

# Public Document Pack



**Nottingham  
City Council**

## **Nottingham City Council Planning Committee**

**Date:** Wednesday, 21 December 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:** Phil Wye

**Direct Dial:** 0115 876 4637

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** To Follow  
To confirm the minutes of the last meeting held on 23 November 2022
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
  - a Former Site Of Chronos Richardson Ltd, Belconnen Road, Nottingham, NG5 5HZ** 3 - 32
  - b Former Site Of Chronos Richardson Ltd, Wyton Close, Nottingham, NG5 5GW** 33 - 54
  - c Units 1 To 4 Queens Road Nottingham** 55 - 92
  - d 10 Woodborough Road, Nottingham NG3 1AZ** 93 - 112

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:** Bestwood

**Item No:**

**Planning Committee  
21 December 2022**

## **Report of Director of Planning and Transport**

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

#### **1 Summary**

Application No: 22/00709/PFUL3 for planning permission

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

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

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

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

#### **2 Recommendations**

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

Prior completion of a planning obligation which shall include:

- (i) a financial contribution of £35,503.57 towards off-site Biodiversity Net Gain
- (ii) provision of local employment and training including a financial contribution of £10,660 towards its delivery.

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

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

#### **3 Background**

3.1 The application relates to approximately 1ha of land within the western portion of the former site of Chronos Richardson. It is a former industrial site which has since been cleared and remains vacant. Part of the site is currently owned by the Council and part is owned by an external party. It is proposed that the land to which this application relates, together with the adjoining land which forms the wider Chronos Richardson site, are sold as one development site.

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

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

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

- 4.6 It is estimated that the store will create 40 Full time equivalent jobs.
- 4.7 As referenced above, the remainder of the site (reference SR13) is subject of a concurrent planning application for residential development of 62 dwellings (planning application reference 22/00675/PFUL3).

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

### **Adjoining occupiers consulted:**

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

Following changes to the proposal further notification letters were sent to the same addresses on 18<sup>th</sup> August 2022. The response date for representations was 9<sup>th</sup> September 2022. No further representations were received to the second round of notification letters.

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

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

The application was advertised as a departure application.

### **Responses**

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

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

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

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

This application was published on the agenda for September Planning Committee 2022. Prior to Committee, two objections from Martin Robeson Planning Practice (MRPP) on behalf of a competitor supermarket (Tesco Stores Limited) were received, setting out the following points of objection:

- The critical lack of any 'Health Check' analysis of nearby town centres in order to inform retail impact assessment,
- Lack of credibility in some of the retail impact assessment's outputs,
- Failure to have proper and effective regard to the application of flexibility in the sequential testing of preferable opportunities,
- Failure of the sequential test in not confirming a preferable opportunity as 'suitable'
- Loss of allocated housing land,
- The environmental effects that arise from the unsuitability of the site for the proposed retail purpose, and
- The proposal is an unsustainable form of retail development when sited in this out-of-centre location
- The proposal is not in a sustainable location in terms of transport and accessibility,
- The proposal fails the sequential test since there is a more accessible, preferable opportunity
- Lack of credibility in the assessment of retail impact,
- Non-disclosure of the removal of mature trees and its impact on the assessment of application against policy,
- Misinterpretation of policy relating to biodiversity,
- Incorrect calculation of the loss in delivery of housing units,
- A misleading visual of the proposed development, and
- Lack of balancing exercise to address the proposal's departure from the Local Plan

Following receipt of the two letters, WSP, on behalf of the applicant, issued a response which can be summarised as follows;

- The objection was submitted some 6 months after the validation date of the application and 3 working days before Committee. It is assumed that the timing of the objection is for commercial reasons. A delay would be beneficial to any competitor but also places undue pressure on the Local Planning Authority and public funds.
- The impact of such actions inevitably effects other work Local Planning Authorities (LPAs) are engaged with. Slowing down decision making has an economic impact for a Council area. It slows down the delivery of an Authority's wider strategic objectives, which particularly at this time of a cost of living crisis, is something we would have hoped all commercial organisations would be cognisant of.
- At the time of submission it was not considered necessary to carry out Health checks based on an assumption that trade draw would be limited
- Customers seeking to shop in a discount supermarket have several options to choose from in the locality and will have already made their decision to shop in an Aldi or Lidl regardless of the application proposals coming forwards. Therefore, the trade drawn from existing locations is concentrated on the existing discount supermarkets.
- The scope of the retail assessment, including the level of flexibility required to be demonstrated, was agreed with the Local Planning Authority (the LPA) in accordance with paragraph 017 Reference ID: 2b-017-20190722 of

NPPG. The levels of flexibility required are not prescribed by the NPPF or the NPPG. It is a matter for professional judgement and agreement with the LPA.

- No sequential sites have been identified within or to the edge of district or local centres within the catchment area by either the Council or MRPP. The alternative site at Gala Way raised by MRPP (which is out of centre and not sequentially preferable), has been reopened by Buzz Bingo since the assessment was initially undertaken and is no longer available. The sequential test has therefore been satisfied.
- The Lidl application proposals have been developed in conjunction with the residential proposals on the adjacent site. All of the proposed residential development will be affordable dwellings and the number, mix and type of dwellings proposed on the allocated site is considered acceptable by officers
- The application site is clearly suitable for the development proposed and an acceptable engineering solution has been found to enable the development to progress. Officers have assessed the proposal and found it to be acceptable. The officers should not be expected to assess a hypothetical scenario as suggested by MRPP.
- It is common ground that there are no in-centre or edge of centre locations capable of accommodating the proposals. The site is located within a residential community and the proposals therefore provide a destination that is accessible by a range of modes of transport, including customers arriving on foot.

**Additional consultation letters sent to:**

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

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

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

**Planning Policy:** No objection. Additional information and analysis has been provided by the applicant in support of the Sequential Test and Retail Impact Assessment. A comprehensive appraisal of this information and analysis has been undertaken by a Retail Planning Consultant. The Council is satisfied with the conclusions reached within the submitted information and within the appraisal undertaken by the Retail Planning Consultant. The proposal is considered to be in accordance with Aligned Core Strategy (2014) Policy 6 and Land & Planning Policies Development Plan Document (Local Plan Part 2) Policy SH4. Loss of residential land is acknowledged, but the number of dwellings to be provided on the remainder of the LAPP allocation (62) is acceptable compared to the LAPP range

of 63-87 in the LAPP. The number of homes is included in an appendix rather a LAPP policy, and so the range is indicative, and does not have the weight of Policy. Para 6.32 of the LAPP states “The Development Principles set out the range of acceptable uses for each site”. The remainder of the site is to be developed in compliance with Policy SR13 of the LAPP.

**Nottingham Jobs:** An employment and training plan is recommended, including a proposed contribution of £10,660 to support the services provided by the Jobs Hub.

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

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

## 6 Relevant policies and guidance

### National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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



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

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

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

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

Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

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

Paragraph 180(d) states that when determining planning applications, local planning authorities should support development whose primary objective is to conserve or enhance biodiversity while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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

Policy A: Presumption in Favour of Sustainable Development  
Policy 1: Climate Change  
Policy 4: Employment Provision and Economic Development  
Policy 6: Role of Town and Local Centres  
Policy 10: Design and Enhancing Local Identity  
Policy 14: Managing Travel Demand  
Policy 17: Biodiversity  
Policy 19: Developer Contributions.

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

Policy CC1: Sustainable Design and Construction  
Policy CC3: Water  
Policy EE4: Local Employment and Training Opportunities  
Policy DE1: Building Design and Use  
Policy DE2: Context and Place making  
Policy SH4: Development of Main Town Centre Uses in Edge of Centre and Out of Centre Locations  
Policy TR1: Parking and Travel Planning  
Policy EN6: Biodiversity  
Policy EN7: Trees  
Policy IN2: Land Contamination, Instability and Pollution  
Policy IN4: Developer Contributions  
Policy SA1: Site Allocations

### **Supplementary Planning Documents**

Biodiversity (2020)

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

### **Main Issues:**

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

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

- 7.1 The site is a vacant former industrial site that has been cleared. The reuse of brownfield sites is actively encouraged and supported by national and local planning policy.
- 7.2 The application site is part of a wider site allocated as a development site by Policy SA1 of The Local Plan Part 2 (site ref. SR13). Policy SA1 states that the sites are “allocated and protected to meet the development needs of Nottingham to 2028”. The main purpose of the allocation is to ensure an adequate supply of land to meet the needs of the city. The appendix to Policy SA1 sets out an anticipated delivery of

63-87 dwellings on the site. The application is accompanied by a concurrent planning application for residential development (22/00675/PFUL3) for 62 dwellings.

- 7.3 The loss of land that could otherwise be developed for housing is acknowledged, but the number of dwellings to be provided on the remainder of the LAPP allocation (62) is considered to be acceptable compared to the LAPP range of 63-87 in the LAPP. The number of homes is included in an appendix rather a LAPP policy, and so the range is indicative, and does not have the weight of Policy. The shortfall relative to this indicative range is considered to have an insignificant impact on the city's ability to meet its housing needs, and in this context it should be noted that there is a housing land supply that is currently in excess of six years, against a five year requirement. Para 6.32 of the LAPP states "The Development Principles set out the range of acceptable uses for each site. Whilst the precise quantum of development will be subject to review during the development management process, appendices three, four and five set out the broad number of residential units". The LAPP therefore provides a degree of flexibility in terms of numbers of homes on LAPP sites. The proposed development would comprise 100% affordable dwellings, providing a mix of house types and sizes, thus contributing to the creation of a balanced community. The requirement within the Development Principles for the creation of new open space, is in the context of a 100% housing site. Para 6.29 of the LAPP "The Development Principles give an indication of key issues relating to each site but are not intended to be comprehensive development briefs." Policy EN2 of the LAPP provides for developer contributions to enhance existing areas of open space or additional open space in the area. The part of SR13 for which a planning application for residential development is under consideration is anticipated to provide a policy compliant level of open space contribution through a S106 agreement.
- 7.4 Policy HO1 of the LAPP encourages development of sites for family housing. It does not set targets nor is it prescriptive about the level of family housing, this being a matter of judgment based on the characteristics of the site, as set out in Para 4.14 of the LAPP. The scheme is for 100% affordable housing, which satisfies 2d of HO1 by meeting other aims of the City Council, as evidenced by Greater Nottingham & Ashfield Housing Needs Assessment, October 2020.
- 7.5 Taking account of these factors, the proposed loss of housing land within the allocated site is considered to be acceptable, and there is no objection in principle to the delivery of retail development in addition to the residential development.
- 7.6 Notwithstanding the above, National and Local Planning Policies require a sequential Test and Retail Impact Assessment to be carried out for Out of Town Retail development of this scale. Paragraph 90 of the NPPF requires all retail, leisure and office development outside of town centres to be subject to a retail impact assessment if over a proportionate, locally set threshold. Policy 6 of the ACS requires the Sequential Test to be satisfied for Out of Town retail development and Policy SH4 of the LAPP requires an Impact Assessment for retail development greater than 1,000 square metres or greater of new (gross) floorspace on the edge of or outside an existing Centre. The NPPF para 90 states that Impact assessments should include assessment of:
- Impact of the proposed on existing, committed and planning public and private investment in a centre or centres in the catchment area of the proposal; and

- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

7.7 These assessments have been provided with the application and updated as appropriate. Following concerns raised in the objection from MRPP on behalf of Tesco stores limited, WSP, on behalf of the applicant, has undertaken further analysis in support of the Sequential Test and has provided an updated Planning Retail Statement together with a response to the Tesco objection.

