Development

Main Issues

(i) Principle

(ii) Access, Layout and Scale

(iii) Appearance and Landscaping

(i) Principle (Policies A, 2, 7, 8 and 14 of the ACS, Policies EE3, RE1, and SA1 of the LAPP)

- 7.1 The principle of residential development has been established with the outline planning permission and this application concerns the details (or 'Reserved Matters') of the scheme, which include proposals for access, layout, scale, appearance and landscaping.

(ii) Access, Layout and Scale (Policies 8, 10 and 14 of the ACS and Policies HO1, HO4, DE1, DE2, TR1, EN2, EN5, EN7 and IN2 of the LAPP)

- 7.2 The proposed layout has been the subject of extensive negotiation and amendment in order to create a sense of place and attractive environment for future residents. The site is arranged around the link road completed in 2021 with secondary streets accessed from this. There is a cluster of 3 x

four-storey apartment buildings towards the eastern entrance to the site and another four-storey apartment building towards the west of the Nottingham City part of the site, and the centre of the residential development as a whole. In both scale and design these reference the historic industrial buildings within the wider Boots campus but elsewhere, the development comprises two and three storey houses which would create a predominantly suburban scale.

- 7.3 The properties to the south of the site are arranged to face the canal and the linear park created alongside the canal, which also contains the bulk of existing trees on the site that are to be retained.
- 7.4 The site proposes a mixture of two, three and four bed houses and one and two bed apartments. The majority of the houses are three bed dwellings with a double bedroom and two single bedrooms. The majority of the apartments have two bedrooms. It is therefore considered the proposed scheme would provide a balanced mix and size of dwelling types to meet the future housing needs.
- 7.5 Some of the proposed floorplans show double beds within bedrooms too small to be considered as such according to the Nationally Described Space Standards (NDSS). In these instances, these have been assessed as single bedrooms.
- 7.6 Two house types (a total of 52 dwellings) are 3sqm (3.5%) smaller than the NDSS. On balance, this is within an acceptable margin of tolerance and due to the technical constraints of modular design, and also recognising the sustainability benefits, it is considered that these units would provide future occupiers with an acceptable standard of amenity. The requirement for 10% of the homes to be provided to 'Accessible and Adaptable' standards in accordance with condition HO4 is to be addressed by condition.
- 7.7 Each house would have their own garden and some of the apartments would have balconies.
- 7.8 The one and two bed apartments and two bed houses would each have 1 parking space and the three and four bed houses would have 2 parking spaces. Across the whole development, 17 visitor bays have also been provided. In general terms, many changes have been made to the layout to ensure that the houses are provided with 'on-plot' parking that is directly related to the fronts/sides of the houses, whilst also avoiding long runs of parking spaces that are not broken up with front gardens/landscaping.
- 7.9 Apartment blocks have secure communal cycle stores with 1 cycle space provide per apartment. Houses are provided with sheds within rear gardens for cycle storage.
- 7.10 In terms of refuse storage, hard standing is provided for up to three 240L wheelie bins per house to accommodate refuse, recycling and garden waste. All houses have access to rear gardens via private driveways to enable bins to be brought to the roadside on collection days. Refuse provision for apartments is through communal refuse stores and the number of bins per apartment block is based on 1100L refuse and 1100L mixed recycling per six apartments.

- 7.11 The proposed properties within Nottingham City's administrative boundary are not located in close proximity to existing residential properties. The interface with the existing industrial area of the campus has been appropriately addressed to ensure that there would not be an adverse impact on the amenities of future residents.
- 7.12 Highways have raised no objection subject to conditions but these matters are already covered with the other conditions of the outline permission, for which there is an accompanying discharge of condition submission.
- 7.13 In conclusion, it is considered that the proposals for access, scale and layout are well considered and would result in an attractive environment for future occupants with its own distinct character. The proposal therefore accords with policies 8, 10 and 14 of the ACS and policies HO1, HO4, DE1, DE2, TR1, EN2, EN5, EN7 and IN2 of the LAPP.

(iii) Appearance and Landscaping (Policy 10 of the ACS and Policies DE1, DE2, EN2 and EN7 of the LAPP)

- 7.14 The three apartment buildings to the east are to be grouped around a central parking area and communal courtyard, including an attenuation pond. They are four storey blocks inspired by the existing modernist buildings on the Boots campus. Balconies are proposed to the key canal and avenue frontages. The modernist features are echoed in the proposed materials which include blue and white banding above a dark grey plinth, and profiled corner features. The brickwork for the entire development is to be delivered with a brick-slip system and white/blue bricks for the apartment buildings are to have a glazed, ceramic finish.
- 7.15 The houses are a mix of two and three storey dwellings largely finished in red brick with some also having white render to their first floors. White and blue bricks are again used to provide accent detailing. Two of the house types (one two storey, the other three) have a flat roof and white/blue banding to their top floors, echoing the design of the apartments. These are located at key focal points which are situated within the Broxtowe part of the development.
- 7.16 The existing link road will form the primary vehicular route through the site and is to be planted with semi-mature trees in the style of a traditional avenue with an adopted verge to the back of the footway. The houses fronting the avenue each have a 1100mm high railing and hedge as their front boundary enclosures.
- 7.17 All houses along secondary streets are two storeys in height with a mixture of eaves and gables to the street frontages. All houses have parking accessed directly from the street frontage. Low level shrub planting and medium sized trees are to be provided along the secondary streets.
- 7.18 In regards to landscaping, trees will be retained along the canal and small trees are proposed within the front gardens of some properties.
- 7.19 Finer details of the public open space and amenity landscaping are submitted as part of accompanying discharge of condition application. The canal side park is to incorporate two LEAPs (Local Equipment Area for Play) and a NEAP (Neighbourhood Equipped Area of Play). The canal park also contains attenuation ponds with an element of standing water and board-walk edges.

7.20 In terms of public open space, based on the standard of 6m² per bed space, the total open space requirement for this development is 12,146m². The total actually to be provided is 15,241m².

7.21 The proposal therefore accords with policy 10 of the ACS and policies DE1, DE2 and EN2 and EN7 of the LAPP.

8 Financial Implications

None.

9 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.

10 Equality and Diversity Implications

None.

11 Risk Management Issues

None.

12 Strategic Priorities

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

13 Crime and Disorder Act Implications

None.

14 Value for money

None.

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

1. Application No: 21/01729/PRES4 – link to online case file
<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXAWSNLYN1300>

16 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2021)

Contact Officer:

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Key

 City Boundary

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Description

A map printed from Nomad.

My Ref: 21/01729/PRES4 (PP-10090068)

Your Ref:

Contact: Miss Katherine Lowe

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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR APPROVAL OF RESERVED MATTERS**

Application No: 21/01729/PRES4 (PP-10090068)
Application by: Emily Christie
Location: The Boots Co Plc , Thane Road, Nottingham
Proposal: Application for the approval of reserved matters (access, landscaping, layout, scale, appearance) - 207 no. dwellings with associated access, car parking, public open space and landscaping

Nottingham City Council as Local Planning Authority hereby **APPROVES** the reserved matters described in the above application subject to the following conditions:-

Pre-commencement conditions

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

1. No above ground development shall be commenced until details of an 'Accessible and Adaptable' dwelling scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved scheme.

Reason: In the interests of providing inclusive and mixed communities and in accordance with Policy 10 of the ACS and Policy HO4 of the LAPP

Pre-occupation conditions

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

There are no conditions in this section.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission



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Not for issue

Continued...

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: Other reference Document and Drawing Register Issue Sheet, received 11 October 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. Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

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



DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 21/01729/PRES4 (PP-10090068)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

Wards Affected: Berridge (May 2019)

Item No:

**Planning Committee
23rd November 2022**

Report of Director of Planning and Transport

Former Nottingham College Clarendon, Pelham Avenue

1 Summary

Application No: 22/00544/PFUL3 for planning permission

Application by: Pegasus Group on behalf of Bowmer and Kirkland & Department for Education

Proposal: New Free School and Associated Works

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.

To meet the Council's Performance Targets this application should have been determined by 13th June 2022. An extension of time has been agreed with the Applicant.

2 Recommendations

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

2.2 Power to determine the final details of the conditions to be delegated to the Director of Planning and Transport.

3 Background

3.1 The application site is the former Nottingham City College Clarendon Campus and covers an area of approximately 1.23ha. The site is bounded by Clumber Avenue to the north, Pelham Avenue to the east, and Clarendon Park to the west. Vehicular access to the site is off Pelham Avenue, this street can be accessed via Clumber Avenue and Mansfield Road (A60). The application site is highly visible from Mansfield Road. To the south of the site are the Open University buildings and to the west are offices located off Clarendon Park. There are a mix of offices and residential properties to the north on the other side of Clumber Avenue. Further to the east of the site is the John Farr Rest Garden, which is located between Pelham Avenue and Mansfield Road.