7.8 Acknowledging the comments made on behalf of Tesco in relation to credibility of the assessment of retail impact and given the technical and specialist nature of these issues, The Council has instructed an independent appraisal of the Planning Retail Statement and the applicant's response to the objection made on behalf of Tesco. Officers have taken independent advice from Applied Planning, a retail planning consultancy. The Preliminary analysis of the submitted information, as undertaken by Applied Planning, identified several areas of concern as follows;

#### Sequential Test

- The submitted Planning Retail Statement set a minimum site search area in the sequential test of 0.87ha. The Council's Consultants considered that this represented insufficient flexibility and that a 0.65ha site search area represents a reasonable minimum site search criteria for the purposes of the sequential test. The Planning Consultant referenced the use of this minimum site search criteria for other applications by Lidl and Aldi and concluded that there were no material considerations which justified a departure from these parameters in this instance.
- The objection from Tesco sets out a series of reasons why the development site at Gala Way is sequentially preferable to the application site. The Council's consultants concluded that further analysis was required, specifically in relation to whether this site is more accessible and well connected to a town centre than the application site. It was also recommended that a detailed sequential analysis of this site was undertaken, having regard to the 0.65ha minimum site search criteria referenced above.

#### Retail Impact Assessment

- The original Planning Retail Statement did not provide health checks of the centres which may be affected by the proposed development. In order for a robust judgment to be made of likely trade draw and whether any identified impact is adverse, health checks of nearby centres were needed. These health checks should be in accordance with the indicators set out in Planning Policy Guidance. Taking account of geographical proximity as well as the existing trade draw provided by the applicant it was recommended that health checks were undertaken for:
  - Beckhampton Road Local Centre
  - Carrington Local Centre
  - Bulwell Town Centre
  - Arnold Town Centre
  - Sherwood District Centre
  - Nuthall Road Local Centre

- These centres are all within, or in proximity to, the 5-minute drive time of the proposed store and would therefore be potentially affected by the proposed development.
- The Council's Consultants noted that trading densities given within the Planning Retail Statement were lower than trading densities used in recent impact assessments prepared by the applicant in support of Lidl applications. Clarification was therefore requested for the reasons a lower benchmark trading density was utilised in this instance.
- Furthermore, the Council's Consultants cited a number of concerns in relation to the assumed trade diversions, namely an over reliance on trade diversion from Limited Assortment Discounters (LAD) and an underestimate of the draw from superstores within and on the edge of the catchment area (Tesco Extra (Top Valley Way), Tesco Extra (Jennison Road), Morrisons, (Leen Road) and Sainsburys (Sir John Robinsons Way). It was also concluded that Trade diversion was generally under-estimated for local top-up convenience stores in close proximity to the application site; including Co-op Food, Nisa and Select & Save on Arnold Road and Tesco Express, 10 Oxengate. As a consequence, the Consultant recommended that sensitivity testing was undertaken of trade diversions from existing centres and stores, to be informed by health checks for the centres.

7.9 The conclusions of the preliminary assessment outlined above were given to the applicant and they have subsequently provided updated information as set out within their letter dated 2<sup>nd</sup> November 2022. This information has been reviewed by Applied Planning and the findings form part of the assessment of the proposed development. Ultimately it is concluded that there are no site/units which are suitable and available for the proposed development and that based on the information available, the application complies with the sequential test. It is also concluded that the development would not have a significant adverse impact on the considerations within Paragraph 90 (a) and (b). These findings and the analysis of the submitted information is discussed in further detail in the following section of the report (Issue ii).

7.10 Notwithstanding the above issues it is noted that the proposed development would bring the vacant site back into an economic use and create an estimated 40 FTE jobs, as well as contributing £10,660 through Section 106 for the Nottingham Jobs Hub, leading to direct and indirect benefits to the local economy in compliance with Policy 4 of the ACS and Policy EE4 of the LAPP.

7.11 The proposed development would be accessible to a large local residential population. The new store would provide a new facility in the area, which provides the opportunity for existing and new residents (a link is provided through the proposed residential development) to shop without using a car.

7.12 In conclusion it is considered that the principle of the development is acceptable and in accordance with Policies 4 and 6 of the ACS and Policies EE4, SH4 and SA1 of the LAPP.

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

7.13 The application site is not in an identified centre. Policy SH4 of the LAPP and paragraphs 87-89 of the NPPF require the sequential approach to site selection to

be applied to all development proposals for main town centre uses that are not in an identified centre and not in accordance with an up-to-date Development Plan. The NPPF states that applications for main town centre uses should be in town centres, then edge of centre locations, and only if suitable sites are not available within a reasonable period, should out-of-centre sites be considered.

- 7.14 Policy SH4 also states that for out of centre retail developments of more than 1000sqm, a Retail Impact Assessment must be carried out and where proposals which would result in a significant adverse impact on in-centre investment or the vitality and viability of a centre within the catchment area of the proposal, they will not be supported. This broadly reflects the requirements of the NPPF paragraph 90.
- 7.15 As detailed above, the application is supported by a Planning and Retail Statement which includes a sequential test and impact assessment. This has been updated and additional supporting letters from WSP on behalf of the applicant, dated 16<sup>th</sup> September 2022 and 2<sup>nd</sup> November 2022, have been received. The latter responds to the Preliminary response from AppliedPlanning, the Council's Consultants, which identified a number of concerns in relation to the Sequential Test and the Retail Impact Assessment.

### **Sequential Test**

- 7.16 Applied Planning's appraisal of the Sequential Test queried the use of the 0.85ha search criteria and recommended that it was carried out again with a search criteria of 0.65ha. Whilst Tesco suggested lowering the search criteria to 0.3ha, Applied Planning concluded that this site size would only be capable of delivering a 2-storey 'Metropolitan' store business model with limited parking provision which isn't the broad type and format of the business model proposed in this application. Applied Town Planning cite recent caselaw (Aldergate v Mansfield District Council & Anor [2016]) which clarifies that the sequential test should be considered on the basis of the broad type and format of the proposed land use, allowing for appropriate flexibility in respect of format and scale. As such, the applicant has carried out a search of sites with an area of 0.65ha and this is considered satisfactory and justified.
- 7.17 No sequential sites have been identified within or to the edge of district or local centres within the catchment area, despite lowering the site area search criteria to 0.65ha. The alternative site at Gala Way raised by MRPP (which the applicant considers to be out of centre and not sequentially preferable), has been reopened by Buzz Bingo since the Planning and Retail Statement assessment was initially undertaken and is, therefore, no longer available.
- 7.18 In reviewing the applicant's response above, Applied Planning concludes that the applicant's assumptions are fair and that no sequentially preferable sites have been identified. It is therefore considered that the Sequential Test is passed.

### **Retail Impact Assessment**

- 7.19 The submitted Retail Impact Assessment uses the criteria set out within Paragraph 90 of the NPPF:
- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

(b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

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

- 7.20 As outlined above, the preliminary appraisal of the Retail Impact Assessment, carried out by Applied Town Planning, identified a number of issues with the initial findings. In response to this, WSP on behalf of the applicant, have provided additional information and carried out further analysis. WSP have confirmed that the benchmark trading intensities have been taken from the latest available data from 2021 which is why the figures may differ from data used from earlier applications made by Lidl. Given that the data used is up to date from a reliable data source, this is considered acceptable. The Retail Planning Consultant, in their appraisal, concur with this conclusion.
- 7.21 WSP on behalf of the applicant, carried out Health checks of Beckhampton Road Local Centre, Carrington Local Centre, Bulwell Town Centre, Arnold Town Centre and Sherwood District Centre, in October 2022. All centres were found to be healthy and in their appraisal of this information, Applied Town Planning Consultants agreed with these findings. Whilst the applicant opted not to carry out a Health Check on Nuthall Road Centre on account of it being beyond the 5 minute drivetime of the application site, it not having any comparable stores that the development would draw trade from, and it not being identified as a destination within the Household Survey. Despite the applicant's conclusions in this regard, Applied Town planning carried out their own health check of Nuthall Road Centre and found it to be healthy.
- 7.22 The Health checks have allowed for a greater depth analysis of the potential impact arising from the proposed development. Alongside these checks, WSP on behalf of the applicant, have also carried out sensitivity testing on the trade draws from each of the centres. They conclude that although the larger stores, such as Sainsbury's, Tesco and Morrisons remain popular, in each location there is an Aldi or Lidl less than 1 mile away. As such, if a shopper wanted to shop at a discount retailer, they would have made that choice already and the trade diversion from these stores to a discounter would have already taken place.
- 7.23 The applicant therefore maintains the view that most trade will be diverted from the six Aldi or Lidl stores within the catchment area. WSP assumptions about the trade draw from the local top-up convenience stores have been adjusted. It was evident from the health checks that these stores primarily provide for a very localised top-up shop primarily from a walk-in catchment. The household survey indicated that there was very little (if any) consistent use of these stores. As such it is not considered that these stores would experience significant trade diversion. Despite this the assumed trade draw has been adjusted to show that 1% of Lidl's turnover will come from the Co-op at Beckhampton Road Local Centre and 1.5% from other smaller out of centre locations along Arnold Road.
- 7.24 Whilst Applied Planning's analysis of Trade draw differs from WSP's in terms of the percentage draw, the conclusions for each of the Local Centres is the same, that the proposed development would be unlikely to have any significant impact upon any single store or centre.