3.2 There are a number of trees on site, some of which are protected by 2 Tree Preservation Orders (TPOs). There is also a 3m change in levels from the western side of the site to the eastern side. The area around the site is also known to suffer from surface water flooding.

3.3 The site is adjacent to the Sherwood Rise Conservation Area and beyond Mansfield Road to the east are the Mapperley Park and Alexandra Park Conservation Areas.

- 3.4 The former Nottingham City College Clarendon Campus on site comprised of a range of interconnected 1960s buildings that were mainly three and four storeys high and located to the southern part of the site. Additional blocks were built in the 1980s and 2000s to the northern edge of the site which were also lower in height. The interconnected college building covered most of the northern and western parts of the site, with landscaped area to the eastern side of the building and car parking to the southern part. Along the southern boundary of the site was a large grassed area. The main vehicular access point to the site was located off Pelham Avenue close this streets junction with Mansfield Road. The main entrance to the college was off Pelham Avenue. Works to demolish the former college building on site have already commenced.
- 3.5 It is proposed that the application site will be the permanent location of the Bluecoat Trent Academy, a secondary school run by the Archway Learning Trust. The Academy will eventually accommodate 1,200 pupils between the ages of 11 to 16 years (Years 7 to 11), with each year having around 240 pupils and there would be approximately 70 members of staff. The catchment area for the Bluecoat Trent Academy is roughly within a 2km radius of the application site. It is anticipated that the Academy's permanent site on Pelham Avenue/Mansfield Road will open in September 2024. By 2024 the school will have children attending in year 7, 8, 9 and 10. As there is an urgent need for an additional secondary school in the local area, children have already started attending the Bluecoat Trent Academy, the first year 7 in-take was in September 2021. The school is currently based at the Bluecoat Aspley Campus, however this is only a short-term arrangement and a site to provide further temporary accommodation for use from September 2023 to 2024 is in the process of being sought.

4 Details of the proposal

- 4.1 The layout and design of the new Bluecoat Trent Academy has been revised since the planning application was originally submitted in late March (2022).
- 4.2 Planning permission was originally sought for a modular building, which was to be built using grey brick slips, the building would have been 3 storeys high but it would have had a 2 storey sports hall to its southern end. Design concerns were raised during the planning consultation that was undertaken after the application was submitted in March. These concerns related to the massing and location of the new building, and the predominant use of grey brick slips. The initial proposal would have resulted in the building with three storeys at its northern end, which would have contrasted with the largely low rise character of existing buildings located to the north and east of the site within the Sherwood Rise Conservation Area. The building would also have been located close to Pelham Avenue creating a very hard edge to this boundary. Whilst, the design and location of the sports hall element would have created a largely inactive frontage to the Mansfield Road side of the site and also obscured the main entrance to the Academy building. It was also felt that the use of grey brick slips would have been out of keeping in an area characterised by red brick buildings. The applicant has been able address the original planning concerns raised in relation to the design of scheme due to a change in building contractor and because the Department for Education (DfE) has updated its building specifications, which now require all new schools built to achieve net zero carbon when in operation.

- 4.3 The planning application now proposes the provision of 2 buildings on site, a 2 storey sports hall located on the northern part of the site and a spilt level building of 3 and 4 storeys high (taking advantage of existing changes in site levels) located towards the southern part of the site. This spilt level building would accommodate the school's classrooms, reception area, hall and catering facilities etc. It would have 3 storeys to the Pelham Avenue frontage and 4 storeys to the western side facing onto Clarendon Park. The rearrangement of building uses on site has allowed taller elements to be placed to the southern part of the site, created an active frontage to Mansfield Road and allowed the building line to be set off Pelham Avenue.
- 4.4 As part reviewing the scheme the applicant has also redesigned the main entrance to the Academy building to make it more prominent and welcoming. This would be achieved through using hard and soft landscaping to make the route to the main school entrance more clearly visible and by adding a projecting canopy feature around the main school entrance. It has been indicated that this canopy would be constructed using coloured glazed bricks.
- 4.5 It is now proposed that both new buildings would be built using mainly red brick slips, though contrasting grey brick slips would be used to help break up the mass of both buildings. To add further visual interest to the buildings it is also proposed to use brick slips with vertical stack bonding and soldier courses together with curtain walling and cladding. The applicants have also confirmed that the windows would be set in reveals, it was not clear whether this would have been achievable as part of the modular construction method initially proposed for the Academy school scheme.
- 4.6 The changes made to the layout of the site and provision of a main school building that would be spilt level have enabled additional outdoor space that is more accessible to those with disabilities to be provided on site. Under the original planning proposal 1 Multi Use Games Area (MUGA) was proposed along with an outdoor social space to the west of the proposed new building, however both these spaces would only have been accessible via steps forming part of a landscaped terrace and an external lift. Due the rearrangement of built form on the site, the 2no. external MUGAs can now be accommodated to the rear of the sports hall with level to this building. An additional side access is provided to the sports facilities via a level walkway located between the new sports hall and the main school building. The new layout also facilitates the community use of the sports hall and 2 MUGAs, as the local community has a safe gated access to them which allows provides good natural surveillance, but which is also separate from the access to the main school building and the outdoor social space. This separate access also assists in reducing any potential on-site security issues. The layout changes have also enabled a larger outdoor social space to be provided, whilst redesigning the main school accommodation within a spilt level building has enabled provision of direct level access from this building to the new outdoor social space.
- 4.7 Under the original scheme for the new school site 59 car parking spaces, including 3 disabled spaces, 6 electric vehicle charging points and 250 covered cycle spaces would have been provided. 51 of these car parking spaces were to be provided to the south of the building on site which would have been accessed off the existing vehicular accesses into the site that are located close to Pelham Avenue and Mansfield Road junction. The remaining car parking spaces would have been provided to the north west of the proposed building, whilst the covered cycle parking was to be provided to the front of the school. With the changes made to the

layout of the site the scheme now proposes provision for 48 car parking spaces which would include 3 disabled car parking spaces and 6 electric vehicle charging points, together with a total of 252 covered cycle spaces. All of the car parking is now proposed to be provided to the south of the main school building, this car parking would still be accessed from the same vehicular access points that currently exist on site. The covered cycle parking is now proposed to be provided to the rear of the site between the MUGAs and the outdoor social space, it would be accessed from the walkway proposed between the sports hall and the new main school building.

- 4.8 The repositioning of the building line has created an area to the front of new school buildings which would be wide enough to introduce landscaping and to allow service vehicles access to waste storage and the school's dining hall and kitchen facilities. The main pedestrian access would be via the main building off Pelham Avenue. There would also be a secondary pedestrian access from the car park area and between the main school building and the sports hall.
- 4.9 It is proposed that a 2.4m high green weld mesh fencing would be provided around the boundary of the site to Clumber Avenue, Pelham Avenue, Mansfield Road, the Open University building and Clarendon Park.
- 4.10 There are 25 individual trees, four groups of trees and one hedgerow, located within and around the site boundaries. The site is also subject to 2 Tree Preservation Orders (TPOs), which cover 13 existing trees within the site and along its western and southern boundary. 7 trees, 1 partial group of trees and a Leyland Cypress hedge are indicated to be removed. 2 trees to be removed are protected by a tree preservation order, 1 tree is a large European Lime that is a category A tree of high quality and visible from Mansfield Road due to its height being around 20m and the other tree is a Silver Birch that is identified as being category C of low quality. These trees are required to be removed as they would be located within the footprint of the new school building. The 5 other trees need to be removed for the same reason and comprise of 1 European Lime (category B, moderate quality) and 4 Silver Birch (3 category B and one category C). The group of trees are a mix of species and need to be partially removed to make way for car parking. The Leyland Cypress hedge is category C and needs to be removed due to its location at the access point to the main entrance. The landscaping plans submitted as part of the revised scheme show that 30 new trees would be planted within the site, these would mainly be planted around the site boundaries, but a number would be planted to the north of the car parking area and between the main school building and the building housing the sports hall.
- 4.11 Detailed planting plans have been provided as part of the revised planning application, which show the provision of native species, rain water garden planting (which will assist in managing surface water runoff) and also ornamental planting containing grasses and perennials that are attractive to wildlife.
- 4.12 The new school buildings will incorporate the following measures to achieve net zero carbon:

Passive Design Measures:

- High levels of building fabric efficiency to reduce heat loss
- Designing out thermal bridges
- Reducing heat loss by reducing exposed surface area to internal area
- Provision of draught lobbies

- Climate based daylight modelling used to optimise natural daylight
- Controlling solar gain and optimising shading through building design, using solar control glass
- Solar performance glazing and thermal mass to avoid need for air conditioning
- Provision of openable windows, roof lights and turrets to maximise natural ventilation

Active Design Measures:

- Use water-efficient fittings to reduce water consumption
- Provision of a heat recovery ventilation system
- Efficient lighting, lighting sensors and daylight dimming controls
- On demand controls to teaching spaces for room ventilation, heating and lighting
- Zoned building services and controls to ensure energy needs are targeted to where required to reduce waste in spaces where there is less need
- Automatic monitoring of energy consumption within building and alerts when energy consumption exceeds anticipated consumption levels
- Provision of 6 electric vehicle charging points

Renewable Energy Solutions:

- Heating and hot water generated by local roof mounted air source heat pumps and a photovoltaic panel array will be installed to the roof

4.13 Gas powered Bunsen burners would need to be provided within science labs, however this would be the only fossil fuel source and the rest of the building would be all electric.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

The planning application has been publicised through a press and site notice. 164 properties on Pelham Avenue, Mansfield Road, Sherwood Rise, Clumber Avenue and Pelham Road have been advised of the development in writing twice, once when the application was initially submitted in April this year, and again in October following the submission of revisions to the scheme. The consultation period expired 10th November 2022.

No representations have been received as a consequence of this publicity.

Additional consultees:

Local Access Forum - The Forum welcomes the provision made to sustainable transport. It requests that details of the cycle storage are secured by condition. They also note that although mentioned in the Transport Assessment no Travel Plan has been submitted. The Forum have also advised that the Local Highway Authority needs to consider whether any additional measures would be required to ensure safe access for pedestrians and cyclists.

Nottingham Civic Society: In relation to the previous design of the scheme, Nottingham Civic Society had reservations about the layout and appearance of the

proposed new school to be sited adjacent to the edges of two conservation areas - Sherwood Rise and Mapperley Park. They felt that it was disappointing that the designers have not taken the opportunity to position the school building at the southern end of the site, addressing the Pelham Avenue / Mansfield Road corner, making the school entrance much more legible from Mansfield Road, the principal public transport corridor. They also noted that the new building failed to take advantage of the Clumber Avenue / Pelham Avenue corners, to deliver architectural flourishes that would enhance the conservation area setting. Positioning the sports hall at the entrance to the site, robbed the approach to the building of an outward-facing and more interesting architectural composition. They also commented that the main entrance seemed under-stated and unwelcoming, an effect compounded by the dispiriting and alien grey brickwork. They noted that both the Sherwood Rise and Mapperley Park Conservation Areas are typified by individually-designed red brick nineteenth and early twentieth-century buildings.

Nottingham Civic Society have made the following observations on the revised scheme:

The re-arrangement of the buildings is a great improvement, giving more prominence to the main school rather than the sports hall. NCS is also pleased to see more red brick in the architectural composition, rooting the new building in its local context.

With that aim in view, though, NCS still believes that the enclosure to Mansfield Road should be reviewed. Instead of the Heras-type fencing which appears on the visuals to enclose the whole of the site, NCS maintains its original view that the Mansfield Road and Pelham Avenue frontages should be defined by red brick walls surmounted by railings to create a robust street edge more in keeping with the character of both neighbouring conservation areas.

Environment Agency: No objections.

Lead Local Flood Authority (NCC Drainage): Initially concerns were raised with the scheme due to the surface water issues that occur in the local area. Following discussions with the applicant, the NCC Drainage team have requested that pre-commencement conditions are used to allow an updated flood risk assessment to be prepared and a surface water drainage scheme. They have also requested the provision of a flood evacuation management plan and management details for any surface water management scheme provided on site.

NCC Highways: No objections, subject to conditions relating to construction traffic management, provision of car and cycle parking, travel plan provision and making good any part of the highway that may be made redundant or altered as part of the scheme. It is also noted that the proposal would not affect the potential provision of a cycle route along Mansfield Road.

Environmental Health and Safer Places: No objections, subject to conditions relating to provision of mitigation measures during the construction phase, provision of electric vehicle charging points, securing a Remediation Strategy and external lighting scheme assessment, restricting use of the Multi Use Games Area and sports hall, and securing an environmental noise assessment and sound insulation scheme.

Carbon Neutral Team: Overall it is considered that the application will have a positive impact on the City's Carbon Neutral 28 ambition because:

- Scheme built to meet the DfE 'net zero carbon in operation' standard
- Passive & active design to the building e.g. ventilation, orientation, EMS
- Large roof mounted PV array
- 'No gas on site' (except for Bunsen burners in science) according to the Design Statement.
- 2 to 1 tree planting for trees lost and provision of a biodiverse landscape scheme
- EV charge points to 10% of car spaces
- Extensive cycle parking provision and new cycle path
- Estimated 28,000 kg CO₂ reduction pa
- Biodiversity Net Gain indicated at 10.8%

City Ecologist: No objections subject to conditions requiring the implementation of the proposed landscaping scheme and also the provision bat and bird boxes.

Tree Officer: From a pure arboricultural perspective there is no justification for the removal of the category A, European Lime tree. Policy EN7 of the Land and Local Planning Policies (LAPP) (Local Plan Part 2 Document) does, however, state that development that involves the cutting down, topping, lopping or uprooting of any tree protected by a Tree Preservation Order will only be granted where, it is demonstrated that it is required for the satisfactory development of the site. Where such consent is granted, replacement tree planting will be required to offset loss of visual and natural amenity. A planning judgement therefore needs to be made as to whether the proposal would accord with Policy EN7 of the LAPP.

Conservation Officer: Expressed concern in relation to the original design of the school, but did add that the site is not physically within the designated Conservation Areas and as such the development would result in less than substantial harm to their significance. A balanced judgement is therefore required which takes into consideration the public benefits of providing a new school in this location and weighs these against the harm to the historic environment.

City Archaeologist: No objections

6 Relevant policies and guidance

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 47 of the NPPF requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 95 notes that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with school's promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

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.

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 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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.

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.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development
Policy 1: Climate Change
Policy 2: Spatial Strategy
Policy 10: Design and Enhancing Local Identity
Policy 11: The Historic Environment
Policy 12: Local Services and Healthy Lifestyles
Policy 14: Managing Travel Demand
Policy 17: Biodiversity

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction
Policy CC3: Water
Policy EE4: Local and Training Opportunities
Policy DE1: Building Design and Use
Policy DE2: Context and Place Making

Policy EN6: Biodiversity
Policy EN7: Trees
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
Policy LS2: Supporting the Growth of Further and Higher Education Facilities
Policy LS5: Community Facilities
Policy IN2: Land Contamination, Instability and Pollution
Policy TR1: Parking and Travel Planning

Supplementary Planning Documents (SPDs)

Biodiversity (2020)

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

The site is not within a Conservation Area, but is adjacent to the edges of two conservation areas - Sherwood Rise and Mapperley Park. As such consideration needs to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which 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

- (i) Principle of the Development
- (ii) Design, Scale and Impact Streetscape and Conservation Areas
- (iii) Trees
- (iv) Impact on the Amenities of Surrounding Residents and Future Occupants
- (v) Other Matters

(i) Principle of the Development (Policies A, 2 and 12 of the ACS and Policies LS2 and LS5 of the LAPP)

- 7.1 The site is located within a sustainable location, being close to local community facilities and a high frequency bus stop. The site is also located within the catchment area for the new school, there are also a number of controlled pedestrian crossing points in the vicinity of the site. Policy 12 of the ACS and Policy LS5 of the LAPP allow the provision of new schools where they meet an identified local need and are accessible to the community they are intended to serve. As indicated in section 3 above, there is an identified need for a new secondary school in the local. Overall it is therefore considered that the proposal complies with policies A, 2 and 12 of the ACS.
- 7.2 Policy LS2 of the LAPP safeguards the application site for Higher Education facilities, whilst the provision of a secondary school at this site would conflict with Policy LS2 there are material considerations that would outweigh this policy. The Clarendon Campus is no longer required by Nottingham College due to the provision of the new City College Campus on Canal Street. Additionally, paragraph 95 of the NPPF requires significant weight to be given to the need to create new schools and that local planning authorities should take a proactive, positive and collaborative approach to ensure that a sufficient choice of school places is available to meet local need. It is also noted that the site would also still be used for educational purposes. Given these material considerations it is considered that the proposed use of the site for a secondary school is acceptable in principle.