- 7.25 In considering the impact on investment in centres, the applicant states that they are not aware of any current, committed and planned investment within the 5-minute drivetime with the exception of proposals at Sherwood District Centre, on edge of the catchment area (Sherwood Library site). However, as outlined in the sequential assessment, the nature of the proposed retail floorspace within this redevelopment is different to the proposed food store, particularly in terms of its size (at only 259sqm net). It is also only a small part of a wider development scheme which is focussed on the re-provision of a new library facility and new residential dwellings. As such, it is not considered that the proposed Lidl food store will impact on the delivery of this mixed-use development proposal. Applied Planning reach a similar conclusion in their appraisal.
- 7.26 Following a comprehensive assessment of the submitted Retail Impact Assessment by Applied Planning and consideration of these conclusions by the Council's Planning Policy Team, the applicant's conclusions are accepted and it is agreed that the proposed development of a food store, would not result in any significant adverse impact upon existing businesses or upon committed or planned in-centre investment. As such, it is considered that the development would comply with section 7 of the NPPF, Policy 6 of the ACS and Policy SH4 of the LAPP.

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

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



standard and accessible spaces as well as bays with Electric Vehicle Charging points. Infrastructure to enable further charging points to be provided in the future, is also to be incorporated during construction, which is welcomed.

- 7.31 In summary, the design and layout are considered to be appropriate for the nature of development proposed and in response to site constraints. Amendments have been made to enhance and improve accessibility and pedestrian routes to and within the site. The development therefore accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP in this regard.

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

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

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

- 7.37 The Highway Authority has assessed the proposals, including the Transport Assessment carried out by the applicants. They are satisfied with the content and findings of this report, and that the impact of the development, as amended, on traffic flows and road safety are acceptable. The level and arrangement of car parking proposed is also acceptable. It is considered that the development would be in compliance with Policy TR1 of the LAPP.

- 7.38 The changes to geometry of the site access have resulted in a reduction in the width of the access road. This would make it easier for pedestrians to cross the road whilst ensuring safe access and egress for vehicles.
- 7.39 The footpath links with the proposed residential development and beyond the site would allow and encourage visitors to the store on foot and bike, thus reducing the reliance on travel by car, with cycle storage being provided within the development. It is considered that the proposal accords with Policy 14 of the ACS in this regard.
- 7.40 Conditions requiring a Construction Management Plan and the implementation of car parking, cycle parking and Electric Vehicle Charging are recommended. In summary, the development is considered to comply with Policies 10 and 14 of the ACS and Policy TR1 of the LAPP.

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

- 7.41 Policy EN6 of the LAPP states that development will only be permitted where significant harmful ecological impacts are avoided. Where harmful impacts cannot be avoided they should be mitigated through the design, layout and detailing of the development, or as a last resort compensated for, which may include off-site measures. The Biodiversity SPD further supports this.
- 7.42 The application is accompanied by an Ecological Appraisal, Ecological Enhancement Scheme and Biodiversity Net Gain Assessment. At the time the assessment was carried out, the site comprised areas of established woodland and grassland. Whilst much of which is proposed to be removed to facilitate the development, a comprehensive scheme of tree replanting and ecological enhancements (including bird and bat boxes, sensitive lighting and hedgehog connectivity) has been submitted (and in itself is considered satisfactory by the Council's Biodiversity Officer) this is not sufficient to offset the loss of habitats and the Biodiversity Net Gain Assessment demonstrates an overall loss in Biodiversity rather than a gain.
- 7.43 The proposals for the removal of woodland and grassland have been reconsidered by the developer but in their opinion it is not possible to increase the retention due to the harm arising from the disturbance of the adjacent areas of grassland/woodland. As such, the developer proposes a contribution towards off-site biodiversity gain as additional mitigation in order to achieve an overall gain. With mitigation in the form of a financial contribution proposed, It is considered that the benefits of developing a long term vacant site which clearly has economic benefits as well as providing affordable housing for this city, outweighs the harm arising from the removal of the grassland and woodland. The Biodiversity Officer has assessed the proposals and provided calculations for a contribution towards off-site Biodiversity Gain based upon a figure per unit for both grassland and woodland. This amounts to a figure of £35,503.57 which is to be requested through the s106 Agreement. The contributions will be placed in a ringfenced account which will be used for the creation of habitats. Taking account of the on-site proposals and the off-site compensation to be provided by a s106 contribution, it is considered that the development complies with Policies 17 and 19 of the ACS, Policies EN6, EN7 and IN4 of the LAPP and the Biodiversity SPD.
- 7.44 Policy EN7 of the LAPP relates to Trees and seeks to retain and protect trees of high value, and other trees and landscaping where possible, and secure adequate

mitigation/replanting for the loss of trees. A Tree Survey and Arboricultural Impact Assessment have been submitted with the application which concludes that none of the trees on the site are/were category 'A' (high value) trees. No trees on site benefit from any statutory protection and as such consent to remove any trees is not required from the local planning authority. The lowest value trees are to be removed during site clearance.

- 7.45 Where trees are not proposed for retention, mitigation in the form of replanting is proposed. This approach is considered to reach an acceptable balance between the loss of the trees and the viable redevelopment which will provide onsite mitigation. It is considered that the development in this regard, complies with Policy EN7 of the LAPP.

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

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

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

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

The total contribution is therefore £46,163.57

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

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

- 8.1 Policy 1 of the ACS affirms the presumption in favour of sustainable development. Policy CC1 (sustainable design and construction) of the LAPP promotes energy efficient buildings and sustainable design, and Policy CC3 (water) seeks to protect water quality, promote efficient water use and require sustainable drainage where possible.

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

- 8.3 As a company, Lidl seeks to reduce CO2 emission rates from its buildings by over 20% when compared with a building of the same type, size and use. The fully glazed, front façade maximises natural daylight entering the building, whilst sensor controlled exterior sun blinds automatically operate to mitigate the effects of excessive heat from solar gain. Finally, photovoltaics, to capture solar power for use in store, will be applied to the roof of the store. As detailed earlier within the report, Electric vehicle charging points are proposed within the car park.
- 8.4 The site is in Flood Zone 1 and therefore at the lowest risk of flooding. A condition requiring the submission of details of surface water drainage provision has been recommended by the Drainage Team. Overall the scheme will comply with Policy 1 of the ACS and Policies CC1 and CC3 of the LAPP.

## **9 Financial Implications**

None.

## **10 Legal Implications**

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

## **11 Equality and Diversity Implications**

None.

## **12 Risk Management Issues**

None.

## **13 Strategic Priorities**

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

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

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

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

None.

## **15 Value for money**

None.

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

1. Application No: 22/00709/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9SWP6LYK5800>

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

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

Biodiversity SPD 2020

Greater Nottingham & Ashfield Housing Needs Assessment, October 2020.

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

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

# Nomad printed map



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**Key**  
 City Boundary

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**Description**  
A map printed from Nomad.

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



**Nottingham  
City Council**

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

Date of decision:

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

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

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

**Time limit**

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

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

**Pre-commencement conditions**

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

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

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



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

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

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

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

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

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

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

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

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





## Pre-occupation conditions

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:

Drawing reference A-PL-003 revision D, received 18 August 2022

Drawing reference A-PL-004 revision B, received 18 August 2022

Drawing reference A-PL-005 revision B, received 18 August 2022

Drawing reference A-PL-006 revision B, received 18 August 2022

Drawing reference A-PL-007 revision B, received 18 August 2022

Drawing reference A-PL-008, received 6 April 2022

Drawing reference A-PL-009 revision B, received 18 August 2022



Drawing reference A-PL-010 revision B, received 18 August 2022  
Drawing reference A-PL-011 revision B, received 18 August 2022  
Drawing reference A-PL-012, received 18 August 2022  
Drawing reference A-VIS-001 revision E, received 22 September 2022  
Other reference Design and Access Statement revision C, received 18 August 2022  
Other reference Planning and Retail Statement revision 9, received 18 August 2022  
Other reference BNG Assessment revision A, received 18 August 2022  
Other reference Planting Plan LBW01 revision C, received 18 August 2022  
Other reference Ecological Enhancement Plan LBW02 revision A, received 18 August 2022  
Other reference Arboricultural Impact Assessment 220815-1.1-BN-AIA-MW revision 1.1, received 18 August 2022  
Other reference Transport Assessment VN201754 revision 3, received 6 April 2022  
Other reference Appendix Technical Note VN201754 revision 1, received 6 April 2022  
Other reference Air Quality Assessment 102539v45 revision 5, received 18 August 2022  
Other reference Noise Assessment 102540-2 revision 5, received 15 September 2022  
Other reference Badger Survey 2202-PHA, received 6 April 2022  
Other reference Ecology Report 404.06660.00029 revision 3, received 13 April 2022  
Other reference Phase 1 site investigation and preliminary risk assessment 841.01.01 revision 1, received 6 April 2022  
Other reference Phase 2 Ground Investigation 841.02.01 revision 1, received 6 April 2022  
Other reference Statement of Community Engagement, received 6 April 2022

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

## Informatives

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

### 2. Informatives

1. Construction Traffic Management Plan (CTMP) & mud on the road  
The applicant should provide a CTMP as conditioned. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management via email [highway.approvals@nottinghamcity.gov.uk](mailto:highway.approvals@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.

### 2. Highway licences

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

### 3. Section 278 agreement - highway works

Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management at [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) or 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time



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for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

#### 4. Cycle Parking

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

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

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

#### 6. Traffic Regulation Orders

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

#### 7. Public Rights of Way and Access

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

### 3. Ground Gas Contamination

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

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

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

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

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

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

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

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

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



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

Continued...

## **RIGHTS OF APPEAL**

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

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

## **STREET NAMING AND NUMBERING**

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



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

# **DRAFT ONLY**

## **Not for issue**

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

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**Not for issue**

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**Wards Affected:** Bestwood

**Item No:**

**Planning Committee  
21 December 2022**

## **Report of Director of Planning and Transport**

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

#### **1 Summary**

Application No: 22/00675/PFUL3 for planning permission

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

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

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

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

#### **2 Recommendations**

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

Prior completion of a planning obligation which shall include:

- (i) a financial contribution of £151,110.69 towards off-site Open Space
- (ii) a financial contribution of £52,546.44 towards off-site Biodiversity gain
- (iii) a financial contribution of £338,875 towards Education Provision
- (iv) provision of local employment and training including a financial contribution of £19,128 towards its delivery.
- (v) Provision of 20% Affordable Housing of which 10% is to be affordable ownership

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

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

### **3 Background**

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

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

- 4.1 The application seeks permission for a residential development of 62 dwellings arranged in a series of cul-de-sacs. On the east side of the site, there will be 50 houses with vehicular access off Wyton Close. To the west side of the site, there will be 12 flats, arranged in three, two storey blocks with vehicular access off Belconnen Road.
- 4.2 All of the dwellings will be affordable dwellings, available as shared ownership or for social rent and a mix of 1, 2, 3 and 4 bed units will be provided, the 1 bedroom units being provided as flats. Pedestrian access between both parts of the development will be provided along the southern edge of the site. Pedestrian links to the proposed Lidl site are also incorporated in the scheme.
- 4.3 At the southern edge of the site, two attenuation ponds are proposed. Whilst this is a form of open space, it is not useable as recreational space and as such a contribution towards the provision of off-site open space is sought.
- 4.4 Off street parking is provided throughout the development, with all one and two bed units having at least one off street space and 3 and 4 bed units having 2 spaces. Additional on-street visitor parking is also indicated.

## 5 Consultations and observations of other officers

### Adjoining occupiers consulted:

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

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

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

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

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

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

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

**Highways:** The layout, as amended, is considered to be satisfactory.

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

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

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

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

**Nottingham Jobs:** An employment and training plan is recommended, including a proposed contribution of £19,128 to support the services provided by the Jobs Hub.

## 6 Relevant policies and guidance

### National Planning Policy Framework (2019)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

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

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil,

air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

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

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

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

Policy A - Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 – Design and Enhancing Local Identity

Policy 17: Biodiversity

Policy 19: Developer Contributions.

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

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy DE1: Building Design and Use

Policy DE2: Context and Place making

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in Development

Policy EN6: Biodiversity

Policy EN7: Trees

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy SA1: Site Allocations

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

### **Supplementary Planning Documents**

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

Biodiversity (2020)

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

### **Main Issues:**

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

(vi) Planning Obligations

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

- 7.1 The site is a vacant former industrial site that has been cleared. The reuse of brownfield sites is actively encouraged and supported by the national and local planning policy.
- 7.2 The application site is part of a wider site allocated as a development site by the Local Plan Part 2 (site ref. SR13) and is anticipated to deliver 63-87 dwellings. The site has been subdivided with the portion of land outside of this application site, being subject of an application for a Lidl Food Store. The remaining 1.6ha of land forms the subject of this application for residential development of 62 dwellings. The loss of residential land is acknowledged, but the number of dwellings to be provided on the remainder of the LAPP allocation (62) is acceptable compared to the LAPP range of 63-87 in the LAPP. The number of homes is included in an appendix rather a LAPP policy, and so the range is indicative, and does not have the weight of Policy. Para 6.32 of the LAPP states “The Development Principles set out the range of acceptable uses for each site. Whilst the precise quantum of development will be subject to review during the development management.”
- 7.3 Although the provision is one dwelling less than that sought under the site allocation, it is recognised that the scheme is seeking to provide a wholly affordable scheme, exceeding the 20% required by Policy HO3. It would provide a mix of house types contributing to the creation of a balanced and sustainable community, thus complying with the aims of Policy 8 of the ACS and Policy HO1 of the LAPP. Taking account of these factors, the loss of one dwelling from the provision is not considered to be of any significant consequence. The Council’s Policy Officers have reviewed the proposals in the context of the Housing Land Supply and raise no objection. Officers recognise that the scheme will meet an identified demand for Affordable Housing and on this basis do not object to the reduction (by one unit) in the number of dwellings to the provided as detailed within Policy SA1 of the LAPP.
- 7.4 Policy HO1 of the LAPP encourages development of sites for family housing. It does not set targets nor is it prescriptive about the level of family housing, this being a matter of judgment based on the characteristics of the site, as set out in Para 4.14 of the LAPP. The scheme is for 100% affordable housing, which satisfies 2d of HO1 by meeting other aims of the City Council, as evidenced by Greater Nottingham & Ashfield Housing Needs Assessment, October 2020. The proposed development would therefore comply with Policies 1 and 8 of the Aligned Core Strategies and Policies HO1, HO3 and SA1 of the LAPP.
- 7.5 An assessment of the suitability of the remaining 1ha of land for retail development is provided within the appraisal of the requisite planning application (ref. 22/00709/PFUL3) and this includes a Sequential Test and Retail Impact Assessment.

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

- 7.6 The site layout has evolved in response to consultee feedback, particularly that from the Highway Authority and the resulting road layout which comprises a primary carriageway with footways either side, transitioning to a shared surface, is

acceptable in principle. Technical details relating to the transitions and materials are under review and it is anticipated that the final details will be agreed by condition. Any additional information provided will be relayed to Committee by way of an Update Sheet.

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

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

- 7.14 The development provides a mix of 1, 2, 3 and 4 bedroom properties, all of which meet minimum Space standards. The layout allows for adequate light within and outlook from habitable rooms. Sufficient distances are provided between properties, including back to back distances, to avoid any significant overlooking or loss of privacy for future occupiers. The development is located sufficiently far away from nearby residential properties to avoid any significant impact upon the amenity of existing occupiers.
- 7.15 Plots 21, 25, 26, 27 and 28 will have shared boundaries with the proposed Lidl store. However, the store has been stepped away from the boundary and all deliveries and plant equipment are sited away from this shared boundary to minimise any noise or disturbance. Acoustic fencing is proposed within the Lidl site and the boundaries will be further screened with planting. These measures are considered sufficient to avoid any significant adverse impact upon the residential amenity of future occupiers of the proposed properties.
- 7.16 All properties benefit from a private rear garden and have access to areas of public realm within the development as well as links to existing footpaths beyond the site boundary, ensuring all residents will have access to adequate outdoor amenity space and greenspace.
- 7.17 In view of the above, it is considered that the proposed development would provide a satisfactory living environment for future occupiers and would avoid any significant impact upon the amenity of existing residential properties in the area. It would therefore comply with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

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

- 7.18 The Highway layout has been through a series of amendments in order to achieve the best possible design for the development. The resulting layout with a primary road into the housing site, transitioning to shared surface is considered to provide the safest and most legible routes for pedestrians whilst ensuring adequate carriageway width and turning space for vehicles. As described above, the final details of the transitions and surfacing are under review and a condition is recommended to secure the agreement of these details prior to commencement.
- 7.19 Access to the flats off Belconnen Road is provided in the form of two private drives, which is considered to be acceptable. Final details of the parking layout are to be requested by condition together with tracking details.
- 7.20 The level of parking proposed is in compliance with the requirements set out by Policy TR1 of the LAPP, namely 1.5 per dwelling. This translates to a minimum of 1 space per dwelling for the smaller units (1 and 2 bed) and 2 spaces for the larger (3 bed and 4 bed) units and this is considered to be acceptable. Local Ward Councillors, during pre-application discussions with the developer, expressed concern about the potential resulting impacts upon parking for surrounding streets and requested some on street parking. Additional on-street parking provision is indicated at appropriate points across the development. The final tracking exercises are underway and as such the final layout of on-street parking is to be requested by



condition. It is noted that there is a need to balance the demand for on-street parking for residents and visitors to the properties within the development, with the need to prevent parking by visitors to the City hospital, which has been a problem on surrounding streets in the area. Ultimately, the use of TROs may be an option in the future but this would need to be agreed with the Highway Authority through the appropriate mechanism. In summary, the development is considered to comply with Policy 10 of the ACS and Policies DE1, DE2 and TR1 of the LAPP in respect the Highways, access and parking issues.

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

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

viable redevelopment which will provide significant onsite mitigation. It is considered that the development in this regard, complies with Policy EN7 of the LAPP.

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

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

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

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

The total contribution is therefore £561,660.13

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

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

8.1 All dwellings within the development will be provided with increased insulation within the fabric of the building and either photovoltaic panels or Air Source Heat pumps. As the Registered Providers will likely want some input into this decision, these details are to be requested by condition, prior to commencement.

8.2 The site is in a sustainable location within walking distance of well served bus routes and will be well connected to existing pedestrian and cycle routes. Cycle racks are indicated for the flats. However, notwithstanding this, a condition requiring details of secure, covered and well-lit cycle storage for the whole development, is recommended.

8.3 The site falls within Flood zone 1 and as such is at the lowest risk of flooding. The development includes the use of SUDs in the form of two attenuation ponds at the southern edge of the site. This has been reviewed by the Drainage Team and is considered satisfactory. This will also contribute to Biodiversity enhancement for the development. A condition requiring details of Surface Water drainage proposals and maintenance is recommended.

8.4 All dwellings will be provided with electric vehicle charging points and a condition is recommended to secure these prior to occupation. In summary, it is considered that overall the scheme will comply with Policy 1 of the ACS and Policies CC1 and CC3 of the LAPP.

## **9 Financial Implications**

None.

## **10 Legal Implications**

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

## **11 Equality and Diversity Implications**

None.

## **12 Risk Management Issues**

None.

## **13 Strategic Priorities**

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

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

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

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

None.

## **15 Value for money**

None.

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

1. Application No: 22/00675/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9HSXNLYJBB00>

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

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

Biodiversity SPD 2020

Open Space SPD 2019

Affordable Housing SPD 2021

Greater Nottingham & Ashfield Housing Needs Assessment, October 2020.

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

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

# Nomad printed map



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**Key**  
[Red outline] City Boundary

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**Description**  
A map printed from Nomad.

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



**Nottingham  
City Council**

Development Management  
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Ms Julie White  
3 White Rose Office Park  
Millshaw Park Lane  
Leeds  
LS11 0DL  
United Kingdom

Date of decision:

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

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

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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Continued...