(ii) Design, Scale and Impact on Streetscape and Heritage Assets (Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP)

- 7.3 The former Nottingham College buildings were in themselves something of an anomaly in the area due to their substantial size and height which contrasted with the largely low rise character of the surrounding neighbourhood. However, the massing of the former college building on site did allow it to sit comfortably within the local streetscape as its taller elements were located to the southern side of the site, with its lower elements to the north. The re-arrangement to the mass and scale of building now proposed for the new Academy is considered to be an improvement on the original design put forward by the applicant, as these aspects now reflect those of the former college building. The alterations made to the scheme also give more prominence to the main school building and provide an active frontage to the southern side of the site and Mansfield Road. The changes to the Academy scheme have also allowed additional landscaping to be provided to Clumber Avenue and Pelham Avenue. Separating the mass of the main school and the sports block has enabled 2no. Multi Use Games Areas (MUGAs) to be accommodated (previously only 1 MUGA was proposed), a landscaped terrace to be provided and level access to the external outdoor space to be created from the lower ground level of the main school (such level access was not possible with the previous scheme).
- 7.4 Both the main school building and sports hall will incorporate brickwork detailing, and have been designed with 125mm window recesses. Vertical stack bond brickwork will be used to break up the façades of the buildings between window groups, where there are changes in material and also at parapet level. Carefully selected brick slip tones of multi-red and grey/blue have been chosen to reflect the surrounding context and to add further visual interest to the overall design of the scheme. On the larger main school building this will result in the creation of a contrasting band to its main entrance, as well as a darker brick feature around the dining area to its western corner, its two projecting stair cores, and along its south-western facade. In addition to its brickwork detailing, the window proportions in this main building are considered to reflect the vertical proportions of surrounding buildings. It is considered that the design of the two buildings and choice of materials will also assist in ensuring that the new buildings will sit comfortably in the local streetscape. Conditions can be used to ensure that the intended brick detailing and window reveal depths are achieved and can also be used to secure precise details of the external materials to be used.
- 7.5 Weld mesh fencing is proposed around the perimeter of the site. Whilst a more solid boundary treatment like a brick wall would be more in keeping with the local area, such fencing will allow for greater views of the landscaping proposed to the edge of the school buildings, and create a softer edge to the surrounding streets. The proposed fencing will also provide the required level of site security.
- 7.6 The changes made to the scheme since the application was submitted will provide a better setting to the boundaries of the adjacent conservation areas, than that proposed in the original scheme. Additionally, a landscaped edge to the site would be retained and subject to supplementary planting will assist in maintaining the character and appearance of the conservation areas.
- 7.7 It is considered that that the proposed development would be of a suitable scale and design so as to respect and enhance the streetscape. It would provide

appropriate activation of street frontages and make provision for the safe and convenient access to and around the building. The proposal will therefore comply with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

- 7.8 The development would be visible from and would therefore affect the setting of the adjacent conservation areas, it is also noted that the previous college building on the site was similarly visible from these areas, and as a result the proposal would broadly preserve the character and appearance of the adjacent conservation areas and also their setting. Overall, it is considered that whilst the proposal would have some impact on the character and appearance of the conservation areas any harm caused would be less than substantial. This harm would also be outweighed by the provision of a secondary school for which there is an identified need and also the public benefit of bringing a vacant site back into use. The scheme would therefore comply with Policy 11 of the ACS and Policy HE1 of the LAPP, as well as paragraphs 199 to 202 of the NPPF.
- 7.9 By ensuring that the setting of the boundaries to these neighbouring conservation areas would be preserved the Council's duty in relation to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, will be met.

(iii) Trees (Policy EN7 of the LAPP)

- 7.10 The proposed development would see the removal of 7 individual trees, partial removal of a group of trees located within the south west corner of the site and a Leyland Cypress hedge from the Pelham Avenue frontage. Two of the individual trees to be removed from site are protected by a tree preservation order, a European Lime which is a high quality (category A) tree and a Silver Birch which is a low quality (category C) tree. These trees were also proposed to be lost as part of the original site layout for the Academy development. As noted, by the Tree Officer there is no arboricultural justification for removing the European Lime tree, however, Policy EN7 of the LAPP, does indicate that development which involves the cutting down, topping, lopping or uprooting of any tree protected by a Tree Preservation Order (TPO) is only be granted where is necessary for the satisfactory development of the site. Where such consent is granted, replacement tree planting will be required to offset loss of visual and natural amenity. A planning judgement therefore needs to be made as to whether the proposal would accord with Policy EN7 of the LAPP.
- 7.11 There is an identified need for a new secondary school in the local area, it is also recognised that due to the level of site security and the amount of internal accommodation and outdoor space required for the new school that it has not been possible to retain the existing buildings on site. The size and shape of the site together with the character and appearance of existing development around its boundaries, and the site's proximity to neighbouring conservation areas has also constrained the scale and amount of development that can take place within it. As a result, it has not been possible to retain all of the existing trees on site including the two trees which are protected by a TPO. The revised layout for the school has, however, created a greater opportunity to introduce additional tree planting to Pelham Avenue, which was not possible in the original scheme proposed for the site. The landscaping plans submitted show that 30 new standard size trees (3m in height with a girth of approximately 15cm) would be replanted, 8 of these would be Silver Birch trees and 4 would be Lime trees, the rest would be a mix of fruit and ornamental berry trees.

- 7.12 It is considered that the removal of the 2 trees protected by a TPO are required to be removed for the satisfactory development of the site, and that the replacement tree planting would offset the loss of visual and natural amenity that would occur. The proposal would therefore accord with Policy EN7 of the LAPP.

(iv) Impact on the Amenities of Surrounding Residents and Future Occupants
(Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 7.13 The new Academy buildings would be set off the boundaries to the site and would not be dissimilar in height to the previous college building which was mainly 3/4 storeys high. The massing of the new buildings would also not be too different from the college, with taller elements being provided to the south. As such it is not considered that the proposed development would give rise to any increased overshadowing, overlooking or loss of outlook for neighbouring occupants. It is also felt that the use of the site as a secondary school would not be overly different from a college site.
- 7.14 Environmental Health and Safer places have raised no objections to the proposal in regards to noise from proposed plant, operation of the school, use of the MUGAs and external lighting, however they have requested conditions to secure an external lighting scheme assessment, to restrict the use of the Multi Use Games Area and sports hall, and to secure an environmental noise assessment and sound insulation scheme.
- 7.15 The design of the school and the accommodation proposed including the sustainability measures to mitigate solar gain, to facilitate natural ventilation and maximise natural daylight will provide a good quality learning environment for future users of the site.
- 7.16 Through the use of conditions and having regard to the design, scale, location and outlook from the proposed development and the relationship with the site boundaries, it is considered that the proposal will comply with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.
- 7.17 Conditions can also be used to secure mitigation measures to reduce the impacts of the construction phase of the development on neighbouring properties.

(v) Other Matters

Highways and Surface Water Flooding (Policy 14 of the ACS and Policies CC3 and TR1 of the LAPP)

- 7.18 No highway objections have been received in relation to the proposed development. Conditions can be used to secure the details requested by the Local Highway Authority.
- 7.19 The Lead Local Flood Authority (LLFA) have had discussions with the applicants in relation to surface water issues in the local area, the revised flood risk assessment, a surface water drainage scheme together with details of its management and a flood evacuation management plan can be secured by conditions.
- 7.20 It is considered that through the use of conditions that the proposed development will comply with Policy 14 of the ACS and policies CC3 and TR1 of the LAPP.

Land Contamination (Policy IN2 of the LAPP)

- 7.21 The remediation strategy required by Environmental Health and Safer Places can be secured by condition, and through the use of such a condition the proposal will comply with Policy IN2 of the LAPP.

Employment and Training Contribution (Policy EE4 of the LAPP)

- 7.22 The Employment and Training Team have advised that a memorandum of understanding can be used to secure the employment and training opportunities required by Policy EE4 of the LAPP in relation to this development. It is considered that in this instance that this would be a suitable method to secure such opportunities.

8. Sustainability / Biodiversity

- 8.1 The proposed development has been designed so that the operation of the school will achieve net zero carbon. The measures that will be employed have been set out above, in section 4. Conditions can be used to secure the implementation of the proposed sustainability measures. The proposed development will therefore comply with Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.2 Policies 17 and EN6 seek to increase biodiversity, wherever possible proposals and requires development to protect and promote biodiversity to deliver multi-functional benefits and contribute to Nottingham's ecological network both as part of on-site development proposals or through off site provision.
- 8.3 A preliminary Ecological Appraisal and Bat Survey Report has been prepared in support of the planning application. The findings of this report are summarised as follows:
- The building on-Site was found to have low suitability to support roosting bats and has some features suitable for nesting birds. The scattered trees, hedgerow, scrub and shrubs are suitable for nesting birds.
 - The vegetation on-Site has low suitability for foraging and commuting bats, although the Site's use by bats is expected to be very low due to the highly urban setting of the Site and lighting on-Site and in the wider surrounds at night.
 - During the bat emergence survey of the building on-Site, no bats were seen emerging from identified potential roosting features on the building on-Site. As a result, the building was found to be unlikely to support roosting bats.
- 8.4 The findings of the preliminary ecological appraisal and bat emergence survey undertaken are considered sufficient to inform the anticipated development proposals, and no further surveys regarding protected species or habitats are deemed necessary at this time.
- 8.5 The application is supported by a Biodiversity Net Gain Assessment which undertakes Biodiversity Net Gain Calculations to determine the associated biodiversity impacts of the proposed development. The calculations identify that the development will achieve a net gain in biodiversity; achieved by the addition of new scrub planting, additional tree planting alongside those tree to be retained, and the creation of a new area of hedgerow. The majority of the new planting would be with native species and plants/trees chosen for their wildlife value.