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

**Pre-occupation conditions**

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

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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



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

### Regulatory/ongoing conditions

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

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

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

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

### Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
- Drawing reference 21077-20-001 revision P3, received 16 September 2022
  - Drawing reference 21077-20-002 revision P3, received 16 September 2022
  - Drawing reference 21077-20-003 revision P3, received 16 September 2022
  - Drawing reference 21077-20-004 revision P3, received 16 September 2022
  - Drawing reference 21077-20-005 revision P4, received 16 September 2022
  - Drawing reference 21077-20-006 revision P4, received 16 September 2022
  - Drawing reference 21077-20-007, received 16 September 2022
  - Drawing reference 21077-20-008, received 16 September 2022
  - Drawing reference 21077-20-009, received 16 September 2022
  - Drawing reference 21077-21-001 revision P5, received 16 September 2022
  - Drawing reference 21077-70-001 revision P16, received 16 September 2022
  - Drawing reference 21077-70-001 (with commentary) revision P16, received 16 September 2022
  - Drawing reference 21077-70-002 revision P7, received 16 September 2022
  - Drawing reference 21077-70-003 revision P7, received 16 September 2022
  - Drawing reference 21077-70-004 revision P7, received 16 September 2022
  - Drawing reference 21077-70-006 revision P4, received 16 September 2022
  - Drawing reference 21077-70-007 revision P4, received 16 September 2022
  - Drawing reference 21077-70-008 revision P2, received 16 September 2022
  - Drawing reference 21077-70-009 revision P2, received 16 September 2022
  - Other reference Biodiversity Net Gain revision 2, received 16 September 2022
  - Other reference Landscape Masterplan MBP01 revision F, received 16 September 2022
  - Other reference Swept Path Analysis Refuse Vehicle- VN212064-TR100 revision H, received 16 September 2022
  - Other reference Swept Path Analysis - Fire Tender Vehicle VN212064-TR101 revision E, received 16 September 2022
  - Other reference Noise Assessment 102647-2 revision 4, received 16 September 2022
  - Other reference Flood risk assessment and drainage strategy 600415 revision V06, received 16 September 2022
  - Other reference Planning Statement revision 3, received 16 September 2022
  - Other reference Arboricultural impact Assessment 220815-1.1-BN-AIA-MW revision 1.1, received 16 September 2022
  - Other reference Air Quality Assessment 102647V4 revision 4, received 16 September 2022

Other reference Badger Survey 2202-PHA, received 30 March 2022  
Other reference Phase 1 geo-environmental survey EAL.159.21 revision 1, received 30 March 2022  
Other reference Statement of Community Engagement, received 30 March 2022  
Other reference Preliminary Ecological Appraisal Report 404.12535.00001 revision 2, received 30 March 2022  
Other reference Transport Assessment VN212064 revision 2, received 30 March 2022

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

## **Informatives**

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

2. Construction & Demolition - Noise Control: Hours of Work  
The acceptable hours for demolition or construction work (including deliveries to & from the site) are detailed below; -

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

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

## 3. Environmental Noise Assessment

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

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

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

## 4. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management

guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-icrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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

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

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

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

## **RIGHTS OF APPEAL**

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

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

## **STREET NAMING AND NUMBERING**

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



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



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

**Item No:**

**Planning Committee  
21st December 2022**

## **Report of Director of Planning and Transport**

### **Units 1 To 4, Queens Road**

#### **1 Summary**

Application No: 22/00593/PFUL3 for planning permission

Application by: Lichfields on behalf of C/O Agent

Proposal: Redevelopment of part of the site to provide student accommodation (Phase One) with associated infrastructure, works and landscaping

The application is brought to Committee because it is a major application on a prominent site where there are important design and heritage considerations. Additionally, for viability reasons, the application is being recommended for approval with proposed planning obligations which are less than required by planning policy. The application has previously been considered at the October 2022 Planning Committee, at which a decision was deferred for future consideration.

To meet the Council's Performance Targets this application should have been determined by 7th July 2022. An extension of time has been agreed until the 12<sup>th</sup> January 2023 with the applicant to cover the extended period of negotiation and completion of the S106 obligation.

#### **2 Recommendations**

The Committee resolves:

2.1 That the requirements of regulations 18(3) and (4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations") are satisfied by reason of the submission of the Environmental Statement and the Supplementary Environmental Statement as part of the application which includes at least the following information:

(a) a description of the development comprising information on the site, design, size and other relevant features of the development;

(b) a description of the likely significant effects of the proposed development on the environment;

(c) a description of the measures envisaged to avoid, prevent or reduce and offset likely significant adverse effects on the environment;

(d) a description of the alternatives studied by the developer and an indication of the reasons for the option chosen, taking into account to environmental effects;

(e) a non-technical summary of the information referred to at paragraphs 2.1(a) – (d).



- 2.2 That it be recorded in the resolution that the environmental information being the Environmental Statement and Environmental Statement Addendum has met the requirements of schedule 4 to the 2017 Regulations.
- 2.3 That it be recorded in the resolution that no further information pursuant to regulation 25(1) of the 2017 Regulations is required.
- 2.4 That it be recorded in the resolution that the environmental information (namely the Environmental Statement, Supplementary Environmental Statement, Statement of Conformity and Environmental Statement Addendum together with any representations made by anybody required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development) has been examined and considered.
- 2.5 That it be recorded in the resolution that as required by regulation 26(1)(b) of the 2017 Regulations, the Committee has reached a reasoned conclusion on the significant effects of the proposed development on the environment, as contained in this report.
- 2.6 That in the opinion of the Committee the reasoned conclusion referred to at paragraph 2.5 above addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development and the Committee is therefore satisfied pursuant to regulation 26(2) of the 2017 Regulations that the reasoned conclusion is up to date.
- 2.7 That it be recorded in the resolution that the Committee does not consider it appropriate to impose monitoring measures pursuant to regulation 26(1)(d) and regulation 26 (3) of the 2017 Regulations given the nature, location and size of the proposed development and its effects on the environment.
- 2.8 That following the determination of the application, the publicity and notification requirements pursuant to regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Regeneration be delegated authority to undertake the necessary requirements.
- 2.9 **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:
- a) No adverse, material comments being received by the 28<sup>th</sup> December 2022 which arise from further publicity associated with revisions to the planning application and consist of issues other than those already addressed by this report.
  - b) Prior completion of a Section 106 Planning Obligation to include the follow:
    - i) a financial contribution of £200,000 toward the provision or enhancement of off-site Public Open Space/Public Realm
    - ii) targets associated with Local Employment and Training opportunities
    - iii) a Student Management Scheme, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management
  - c) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.10 To delegate power to determine the final details of the conditions of planning permission to the Director for Planning and Transport.



- 2.11 To delegate power to determine the final details and terms of the Planning Obligation to the Director of Planning and Transport, and subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the Planning Obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

### **3 Background**

- 3.1 This planning application was originally reported to Planning Committee on 19 October 2022 at which a decision was deferred pending a review of the schemes design and architectural approach, including further consideration of how the scheme can most sensitively contribute to the Nottingham skyline. Significant revisions have subsequently been made to the proposed scheme to address the concerns raised, which are set out in this report.

#### **The Site**

- 3.2 The site is 0.63 ha in size and is located at the corner of Queens Road/London Road, between the railway line and Nottingham Station to the north (with Station Street beyond) and Queens Road to the south. London Road, the A60, rises on a bridge over the railway line to the east. The site, until recently, contained four single storey industrial units with associated forecourt/parking area. These have now been demolished. The site is served by a single vehicular access from Queens Road.
- 3.2 The surrounding area comprises a mix of commercial, industrial and residential uses which are generally characterised by large scale buildings, both in mass and height, along Queens Road and Station Street. The historic Hicking Building sits on the opposite corner which has been converted to apartments with restaurant/bar to part of the ground floor. An apartment scheme comprising 348 units is currently at an advanced stage of construction on the adjoining site immediately to the west, approved in 2020 (ref: 19/01642/PFUL3).
- 3.3 The site is within the Southside Regeneration Zone, the Station Conservation Area and adjoins the Grade II\* listed Nottingham Station. The southwest part of the site is also within flood zone 2 of the River Trent.

#### **Planning History**

- 3.4 Planning permission was refused in 2014 for the redevelopment of the site for a single storey food store with associated car park (ref: 14/01809/PFUL3). The development was considered inappropriate in terms of its scale, layout and design, and would have prejudiced the delivery of a comprehensive mixed used scheme that maximised the efficient development of this prominent and strategically important site within the Southside Regeneration Zone. Furthermore, the proposal failed to preserve or enhance the character and appearance of the Station Conservation Area and Grade II\* listed Nottingham Station, or to address the issue of flood risk.
- 3.5 In May 2022 planning permission was granted for the demolition of the existing 4 industrial units (ref: 22/00505/PFUL3), pending redevelopment of the site. The buildings have now been demolished and the site hoarded.

## 4 Details of the proposal

- 4.1 The original scheme reported to the October Planning Committee proposed a mixed use of development comprising of the following three buildings:
- **London Road Tower:** A 22 storey tower with lower 9 and 11 storey elements to its south and west sides. The building would contain 163 BTR apartments comprising 5 studios, 108 one bed and 50 two bed apartments.
  - **Queens Road Apartment Building:** A 9 storey rectangular building fronting Queens Road. The building would contain 75 BTR apartments comprising 26 one bed and 49 two bed apartments.
  - **Purpose Built Student Accommodation (PBSA):** A 12 storey 'L' shaped building located at the western end of the site. The PBSA would accommodate 406 student beds within a range of studios and 5, 8 and 9 bed cluster flats.
- 4.2 Following the October Committee the applicant has made significant revisions to their proposal. Both the London Road tower and the Queens Road Apartment Building have been removed from the scheme so that the application now solely relates to the PBSA building, which has been revised and would form phase 1 of the overall development. The removal of the two BTR buildings (phase 2) would allow phase 1 to move forward whilst a more detailed review of the design for these buildings, and the London Road Tower in particular, is undertaken to address the concerns raised by Committee. It is then the applicant's intention to submit a new planning application for phase 2 in early 2023.
- 4.3 The revised PBSA building is to be located as previously proposed, towards the rear/northern boundary of the site. It remains a 12 storey 'L' shaped building which would accommodate 406 student beds within a range of studios and 5, 8 and 9 bed cluster flats. Its ground floor would accommodate communal facilities such as lounge/study space, a cycle store (150 secure plus 34 external spaces), plant/equipment, a laundry and waste storage facilities. However, significant changes have been made to the building's exterior to address the concerns raised by Committee, which are discussed in further detail below.
- 4.4 As part of phase 1 it is still proposed to create a 6m setback from the kerb of Queen's Road to facilitate a widened footpath, but this would be provided with a temporary tarmac surface until phase 2 has been completed. However, trees are to be provided as part of phase 1 along the Queens Road frontage upon completion of the PBSA building. Pedestrian access to the PBSA building would be from the south western corner of the site from Queens Road. The site's vehicular access would be maintained in its current location from Queens Road, providing access to a service road which wraps around the west and northern boundaries of the PBSA. 4 disabled parking spaces are proposed to the rear of the PBSA.
- 4.5 In addition to these works to the Queens Road frontage, part of the originally proposed central courtyard is to be provided to the front of the PBSA building, incorporating seating, planters and other soft landscaping.
- 4.6 The PBSA building would have an area of green roof and solar panels are proposed to contribute towards the electricity supply for the development.

## 5 Consultations and observations of other officers

### Adjoining occupiers consulted:

#### Original application

350 neighbouring properties were notified individually regarding the original application submission, including occupants of the following:

Hicking Building  
Waterfront House  
Forward House  
Trent House  
Jurys Inn  
Virgin Active  
Eastcroft Depot  
London Road Construction and Technology Centre, London Road

The application was also been publicised through press and site notice, along with additional consultation procedures carried out in line with the 2017 Regulations (final expiry date 10.06.22).

The applicant also undertook a public consultation exhibition and event in November 2019 at the former Urban Room, 38 Carrington Street.

3 letters of objection were received and one letter of support.

The following objections were raised:

- The development would not respect the existing streetscape or its local context. It is considered an overbearing and overly large development. The 22 storey tower is seen as too high to respect the height of neighbouring properties.
- One resident considers that the tower building is a poor study of its lower levels, especially the ground floor, and how they interact with the corner of the site. They consider that level changes have barely been taken into account and the narrow pedestrian path that surrounds the site is left as existing. They feel it is great opportunity lost to use this landmark development to improve its immediate surrounding. They suggest that the pedestrian path should extend to touch the tower all around the southeast side of the site, along London Road, with the potential of accessing the tower at different levels. The total absence of retail is also worrying for a neighbourhood that in the coming years will be growing its population, and given the number of students that will be living in the area without access to a car.
- Harmful impact on the visual amenities of residents of the Hicking Building which overlook the site.
- Loss of light and outlook and overbearing relationship with residential apartments in the Hicking Building, resulting from its height, scale and massing.
- Loss of privacy to the apartments in the Hicking Building.
- Increased noise and disturbance for residents in the Hicking Building due to the development resulting in reflected traffic noise which currently dissipates over the site due to the nature of the former low lying units.

- Increased light pollution to the apartments in the Hicking building.
- Increased student accommodation in the city centre and associated amenity issues.
- Increased traffic along the heavily trafficked Queens Road.

One local resident considers the scheme to be good and ideal for the city centre. It would provide much needed housing, including housing for young professionals and graduates (like myself). It would provide a small new public plaza space that is shielded from the traffic noise on Queens Road. It has no requirement for parking spaces as all amenities are well within walking distance, with a major transport hub on the doorstep, massively reducing transport related ecological impacts. Improved aesthetics of the site, which at the moment is an eyesore. Wider footways on the north side of Queens Road. Intensification of the site shifts it from being low revenue to high council tax revenue. Their only concerns relate to current problems with the traffic and pedestrian experience on Queens Road which will only increase with the developments taking place, including this one, with more pedestrians attempting to cross the road. To remedy this, they consider that some form of traffic controlled pedestrian crossing is required between Summer Leys Lane and the station car park entrance. They also wish to see some measures to reduce vehicle speed such as a central reservation to constrict the carriageway or speed cameras; something that means fewer people speed along this section, with many drivers travelling well above the 30mph limit.

**The Nottingham Civic Society (NCS):** objected to the original application scheme on the basis that the development will have a detrimental and adverse effect on 1) the Grade 1 listed Nottingham Castle site and its setting within the Castle Conservation Area, 2) on the Grade II\* listed Nottingham Station and its setting, and upon undesignated heritage assets within the Station Conservation Area, and 3) upon the Grade 1 listed St Mary's Church and its setting within the Lace Market Conservation Area.

The NCS note that the Environmental Statement submitted by the applicant acknowledges that the scale of the new development would change the setting of the heritage assets referred to above but dismisses these 'adverse heritage effects' as not significant. NCS vigorously disagrees with this assessment. The reasons given related to the parts of the development which will now form phase 2 and are no longer included in this application.

**The Nottingham Local Access Forum:** welcomes the consideration that has been given to active transport including pedestrian, cycle and public transport networks and that the application provides a large number of secure cycle parking spaces. They however state that whilst the Transport Statement states that 246 cycle parking spaces will be provided for the Buy to Rent apartments (i.e. 1 per unit), the proposed cycle storage of 184 (150 secure plus 34 external) spaces proposed for the student accommodation (406 units) falls significantly short of the guidance contained in Appendix 2 of the LAPP, at just under 1 space per 2 student apartments. They recommend that a condition be imposed to agree cycle storage.

**Historic England:** Historic England refer the City Council to their published advice in terms of design in the historic environment, tall buildings and the setting of heritage assets. They also suggest that the Council seeks the views of its conservation specialist with regard to the setting of listed buildings and the character of conservation areas.

**Conservation Officer:** The site contained range of low rise modern portal framed sheds which made no significant contribution to the historic or architectural interest of the Conservation Area. Their demolition was therefore uncontentious and the redevelopment of the site is acceptable in principle.

When assessing the impacts of the proposed development on the setting and significance surrounding cultural heritage, the Environmental Statement concludes that these are Minor Adverse (Not Significant). Given the overall height and prominence of the development and its effect on the setting of a wide range of designated and undesignated assets (some of which are highly graded), this conclusion is not considered to be credible and is overly dismissive. The impact that the development will have on the vistas from Nottingham Castle (grade I listed and a scheduled monument) and the immediate adjacent setting of Nottingham Railway Station (Grade II\* listed) are considered to constitute a moderate degree of less than substantial harm.

#### *Nottingham Castle*

The height of the tower element of the scheme will impinge on the primacy of Nottingham Castle in views of the Nottingham Skyline from the south. From within the Castle grounds the development is shown to break the horizon in the panoramic views across the plain of the River Trent from the terrace and Middle Bailey. While other development in the southern fringes of the City Centre have broken this horizon, none do so to such a degree and in the case of Unity Square the visual impacts were justified by the significant public and economic benefits of securing an office site for a major Government employer. While 1-4 Queens Road is further from the Castle than Unity Square, the former's proposed height will afford it a similar degree of prominence in the wider vista identified in the Nottingham City Centre Urban Design Guide.

#### *Nottingham Railway Station*

While the heritage significance of Nottingham Station lies principally in its frontage onto Carrington Street and its platform buildings, the surrounding development of generally low rise buildings contributes to the appreciation of its 19th and early 20th century industrial and commercial context. The presence of imposing modern buildings in this area has the potential to erode the historic townscape of the Station's surroundings and to challenge the Station's position as the dominant landmark within the Station Conservation Area.

These impacts have not been adequately justified or balanced against an argument for the public benefits of the scheme. In order to comply with section 16 of the NPPF and be considered sustainable development, the scheme must provide a more compelling public benefit argument and justify the overall height and quantum of development proposed.

**City Archaeologist:** The archaeological potential for this site is very limited. The City Archaeologist agrees with the conclusions of the archaeological desk based assessment. Consequently, there is no requirement for archaeological works in advance of determining this application or as a condition of planning permission.

**Environmental Health and Safer Places:** No objections. Conditions are recommended relating to an air mitigation scheme, contamination, a sound insulation and complementary ventilation scheme, an environmental noise assessment in relation to plant and equipment, a construction and environmental management plan, piling, and electric vehicle charging points.

**Health and Safety Executive (Tall Buildings):** The HSE are satisfied with the revised plans and the information provided in the revised Fire Statement.

**Drainage:** No objection. Conditions are recommended relating to the management of surface water during construction, final design details of drainage strategy, and verification that drainage system has been installed as approved.

**Highways:** No objections. Conditions are recommended relating to a construction management plan; access design (to be a pedestrian priority); details of works that impact on the adopted highway; disabled parking and servicing areas being provided; cycle parking; redundant footway crossings and altered areas of footway to be reinstated; existing street furniture to be relocated/replaced; no doors/windows to open onto the adopted highway; the provision of Electric Vehicle Charging Points; refuse collection; investigation to see if any additional/amended Traffic Regulation Orders are necessary; provision of a student traffic management plan, and; a Travel Plan.

**Network Rail:** No objection in principle. Given the scale of the development NR consider it appropriate that a S106 contribution is sought towards station facility improvements. Conditions are recommend in relation to consultation with the Asset Protection Manager (due to the proximity of the site to the operational railway), details of landscaping, boundary treatment and lighting.

**Carbon Neutral Team:** The team consider the application to be impressive with multiple sustainability and carbon reduction features.

**Biodiversity Officer:** No objections. Proposed landscaping should seek to provide biodiversity gain and should be controlled via condition.

**Employment and Training Officer:** No objection subject to applicant agreeing to an Employment Training Plan and provision of a contribution to facilitate this.

**Education:** No objection subject to applicant agreeing to provision of a contribution to improved education facilities in the area.

#### Revised application

In line with the 2017 Regulations, all 350 neighbouring properties have been individually re- notified regarding the revised application (expiry date 22.12.22). It has also been publicised through press and site notice (final expiry date 28.12.22).

No representations regarding the revised scheme had been received from neighbouring properties at the time of writing the report.

**Historic England:** As above. Refer the Council to their published advice in terms of design in the historic environment, and the setting of heritage assets.

**City Archaeologist:** As above. Reaffirmed no requirement for archaeological works in advance of determining this application or as a condition of planning permission.

**Environment Agency:** No objection. The development falls within flood zone 2 and therefore the Council as Local Planning Authority should apply national flood risk standing advice (FRSA) in this instance.

**Environmental Health:** No objection. Recommendations for conditions are as stated above. Revisions will be required to the original noise impact report for the PBSA building now that the two BTR buildings are not proposed, which would have provided a partial shield from road traffic/noise.