8.6 Overall, the proposed development would avoid any adverse ecological impacts and would achieve a net gain in biodiversity. Conditions can be used to secure the implementation of the proposed planting and to provide bird and bat boxes. As a result of the soft landscaping proposed and through the use of conditions the proposed development will comply with Policy 16 of the ACS and Policy EN6 of the LAPP.

9 Financial Implications

The Employment and Training Team have agreed to utilise a memorandum of understanding to secure the employment and training opportunities that would be required by this scheme.

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

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: Redevelopment of a partially cleared brownfield site with a high quality, sustainable and mixed-use development

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that 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: 22/00544/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8KZLDLYGYA00>

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

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Key
City Boundary

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Your Ref:
Contact: Mrs Jennifer Curry
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Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION

Application No: 22/00544/PFUL3 (PP-11036135)
Application by: Bowmer And Kirkland & Department For Education
Location: Former Nottingham College Clarendon, Pelham Avenue, Nottingham
Proposal: New Free School and Associated Works

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

Time limit

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

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

Pre-commencement conditions

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

2. Prior to the commencement of development an updated Flood Risk Assessment (FRA) shall be submitted to and approved in writing by the Local Planning Authority. This updated FRA shall incorporate details and an assessment of data received from Severn Trent Water regarding surface water flooding in the local area. Thereafter the development shall be carried out in accordance with the approved Flood Risk Assessment.

Reason: to ensure the site is appropriately mitigating the surface water flooding in this location to accord with Policy CC3 of the LAPP.

3. Prior to the commencement of 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 order to accord with Policy CC3 of the LAPP.

4. Prior to the commencement of development, a Construction Method Statement for that phase 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 each phase of 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.
- d) Wheel washing facilities.
- e) Measures to control the emission of dust and dirt during construction
- f) measures for the management of surface water during construction.

Reason: In the interests of highway safety to accord with Policy TR1 of the LAPP and to prevent an increase in flood risk. To accord with Policy CC3 of the LAPP.

5. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 Desk Study Report by HSP dated Mar 2021 and the Phase 2 Geo-Environmental Assessment by HSP dated Mar 2021 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a) An additional Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

Reason: To ensure that the site is appropriately remediated to accord with Policy IN2 of the LAPP.

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

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant, air source heat pumps) specified to serve the development and running at 100% load ,

- i. For dwellings, care homes and similar premises, 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.
- ii. For commercial and other similar premises, shall not exceed a level equal to the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby 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.

Reason: To safeguard the health and residential amenity of neighbouring properties in order to accord with Policy 10 of the ACS and Policies DE1 and IN2 of LAPP.

7. No development shall commence until the fences for the protection of the trees to be retained as identified on drawing FS0936-ONE-ZZ-EX-D-L-0002-P02 received September 2022 have been erected in accordance with the submitted arboricultural method statement RT-MME-158995-03_REV A(AMS) and arboricultural Impact Assessment RT-MME-158995-02_REV A(AIA) both received September 2022. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To ensure that existing trees located within and around the site boundaries that are identified as being retained on the approved drawing are safeguarded during construction to accord with Policy EN7 of the LAPP.

8. Prior to the commencement of any above ground development and notwithstanding the approved drawings, large scale sections of at least 1:20 of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) The placement and position of windows and doorways including details of the window frames and doors, ventilation louvres (if any)
- b) The depth of reveals to windows and doorways
- c) Brick detailing including the placement and use of other materials used to provide further detailing to exterior of buildings
- d) Treatment and detailing of roof edges including parapet

The information to be submitted shall also include elevation drawings showing the disposition of materials throughout the development. The development shall thereafter be implemented in accordance with the approved details.

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

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

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

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

Pre-occupation conditions

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

10. 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 the development hereby approved.

Reason: To safeguard the health and residential amenity of neighbouring occupants to accord with Policy IN2 of LAPP.

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 safeguard the health and residential amenity of neighbouring properties in order to accord with Policy 10 of the ACS and Policies DE1 and IN2 of LAPP.

12. Prior to the occupation of the development, a Flood Evacuation Management Plan (FEMP) shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be occupied in accordance with the approved details.

Reason: To ensure the safety of the users of the development in the event of a flood and to accord with Policy CC3 of the LAPP.

13. Prior to the 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 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 to the National Non-Statutory Technical Standards for SuDS and to accord with Policy CC3 of the LAPP.

14. Prior to first occupation of the development, car parking and cycle parking facilities shall be provided in accordance with the details shown on drawing reference FS0936-ONE-ZZ-EX-D-L-0002-P02. Thereafter the facilities shall be retained for the lifetime of the development.

Reason: To ensure that appropriate car parking and cycle parking is provided for the development to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.

15. Prior to first occupation of the development, electric vehicle charging points shall be provided to 6 car parking spaces as indicated on drawing FS0936-ONE-ZZ-EX-D-L-0002-P02. The electric 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.

16. 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.

17. Prior to first occupation of the development verification that external lighting has been implemented and is fully operational and the scheme implemented accords with an external lighting scheme that has first been submitted to and approved in writing by the Local Planning Authority.

The external lighting scheme details to be submitted shall include an external lighting assessment for the development and shall also include the design and configuration specification for the external lighting scheme and a prediction of light levels at the boundary of nearby affected residential properties (including vertical and horizontal isolux plots) attributable to the development.

Reason: To safeguard the health and residential amenity of neighbouring occupants to accord with Policy IN2 of LAPP.

18. Prior to the first occupation of the development, a public access management plan for the site shall be submitted to and be approved in writing by the Local Planning Authority. The public access management plan shall identify the area of the site that will be open to public access and set out the proposed hours during which public access activities that will be permitted. The details to be submitted shall also include details of the activities that will take place at the site.

Thereafter, public access will be permitted to the identified area of the site in accordance with the approved details.

Reason: In order to protect the amenity of local residents in the surrounding area, to comply with Policy DE1 and Policy IN4 of the LAPP.

19. Prior to the occupation of the development, bat and bird boxes or housing within the fabric of the buildings 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.

20. Unless otherwise agreed in writing, then prior to the development being first occupied the site shall be landscaped and enclosed in accordance with the details shown on the following plans submitted September 2022: FS0936-ONE-ZZ-EX-D-L-0002-P02, FS0936-ONE-ZZ-EX-D-L-0003-P02, FS0936-ONE-ZZ-EX-D-L-0004 P02, FS0936-ONE-ZZ-EX-D-L-0201-P02, FS0936-ONE-ZZ-EX-D-L-0202-P02, FS0936-ONE-ZZ-EX-D-L-0203-P02 FS0936-ONE-ZZ-EX-D-L-0401-P01, FS0936-ONE-ZZ-EX-D-L-0402-P01 and FS0936-ONE-ZZ-EX-D-L-0403-P02.

Reason: To secure a development of satisfactory appearance that complies with Policies 10 and 17 of the ACS and Policies DE1, DE2, EN6 and EN7 of the LAPP.

21. The development shall incorporate the sustainability and carbon reduction measures set out within the revised Design and Access Statement submitted in October 2022.

Reason: To ensure that the development incorporates the sustainability and carbon reduction measures to accord with policy CC1 of the LAPP.

Regulatory/ongoing conditions

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

22. Any trees or plants (provided as part of the approved landscaping scheme) which die or are removed or become seriously damaged or diseased within five years 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 secure a development of satisfactory appearance that complies with Policies 10 and 17 of the ACS and Policies DE1, DE2, EN6 and EN7 of the LAPP.

23. Within six months of the development being first occupied, a travel plan for the site shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be operated in accordance with the approved travel plan.

Reason: To promote sustainable travel in 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 in September and October 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.

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: 22/00544/PFUL3 (PP-11036135)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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 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.

Wards Affected: Meadows (May 2019)

Item No:

**Planning Committee
23rd November 2022**

Report of Director of Planning and Regeneration

1 Walleth Street, Nottingham, NG2 3EL

1 Summary

Application No: 19/02552/PFUL3 for planning permission

Application by: Arkwright Property Co Ltd

Proposal: Demolition of Existing Buildings and Erection of Residential Accommodation

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

To meet the Council's Performance Targets this application should have been determined by 13.02.2020. The delay in reporting to Committee is due to the time taken by the applicant to carry out a viability assessment. An extension of time has been agreed with the applicant until 30th November 2022.