## 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.

**Conserving the Historic Environment:** Paragraph 194 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 197 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that 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. Substantial harm to or loss of:

- a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 states that where a development proposal will lead to substantial harm to a designated heritage asset permission should ordinarily be refused unless certain specified criteria are met. 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.

### **Aligned Core Strategies (ACS) (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: Spatial Strategy

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

Policy RE1: Facilitation Regeneration

Policy RE2: Canal Quarter

Policy HO3: Affordable Housing

Policy HO4: 10% Adaptable Units

Policy HO5: Locations for Purpose Built Student Accommodation

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

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 EN6: Biodiversity  
Policy IN2: Land Contamination, Instability and Pollution  
Policy IN4: Developer Contributions  
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets  
Policy SA1: Site allocations (SR61)

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

Nottingham Station Development Brief July 2004

Station Conservation Area Character Appraisal and Management Plan 2008

Nottingham City Centre Urban Design Guide May 2009

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

### **Main Issues**

- (i) Principle of the development**
- (ii) Environmental impacts**
- (iii) Design considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views**
- (iv) Impact on neighbour amenity**
- (v) Highways impact**
- (vi) Planning obligations**
- (vii) Other matters**

**Issue (i) Principle of the development** (Policies A, 2, 5, 7 and 8 of the ACS, Policies EE3, RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 of the LAPP)

- 7.1 The application site is in a highly prominent location when travelling along London Road and Queens Road. It is a key development site with the potential to make a significant contribution to the area becoming a vibrant extension to the City Centre and a gateway into the City from the south, reinforcing the revitalisation of the Meadows, and occupying a prominent position adjacent to the Station Hub. The redevelopment of the site would bring inward investment and further the regeneration of this area.
- 7.2 Policy RE1 of the LAPP supports proposals that maximise site potential, ensuring that development is of an appropriate scale, density and design and enables the regeneration of brownfield sites. The site is located within the Canal Quarter Regeneration Zone as detailed by policy RE2 and is allocated for mixed use development under Policy SA1 (site - SR61) of the LAPP. Within the Canal Quarter, policy RE2 of the LAPP supports, amongst other things, the provision of residential and student accommodation, provided that it does not prejudice the activities of nearby uses. Policy EE3 (Change of use to non-employment uses) supports proposals which provide a comprehensive re-development to the benefit of the wider area.
- 7.3 The proposal would be compatible with the higher density, mixed use characteristics of the surrounding area and would be close to a choice of sustainable means of transport; namely bus (local, regional and national), tram and train services. The proposed redevelopment of the site would enhance the approach to the City when arriving by train or tram, or when travelling along

London and Queen's Road, providing a built and active frontage where there is currently none.

- 7.4 The site is on the southern fringe of the City Centre which in general terms is considered to be an acceptable location for student accommodation. Policy HO5 of the LAPP States that PBSA of an appropriate scale and design will be encouraged, subject to developers demonstrating that there is a need for additional student accommodation. Acceptable locations are detailed as being, amongst others, within the City Centre boundary subject to accordance with site and area policies such as the 'Quarters' policies. The number of students within the City continues to grow and has done for many years. The Council carries out an annual vacancy survey of PBSA which has consistently shown that the vast majority of the PBSA bedspaces within Nottingham are reported to be close to full occupancy. The reported vacancy rate for the academic year 2021-22 was just 1.1%, despite an increase of 1,600 bedspaces last year.
- 7.5 The provision of further good quality PBSA would attract students that would otherwise occupy houses of multiple occupation outside of the City Centre. The site is within a mixed use environment and is sufficiently distant and separated from residential properties situated to the south within the Meadows.
- 7.6 As previously stated the site is in a highly accessible location with good pedestrian, cycle, bus and tram links to the City Centre and both university campuses. Rooms proposed are of an appropriate size with cluster flats being approximately 14sqm with shared communal space. Studio flats range from approximately 17-21sqm which is not dissimilar to other schemes within the area. There are also generous shared communal facilities proposed on the ground floor of the building. All floors of the building would be accessible to wheel chair users with level access provided from Queens Road and lifts at each stair core. The requirement for an element of 'Accessible and Adaptable' units in accordance with policy HO4 is to be addressed by condition.
- 7.7 In accordance with guidance contained within policy HO6, details have been provided to demonstrate that should in the future the demand for student accommodation dissipate, the proposed development would be capable of being re-configured to meet general housing needs.
- 7.8 It is concluded that the principle of the development is therefore acceptable and in accord with policies A, 2, 5, 7 and 8 of the ACS and policies EE3, RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 of the LAPP.

**Issue (ii) Environmental impacts** (Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP, and the NPPF)

- 7.9 Due to its size and significance, the original scheme triggered the need for an Environmental Impact Assessment (EIA), the details of which are set out in an Environmental Statement (ES).
- 7.10 The ES addressed the environmental effects which may have arisen as a result of the proposed development in terms of the following:

- Cultural Heritage
- Townscape and Visual
- Socio Economics

- Cumulative Impact

- 7.11 The overall conclusion of the assessment was that the original scheme would not result in significant impact on the environmental effects identified in the ES, and is therefore environmentally acceptable. Compliance with the mitigation measures identified in the ES were to be secured through condition.
- 7.12 It is considered that the amended scheme for the PBSA alone does not trigger the need for an EIA.
- 7.13 In order to address this matter, an EIA Statement of Conformity (SoC) has been submitted to consider whether the findings of the ES remain applicable to the revised scheme.
- 7.14 The Cultural Heritage chapter of the ES included an assessment of impact on relevant heritage buildings and assets, referred to as a Heritage Impact Assessment. The SoC finds the PBSA would have limited visibility in the setting of heritage assets as the height would not punctuate the skyline. Its effect on the significance of these heritage assets would range from very minor adverse to minor adverse and would result in no long term harm or significant environmental effect on heritage assets. Furthermore, minor heritage benefit has been identified on the permanent setting of the Station Conservation Area.
- 7.15 The Visual Impact chapter of the ES sets out the Townscape and Visual Impact Assessment (TVIA) assessed the potential effect of the development on the surrounding townscape with 13 key representative views. In each case an assessment was provided to ascertain the Sensitivity to Change of each receptor (Low, Moderate, High), the Magnitude of Change (Major, Medium, Small or Negligible), and the degree and nature of effects on Significance during both the construction and operational phases (Beneficial, Adverse, or Neutral).
- 7.16 The SoC concludes that the revised scheme, in the construction phase, would have a minor to moderate adverse townscape effect from London Road, at the junction with Queens Road. This would be due to the temporary visual effect of construction activity that would take place. None of the visual effects during the construction phase are considered to be significant. Whilst the revised scheme removes the two BTR buildings, the PBSA and associated amenity space would still be a marked improvement (moderate beneficial) to the appearance and townscape contribution of the site to Queens Road and London Road once the development is completed. A minor beneficial effect on the canal would remain as the PBSA is well designed and uses appropriate materials. Unlike the London Road Tower the PBSA would be barely discernible in the view from Trent Bridge and the view of the tower of St Marys Church. There would remain no effect on the landmark role of the station clocktower and a neutral visual impact on Nottingham Castle.
- 7.17 The Socio Economic chapter of the ES considered the potential Socio-Economic effects of the development and their significance during construction and once operational. The revised scheme would deliver a reduced 'quantum' of development which during construction, with job and economic output lessened to minor beneficial (previously significant). Once fully operational the development is anticipated to have a permanent and minor beneficial effect on housing.

- 7.18 The Cumulative Impact chapter of the ES considers the additional impacts from the proposed development alongside either committed developments or those that are the subject of current planning applications. The SoC includes an assumption that the remainder of the application site will be developed to a similar scale as that proposed in the original scheme. The conclusion of this chapter remains that the development would not give rise to an unacceptable cumulative impact when the proposed development is considered alongside others in the surrounding area.
- 7.19 Overall, it is considered that the SoC provides an adequate basis for understanding the main likely effects of the revised scheme on the environment. Without prejudice to the consideration of section (iii) below, it is considered that policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP and the relevant sections of the NPPF are satisfied in this regard.

**Issue (iii) Design considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views** (Policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP, and the NPPF)

- 7.20 The main consideration of the original scheme concerned the impact of the height and scale of the 22 storey London Road Tower and the potential impact that this would have had on the setting of important heritage assets including Nottingham Castle, Nottingham Station and the Station, Canal and Castle Conservation Areas. With the removal of both the London Road Tower and Queens Road Apartment Building from the scheme, the visual impact of the revised scheme on both the townscape and cultural heritage is significantly diminished.
- 7.21 The existing site is of poor townscape quality and the potential for revised scheme to provide a positive change to the character to the area remains. The area surrounding the station is characterised by the large scale buildings along both Queens Road and Station Street. These are predominantly 6 to 7 stories with taller buildings landmarking the end of each street, with the 10 storey Pictureworks building at the western end of Queens Road and the 9 to 13 storey Jurys Inn hotel at the eastern end of Station Street. The adjacent apartment development when completed will also be 10 storey in height. Additionally, a specific characteristic of this site is its lower ground level relative to the Queens Road / London Road junction, due to the latter rising over the railway line. This results in the already low level buildings on the site appearing partially hidden when viewed from London Road heading north.
- 7.22 The NPPF Glossary GPA3 'The setting of a Heritage Asset' states that "*The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*".
- 7.23 By virtue of the scale and height of the PBSA, it is recognised that the main impact of the revised application scheme would relate to its impact on its immediate surroundings, namely the setting of the Grade II\* Nottingham Station and the Station Conservation Area.
- 7.24 The setting of Nottingham Station is defined by how the building is appreciated in its local context. Nottingham Station is a relatively low-rise building with a high townscape value created by the architectural flourishes of its Neo-Baroque design

and the townscape value of its landmark central clock tower. Its historic setting was created by its association with historic buildings of a similar date and scale within the Station Conservation Area. The Nottingham Station Development Brief (2004) further identifies the site as part of the South East Development Site where mixed use development with parking below is envisaged. Building heights could range from four to five storeys to the west up to ten to eleven storeys at potential penthouse house level towards London Road. Elevations, built up to the pavement edge, will need to be attractively modelled and carefully articulated in order to provide visual interest.