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 of £73,000 towards Education

(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 SITE, SURROUNDINGS AND BACKGROUND

- 3.1 The site lies within a long established industrial area on the southern fringe of the city centre and immediately to the north of the Meadows residential area. Meadows Way which lies immediately to the south of the building forms the boundary between the city centre and the Meadows.
- 3.2 The site comprises a collection of industrial buildings and a large surface car park. The oldest building on the site dates from the early 1900's and is located on the corner of the two streets. This two-storey building is constructed of red brick which has been painted. To the west and south of this building are modern buildings dating from the 1960's / 70's. There are trees adjacent to the Meadows Way frontage and adjacent to Walleth Street.
- 3.3. The adjacent buildings on the south side of Crocus Street are modern industrial buildings of a similar scale to the application site. The immediate area has undergone significant redevelopment in the recent years which has completely transformed the appearance of the area. The land to the east of Walleth Street has been developed with the new Central Fire Station, and the land to the north of Crocus Street with an 8 storey block containing 350 apartments (Saffron Court). To the west of Summer Leys Lane, at the corner with Queens Road is an 8 storey block of student accommodation. Buildings within the Meadows to the south of Meadows Way are much smaller in scale. There is a single storey day care centre immediately to the south which is adjoined to the west by 2 and 3 storey housing.
- 3.4 The site falls within the Canal Quarter defined by the LAPP and within flood zone 2 defined by the Environment Agency Flood Map.

4 DETAILS OF THE PROPOSAL

- 4.1 The existing buildings on site are to be demolished and replaced with an apartment building. The proposed development would comprise a single building which steps down in height from 8 storeys on the frontage to Crocus Street to 4 storeys adjacent to Meadows Way. The building would occupy the whole site at ground floor level with the upper floors arranged around three sides of a landscaped courtyard.
- 4.2 The proposal is for 141 apartments, 72 x 1 bed and 69 x 2 bed.
- 4.3 Access to the site would be taken from Walleth Street. There would be 44 car parking spaces at the ground floor level along with bin and cycle storage facilities.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

358 Neighbouring properties were notified by letter, a site notice posted and press notice published. The overall expiry date was 14.12 2019.

No representation from neighbouring residents or businesses have been received. The Civic Society raise the following concerns:

The demolition of the Edwardian factory building fronting Crocus Street. A redevelopment for student accommodation could still take place but integrating the former industrial building into the new design, in a manner which has been approved nearby at No.66 London Road whereby the former Walter Danks' building fronting London Road is being integrated into the design of the new building and this is illustrated in the applicant's Design and Access Statement.

Retaining the two storied Edwardian factory building fronting Crocus Street would help to mediate the scale of the new development with the bulk of the 8 storey building to the north to create a more comfortable massing relationship in Crocus Street. As currently proposed, the environment of both buildings would be compromised. Buildings stepping down in height southwards away from the city centre towards the domestic scale of the Meadows would create a coherent definition to the edge of the city centre.

A less dense, more sustainable development would also help to improve the public realm, creating space for tree and shrub planting - sustainability measures useful to help address flood risk and enhance the appearance of the streetscene.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection subject to conditions regarding submission of a remediation strategy related to ground, groundwater and ground gas contamination, an environmental noise assesment and sound insulation scheme, energy statement and scheme for electric vehicle charging points.

Highways: No objection subject to conditions relating to a construction management scheme and cycle storage. They initially requested a contribution of £50,000 to provide a Toucan crossing on Queens Road.

Drainage: No objection.

City Archaeologist: No objection.

Education: Requested education contribution of £86,486 towards enhancing education facilities within the Meadows or in relation to the new Waterside school.

Biodiversity: No objection subject to condition related to biodiversity enhancement including details of bird and bat boxes. Further Bat Survey required.

Tree Officer: No objection subject to a condition regarding replacement planting.

Environment Agency: No objection subject to condition.

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 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.

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.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE3: Change of use to non-employment uses

Policy EE4: Local Employment and Training Opportunities

Policy RE2: Canal Quarter

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy TR1: Parking and Travel Planning

Supplementary Planning Documents (SPDs)

Biodiversity (2020)

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

7. APPRAISAL

Main Issues

(i) Principle of the Development

(ii) Design, Scale and Impact on Townscape and Heritage Assets

(iii) Impact on the Amenities of Surrounding and Future Occupants

(iv) Highway Considerations

(v) Other Matters

(i) Principle of the Development (Policies A, 5, 7 and 8 of the ACS, Policies EE3, RE2, HO1 of the LAPP)

- 7.1 The proposals would result in the redevelopment of a site which was last in commercial / employment use. Policy EE3 of the LAPP seeks to ensure that there is a sufficient supply of alternative employment land and premises, but does allow the regeneration benefits of a particular scheme to be taken into consideration where an employment use would be lost. The supporting text of the policy states that the developer should demonstrate that any loss of employment will not prejudice the supply of sites or premises available for employment use. This exercise should be related in scope to the scale of the existing employment use. Where the use is of local significance (defined as less than 0.4 ha), it will only be necessary to assess alternative supply in the locality of the proposal. The site area in this instance is 0.31 ha and accommodates dated industrial premises that will have limited attraction for continued industrial use. It should also be noted that the proposal would result in the delivery of 141 residential units which needs to be given appropriate weight in the planning balance, in that it would assist in boosting the supply of housing within the City. Moreover, it is recognised that new job opportunities would be created through both the construction and operation of the proposed scheme.
- 7.2 ACS Policy 7 'Regeneration' sets out strategic regeneration priorities for the City and states that the "Southside Regeneration Zone" will be developed as a mixed use business district, with a predominance of offices, supported by residential development, new hotels and complementary retail and leisure activity across a number of key sites. The site lies at the fringe of the City Centre in an area which has been identified as an area of change since 2003 when the Southside Regeneration Area guidance was produced. Although the sites south of Crocus Street have not been specifically allocated as development sites, the redevelopment of the land for residential purposes would be in accordance with the Council's aims and aspirations for the Southside Regeneration Zone. The proposed development would be a positive addition in regeneration terms.
- 7.3 The proposal also needs to be considered against policies 5 and 8 of the ACS and policies HO1 of the LAPP.
- 7.4 Policy 5 of the ACS supports City Centre living where appropriate. Policy 8 of the ACS sets out, inter alia, that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.
- 7.5 Policy HO1 of the LAPP states that on sites within the City Centre, the mix of housing should address the need to diversify the existing housing stock by including flats of two or more bedrooms. Innovative family housing will be sought as part of the overall housing mix on the City Centre fringes. Policy RE2 sets out the strategic aims of the Canal Quarter, which include new housing provision where this is compatible with, and does not prejudice, the activities of nearby uses.

- 7.6 The proposal would be compatible with the mixed use characteristics of the surrounding area and would be close to a choice of sustainable means of public transport; bus, tram and train. The size and quality of the apartments is welcomed, providing an appropriate mix of 1 and 2 bed units.
- 7.7 In light of the above, the principle of the proposed scheme is considered to be acceptable and would accord with policies A, 5, 7 and 8 of the ACS, policies EE3, RE2 and HO1 of the LAPP.

(ii) Design, Scale and Impact on Townscape and Heritage Assets
(Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP)

- 7.8 The submitted scheme has been developed through extensive pre-application discussions in relation to its design, scale, mass and form.
- 7.9 The Civic Society suggest retaining the two storey Edwardian factory building fronting Crocus Street to help to mediate the scale. This is a small part of the overall site and its retention would significantly compromise the scale and form of a proposed new build scheme. Furthermore, the building itself is not considered to be a heritage asset, its limited value further diminished overtime by having its groundfloor rendered and its roof replaced with a metal clad alternative, associated with its former use. In general terms the buildings within the site are considered to be of little or no architectural value, particularly within a City Centre context. Redevelopment of the site offers the opportunity to improve the contribution the site makes to local character.
- 7.10 The site sits within the Southside Regeneration Zone and also the Zone of Reinvention as defined in the Nottingham City Centre Urban Design Guide, with Crocus Street seeing a number of similar residential schemes either constructed or with permission.
- 7.11 The scale and massing of the proposed building takes its reference from Saffron Court (Hicking Phase II) directly to the north, which is also eight storeys at its highest point. It then, through a number of tiers, reduces the mass down to ground plus three stories on the south side of the site, facing the Meadows. On Crocus Street and Walleth Street the building is set back by 1.8m with low brick wall enclosures to the back edge of pavement, in the same fashion as Saffron Court. This both assists with privacy to the ground floor units but also addresses the level change necessary to gain direct street access to the apartments at this level. The tiered form of the building facing Meadows Way allows south facing roof top terraces to be provided for the adjacent apartments. The building is 'U' shaped around a raised central courtyard that sits atop the groundfloor car park. Trees within planters are proposed for both the communal courtyard and private terraces.
- 7.12 Brick is proposed as the primary facing material, although this is to vary between the primary block fronting Crocus Street/Walleth Street, and the wing fronting Meadows Way, with a standing seam metal cladding used for the link between the two, which also marks the vehicular entrance into the car park, and on the recessed upper floor of the lower element fronting Meadows Way.

The recessed upper floor of the main block is also to be finished in brick, albeit dark grey/black in colour. Detailing within the brickwork is to be incorporated at various points throughout the elevations.

- 7.13 Further details of the external materials and detailing would be secured by condition.
- 7.14 The site is not within a conservation area but the Station Conservation Area lies to the north, the boundary running down the Tinkers Leen on the other side of Saffron Court. The nearest listed building is the Grade II Meadows Mill on Queens Road which lies to the north west of the application site. This sits between taller buildings on both sides with the main views from the south, but the proposed development would not impact on these views. The Hicking Pentecost building on Queens Road is not listed but is identified in the Conservation Area Character Appraisal as making a positive contribution to the Conservation Area. Key views of this building from the south have now been obstructed by Saffron Court and the proposed development, which at its highest point is the same height as Saffron Court, would not impact further on views or the setting of the Hicking building. Station House at the western end of Crocus Street is also identified as a building which makes a positive contribution to the Conservation Area, but this building is too far from the application site to be affected by the proposed development.
- 7.15 It is concluded that the proposed development would have a positive visual impact upon the site and its surroundings and would not adversely impact on any key views identified with the Nottingham Urban Design Guide. There is no substantial harm or loss of significance to the adjacent listed buildings or conservation area as a result of the proposed development, in accord with policy HE1 of the LAPP.
- 7.16 Subject to precise materials and landscaping details being secured by condition, it is considered that the development would accord with policies 10 and 11 of the ACS and policies DE1, DE2 and HE1 of the LAPP.

(iii) Impact on the Amenities of Surrounding and Future Occupants
(Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 7.17 The proposed building would provide activity on all three street frontages, including Meadows Way, with ground floor apartments having individual entrances directly from the street, which would enhance community safety.
- 7.18 The existing trees along the Meadows Way frontage would be lost, but new planting and landscaping would be introduced between the building and Meadows Way which would enhance this as an area of public realm. The development also includes a large, landscaped courtyard above the ground floor car park which would provide private amenity space for the residents of the flats. All flats would have a good standard of amenity in terms of privacy, outlook, daylight and sunlight, and would meet the Nationally Described Space Standards.

- 7.19 The distance between the new building and Saffron Court would vary between 12-13m, which is not uncommon in this City Centre context. As such, it is not considered that the proposal would give rise to any significant amenity issues for the occupants of Saffron Court.
- 7.20 Noise impact and air quality assessments have been submitted for consideration as part of the application, which have been reviewed by Environmental Health colleagues and are considered to be acceptable. Standard conditions have been requested to address appropriate mitigation measures. A noise and dust management plan would also be required to minimise disturbance to nearby residents during construction.
- 7.21 Subject to conditions, the proposal therefore complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP in this regard.

(iv) Highway Considerations (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 7.22 The application is supported by a detailed Transport Statement which has been reviewed by Highways colleagues. Policy TR1 of the LAPP seeks to preclude development that would be detrimental to highway safety and to ensure that proposals include a sufficient package of measures to minimise journeys by private car and support journeys by sustainable modes of transport, in line with the transport hierarchy set out within policy 14 of the ACS.
- 7.23 The proposal includes 44 on-site parking provision, which is considered appropriate given the site's location within the City Centre and proximity to sustainable transport modes and core services.
- 7.24 It is proposed to provide 213 cycle spaces within the site, in excess of the 141 cycle spaces required by the parking standards within the LAPP. The cycle parking would be internal and secure, accessed directly from the building and via the secure access way from Wallett Street.
- 7.25 The Highways team initially requested a contribution of £50,000 towards a pedestrian crossing on Queens Road. However, this request was made in January 2020 and since then adequate funding has already been secured from another development. This contribution is therefore no longer required.
- 7.26 Subject to the recommended conditions, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

OTHER MATTERS

Flood Risk and Drainage (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.27 The site is located within Flood Zone 2 in accordance with the Environment Agency Flood Map. However, the finished floor level has been set at 26 AOD in accordance with the recommendations of the Flood Risk Assessment

submitted with the application. The Environment Agency has no objection to the proposal having received an updated Flood Risk Assessment.

7.28 To comply with the requirements of Council's Flood Risk Officer as well as Building Regulation requirements, the drainage strategy of the development would be as follows:

- Achieve 30% reduction of the site's (prior to re-development) surface water runoff at peak times;
- The surface water drainage design will follow the principles listed in the Approved Document Part H of the Building Regulations and Sewers for Adoption, 7th Edition. The Building Regulations establishes a hierarchy for surface water disposal which encourages a SuDS approach;
- Surface water sewers shall be designed to a 1 in 30 year no flooding standard in accordance with BS EN 752: 2008. There will be no flooding of buildings or off-site areas during a 1 in 100 year return period storm event including climate change allowance;
- An increase of 40% in rainfall intensity to account for the effects of climate change over the lifespan of a residential development shall be taken into account; and
- The surface water attenuation will be designed to store the critical 100 year return period storm event including an allowance for climate change.

7.29 All these measures are welcomed by the Flood Risk team. The development therefore accords with policy 1 of the ACS and policy CC3 of the LAPP.

Contamination (Policy IN2 of the LAPP)

7.30 A Phase I contaminated land report has been submitted with the application and reviewed by Environmental Health. They have raised no objection and requested standard conditions to deal with the risks associated with ground, groundwater and ground gas contamination of the site. Policy IN2 of the LAPP is therefore satisfied.

Planning Obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP and the Open Space SPD)

7.31 A policy compliant planning obligation for the proposed development would be expected to provide the following contributions:

- Affordable Housing - £ 1,360,234
- Public Open Space - £263,003
- Local Employment and Training - £48,408
- Education - £86,486

7.32 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 £73,000. Following a period of negotiation this has been accepted by the applicant. Having regard to both the contribution amount and S106 priorities in the local area, the sum of £73,000 would be allocated towards enhancing education facilities in the locality.

7.33 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.

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

8.1 The proposal would deliver long-term biodiversity enhancements to a site that is currently devoid of habitats or features of ecological value. The enhancement proposals include a planting scheme and green roof. The proposal would create space for nature with several areas of green space alongside the installation of bat and bird boxes as recommended by the Council's Ecologist. It is intended that planting would be provided in the courtyard and on the Meadows Ways frontage. The total green space including the courtyard and green roofing would measure at 813.17m². The above measures would ensure biodiversity enrichment across the site and in accordance with the Biodiversity SPD. The implementation of the proposed enhancement measures can be secured through condition. The proposal is therefore in accordance with policies 1 and 17 of the ACS and policies CC1 and EN6 of the LAPP.

8.2 Energy efficiency and sustainability measures are set out within the design and access statement submitted as part of the application. The following sustainability measures to be incorporated into the scheme:

- A fabric first approach is being adopted. The proposal includes specification to meet the new Building Regulation requirements for levels of thermal insulation.
- Further improvement will then be targeted through the installation of photovoltaic panels as a means of reducing the overall energy consumption of the proposed development, whilst also generating a local source of renewable electricity.
- Besides targeting improved energy efficiency, the proposed development also considers sustainable design and adaptation measures such as incorporating water saving features to ensure a maximum calculated water consumption of 110 litres per person per day.
- Consideration will be given to install highly efficient Mechanical Ventilation units with Heat Recovery to improve acoustic levels, air quality and to reduce

the heating demand of the apartments by limiting the heat losses via ventilation processes.

- Whilst the orientation of the proposed development is somewhat dictated by the confines of the site, the proposed apartments would benefit from a number of passive design features such as a good proportion of glazed areas which will provide solar gains to the dwellings during winter months whilst also maximising natural day lighting levels for occupants.

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

9 Financial Implications

Financial contributions as detailed above are in accordance with policy 19 of the ACS and policy IN4 of the LAPP, and the relevant Supplementary Planning Documents.

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

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: Redevelopment of a brownfield site with a high quality, sustainable and mixed-use development

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that 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: 19/02552/PFUL3 - link to online case file:

<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q0Y66QLYN3000>

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)

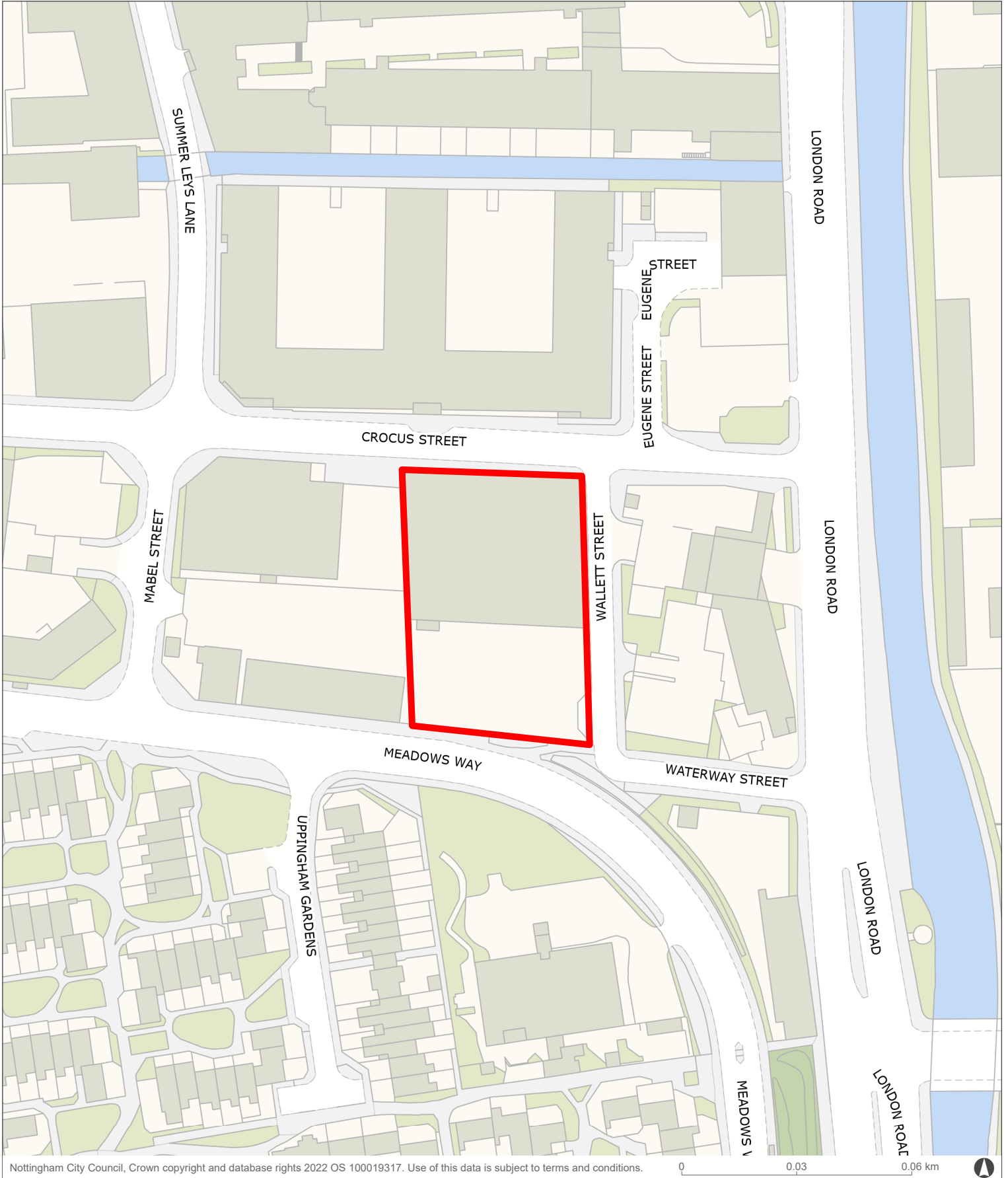
Biodiversity (2020) SPD

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

Contact Officer:

Mohammad Taufiqul Islam, Case Officer, Development Management.

Email: Mohammad.Taufiqul-Islam@nottinghamcity.gov.uk



Key
 City Boundary

Printed map generated by a Nomad user on 15/11/2022. This map is not suitable for publishing, for high quality maps please contact gl@nottinghamcity.gov.uk.

Description
A map printed from Nomad.

My Ref: 19/02552/PFUL3 (PP-08288005)
Your Ref:
Contact: Mr Mohammad Taufiqul-Islam
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

Alison Dudley
38 Greenhills Road
Eastwood
NG16 3DG

Date of decision: 8 November 2022

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

Application No: 19/02552/PFUL3 (PP-08288005)
Application by: Mr Singh
Location: 1 Wallett Street, Nottingham, NG2 3EL
Proposal: Demolition of Existing Buildings and Erection of Residential Accommodation

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

Time limit

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

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

Pre-commencement conditions

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

2. Prior to the commencement of development, a construction traffic management plan (including a demolition construction traffic management plan and a traffic management plan for above ground works) shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made for the parking of all site operatives, visitors and construction vehicles when loading and offloading during the construction period. The construction traffic management plan shall also include a construction traffic routing agreement.

The approved plan shall be implemented at all times whilst the development is under construction.

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 policies DE1 and TR1 of the LAPP.



3. Prior to the commencement of the development, a Remediation Strategy that has regard to the Contaminated Land Phase 1 Report by Collins Hall Green dated Oct 2019 (ref F238-CHG-00-XX-RP-S-0001) and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

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

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

The environmental noise assessment shall have regard to the Noise Assessment by Spire Environmental dated 08/11/2019 (ref R19.1368-N-1-AG) and 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).

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB LAm_{ax}(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 scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To safeguard residential amenity and to deal with noise associated with the operation of the building to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

5. Prior to the commencement of development, an updated bat survey shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the recommendations of the approved survey.

Reason: In the interests of nature conservation in accordance with Policy 17 of the ACS and Policy EN6 of the LAPP.

6. Prior to the commencement of above ground development and notwithstanding the approved drawings, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the window frames and doors, ventilation louvres (if any), window reveal depths, and brick detailing
- c) Roof edge, parapet and balcony details
- d) Details of all external materials. A sample panel of the proposed brickwork shall be constructed on site for review by the Local Planning Authority before seeking written approval

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

Reason: To ensure an appropriate quality of finish to the approved development in accordance with policies 10 and 11 of the ACS and policies DE1, DE2 and HE1 of the LAPP.

7. Prior to the commencement of above ground development, an electric vehicle charging point (EVCP) scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The scheme shall include:

For Residential Development:

- 1 electric vehicle charging point per domestic unit (ie dwelling with dedicated off street parking), and,
- 1 electric vehicle charging point per 10 parking spaces (unallocated parking)

For Anticipated Future Demand:

To prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

Reason: In the interests of sustainable transport and to accord with policies CC1 and TR1 of the LAPP.

8. Notwithstanding the information submitted with the application, prior to the commencement of above ground development details of the sustainability measures to be incorporated into the development, including the areas of green roof, shall be submitted to and approved in writing by the Local Planning Authority.

Where the sustainability measures include provision for heating and power generating proposals produced by combustion, then they shall be accompanied by an air quality assessment which include:

- A full air quality impact assessment including heating and power generating proposals, emissions from existing road and rail transport activities and vehicles associated with the development and the concentrations of pollutants of concern at sensitive receptors
- A stack height calculation (where appropriate)
- Details of an abatement techniques and mitigation of potential impacts

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 1 of the ACS and policy CC1 of the LAPP.

Pre-occupation conditions

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

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

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

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

Reason: To ensure that the sound insulation scheme approved to safeguard residential amenity and to deal with noise associated with the operation of the building has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

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

Reason: In the interests of sustainable transport and to accord with policies CC1 and TR1 of the LAPP.

12. Prior first occupation of the development, a landscaping scheme (both hard and soft landscaping, including surfacing and means of enclosure), shall be submitted to and approved in writing by the Local Planning Authority. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. The landscaping scheme shall also include proposals for the on-going management and maintenance of the external areas of the site.

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

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE1 and EN6 of the LAPP.

13. Prior to first occupation of the development, the approved cycle parking facilities for 213 cycles shall first have been provided.

Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS and TR1 of the LAPP.

14. Prior to first occupation of the development, bird and bat housing 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 nature conservation in accordance with policy 17 of the ACS and policy EN6 of the LAPP.

15. Notwithstanding the approved drawings, the development shall not be occupied until the bin store and collection arrangements have been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate bin storage facilities have been provided in order to comply with policy 10 of the ACS and policy DE1 of the LAPP.

Regulatory/ongoing conditions

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

16. The development shall be carried out in accordance with the submitted flood risk assessment (Bradbrook Consulting, Revision 1, 23 December 2022) and the following mitigation measures it details:

Finished floor levels shall be set no lower than 26.03 metres above Ordnance Datum (AOD)

The 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 in order to comply with policy CC3 of the LAPP.

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 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 18080-CBP-00-ZZ-DR-A-3000 revision P04, received 5 November 2022
Drawing reference 18080-CBP-00-ZZ-DR-A-3100 revision P04, received 1 June 2020
Drawing reference 18080-CBP-00-ZZ-DR-A-2005 revision P01, received 21 November 2019
Drawing reference 18080-CBP-00-ZZ-DR-A-3200 revision P04, received 1 June 2020
Drawing reference 18080-CBP-00-ZZ-DR-A-3300 revision P04, received 1 June 2020
Drawing reference 18080-CBP-00-ZZ-DR-A-3400 revision P04, received 5 November 2022
Drawing reference 18080-CBP-00-ZZ-DR-A-3500 revision P04, received 5 November 2022



Drawing reference 18080-CBP-00-ZZ-DR-A-3600 revision P04, received 1 June 2020
Drawing reference 18080-CBP-00-ZZ-DR-A-4100 revision P04, received 1 June 2020

Reason: To determine the scope of this permission.

Informatives

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.



Paul Seddon
Director of Planning and Regeneration



RIGHTS OF APPEAL

Application No: 19/02552/PFUL3 (PP-08288005)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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 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.