- 7.25 The SoC, in reviewing the TVIA chapter of the ES, concludes that whilst the revised scheme reduces the scale of development, the PBSA and associated amenity space/public realm would still be a marked improvement on the existing appearance of the site and its associated contribution to the townscape. There would be a minor beneficial townscape effect on the canal as a result of the introduction of a well-designed building that would appear as a new feature and focal point in views along the canal. There would be a neutral effect on the landmark role of the main listed Station building and its clock tower, and from Nottingham Castle the building would be seen in conjunction with existing development; an understanding of the wider landscape and topography would be maintained. The scale of the PBSA would be commensurate with the height, scale and form of development on adjacent sites on Queens Road.
- 7.26 The SoC, in reviewing the Cultural Heritage chapter of the ES, acknowledges that the tallest element of the original scheme that would have been most prevalent in the setting of the surrounding heritage assets, has been removed. Once completed the revised development would deliver aesthetic benefits that would enhance the character and appearance of the surrounding area. Its effect on the Station Conservation Area would remain neutral and minor adverse in terms of its impact on the listed Station. The scale of the PBSA would be commensurate with the height, scale and form of development on adjacent sites on Queens Road and it is considered to be sufficiently separate from the Grade II\* listed Station and its landmark clock tower to ensure its significance is not undermined. The level of impact on the setting of the Station is considered to constitute a low degree of less than substantial harm to the overall significance. Nottingham Castle and the Castle Conservation would experience a minor adverse effect from where the PBSA which due to its much lower height, would be seen alongside adjacent development on Queens Road and assimilated into the existing background.
- 7.27 The relationship with the former Saxon Borough (centred at St Mary's Church) which now forms the focus of the Lace Market Conservation Area, and with Old Market Square, landmarked by the Council House, are also key. The Cultural Heritage chapter of the ES confirms that the existing site plays a negligible role on the setting on these heritage assets. The site is entirely screened in views from within these conservation areas by intervening developments and tall buildings. The minor adverse townscape effect on users of Trent Bridge identified with the original scheme was due to the position of the London Road Tower screening an existing partial view of the tower of St Marys. With the removal of this from the scheme, the PBSA would be barely discernible in the view resulting in a negligible minor adverse townscape effect.
- 7.28 The Conservation Officer's concerns related to the London Road Tower and its impact on the significance of the Grade II\* listed Station, the character of the

surrounding conservation areas and the skyline of Nottingham City Centre with views towards its highly graded heritage assets. They considered that this impact would result in a moderate degree of less than substantial harm in NPPF terms. With the removal of the London Tower this concern no longer applies to the application before Committee.

7.29 Para 202 of the NPPF advises that where a development proposal would 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. Therefore, any consideration of the proposal should weigh harm identified to the setting of the Station and its conservation area against the public benefits derived from the proposals.

7.30 It is also important to note the requirements of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a duty to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. (Additionally, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or land in a conservation area.

7.31 In this case Section 6 of the Planning Statement sets out that the less than substantial harm would be outweighed by the social, economic and environmental contributions that the development, including enhancements to the character and appearance of the Station Conservation Area, which are summarised below:

- The development would increase the amount and variety of homes in the City Centre, which presents an opportunity to address local housing needs on an allocated site whilst providing much needed student accommodation and redeveloping a brownfield site. This is considered to represent a substantial public benefit.
- The economic benefits include capital investment, job creation and an uplift in economic output throughout the build period. The addition of new students in the area would increase expenditure in the area which has the potential to support jobs in local businesses.
- The environmental benefits of the scheme are manifold and relate both to the regeneration of this brownfield site through the provision of new student housing in a sustainable location, the delivery of improved biodiversity net gain and a development with multiple sustainability and/or carbon reduction features.

7.32 Furthermore, in this case there are clear benefits to be derived from a scheme that would deliver considerable regeneration benefits as detailed in 7.1. It would see the delivery of this allocated site in the Canal Quarter Regeneration Zone and within an area designated as a Zone of Reinvention that is in need of transformation, where development of greater density and scale is appropriate. Whilst there are clearly sensitivities in terms of the proposed development's

impact upon heritage assets, its positive impact in townscape terms must be recognised.

- 7.33 The benefits of replacing the former buildings with a high quality development are clearly recognised. The development would be visible in views to and from the conservation area and Station but would be experienced in the context of a number of current and proposed modern developments which surround it along Queens Road and London Road. The appearance of the site and conservation area would be enhanced. Regarding the Grade II\* Station, the proposal is not directly adjacent to the primary element of this building that fronts Carrington Street, and is in fact separated from this by the Station's multi-storey car park and the adjacent apartment development. It is also recognised that the Station sits at the heart of the strategically important Regeneration Zone, the redevelopment of which is key to inward investment and economic prosperity of the City. It is therefore appropriate for a building of the scale and density proposed to be found in close proximity to the Station, to take advantage of this being the foremost transport hub and interchange for the City.
- 7.34 Since the October Planning Committee the proposed scheme has been the subject of extensive discussion and amendment to address the concerns raised by Committee in relation to the elevational treatment of the PBSA building. The location, scale and massing of the building has not changed. The following revisions have been incorporated:
- The entrance to the building has been relocated to the front south west corner and would be defined in stone cladding to add further definition, legibility, and interest
  - A clearer base, middle and top have been provided to the facades of the building, which also helps to break up its mass and apparent scale. This is reinforced with the use of two contrasting light grey multi bricks, with elements of stone cladding introduced as an accent material
  - The top two floors have been slightly recessed
  - The building has been given rounded corners with decorative brickwork to reflect similar buildings along Queens Road
  - The graduated undercroft of the ground floor along the front facade has been retained to provide further architectural interest
- 7.35 As described in the Proposals section of the report, an element of the overall public realm and landscaping for the overall site would be provided as part of the phase 1 development, with the remainder to follow within phase 2. Temporary arrangements for the phase 2 area of the site pending its redevelopment can also be secured through condition.
- 7.36 In conclusion, it is considered that the economic, regeneration and townscape benefits of the scheme for the City represent a level public benefit that can justifiably be weighed against the development's 'less than substantial harm', as set out in Paragraph 202 of the NPPF, and the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The site is a longstanding allocation within the development plan for mixed use development, the delivery of which in itself constitutes a wider public benefit. It is also considered that any residual impacts of the development on the designated heritage assets referred to in this report would not significantly or demonstrably outweigh the public benefits of the proposed development, when assessed against the policies of the development plan and NPPF as a whole.

7.37 The proposed development is therefore considered to be in accordance with policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

**Issue (iv) Impact on neighbour amenity** (Policy 10 of the ACS, Policies DE1, HO6 and IN2 of the LAPP)

7.38 The front gable of the PBSA at its closest point would be approximately 35m to the north of the Hicking Building. Given the separation between the two buildings it is not considered that it would have an adverse impact upon the amenities of residents of the Hicking Building and future occupants in terms of light and privacy.

7.39 A Daylight and Sunlight Analysis was submitted in support of the original scheme application scheme, which concluded that the daylight and sunlight impact on the surrounding properties and amenity within the development would have been acceptable given the emerging high density urban context of the site and its City Centre location. This largely related to the impact of the two BTR buildings which have now been removed from the scheme.

7.40 The proposal has been reviewed by Environmental Health colleagues in relation to land contamination, noise and air quality. Subject to the submission of further details which shall be secured via condition, it is not considered that the development would significantly impact upon future occupants or the amenity of the surrounding area in this regard.

7.41 The PBSA would be served by good quality communal spaces throughout, including the external amenity space to be provided by the central courtyard.

7.42 The applicants recognise that there is need for strong management arrangements with the PBSA. Accordingly, a management plan is proposed as part of the S106 Planning Obligation to negate issues regarding vehicle ownership and anti-social behaviour issues within the locality. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation.

7.43 In conclusion, it is considered that the proposed development would have an acceptable impact on the amenities of adjacent occupiers and future occupants of the development, in accord with policy 10 of the ACS and policies DE1, HO6 and IN2 of the LAPP.

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

7.44 The development is located in a highly sustainable location on the southern edge of the City Centre and in close proximity to bus, tram and rail connections. Vehicle access would be via Queen's Road and the proposed development would provide 4 disabled car parking spaces to the north of the PBSA. A total of 184 cycle parking spaces would be provided, in accord with the standards set out within the recently adopted LAPP.

7.45 Comments relating to the development resulting in further traffic congestion are noted, however no parking provision is to be provided other than a small number of disabled spaces and in view of its sustainable location, Highways are satisfied that the proposal is acceptable and would not significantly impact upon traffic flows



along Queens Road. There is no student parking provision for this development and there would be a restriction within the student management plan in the S106 Planning Obligation to prevent residents from bringing vehicles to the development and surrounding area. A condition is also recommended with regard to drop-off and pick-up arrangements.

7. 46 The internal access road which runs along the western and northern boundaries of the site would not only provide access for servicing and refuse vehicles but would also provide the necessary easement and access for maintenance of the London Road railway bridge and district heating infrastructure which runs to the north of the site.

7.47 Subject to condition, the proposal therefore accords with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

**Issue (vi) Planning obligations** (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP)

7.48 In order to comply with development plan policy and the requirements of the relevant Supplementary Planning Guidance, the revised development attracts the following S106 obligations:

- A commuted sum of £783,340 in lieu of on-site affordable housing provision
- A financial contribution of £478,146 towards the enhancement of public open space/public realm in the surrounding area, in lieu of on-site provision
- Local employment and training benefits including opportunities in the construction and operational phases of development, together with payment of a financial contribution of £86,162 towards their delivery
- A student management scheme for the PBSA, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management

7.49 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. The applicant has submitted a viability appraisal and the conclusions of the assessment are that the development would be unviable with the burden of the total contribution being sought and indeed, that no contribution could be offered. Following review by an independent assessor and extensive negotiation regarding this matter, it has been agreed that a contribution of £200,000 should be paid for Phase 1 of the development, which relates to the PBSA. It is recommended that this be allocated towards the provision or enhancement of off-site Public Open Space/Public Realm.

7.50 Regarding the requested contribution by Network Rail for improvements to Nottingham station, it is recognised that improvement of sustainable modes of travel referenced in policies 14 and 19 of the ACS and policies IN4 and TR2 of the LAPP are relevant. However, such a contribution would be difficult to justify without a clear indication of what the monies would be required to fund and the direct correlation between this and the development in question. Without this, the request does not meet CIL requirements. Furthermore, in this instance there are viability challenges which mean that the development is not able to meet the full policy

compliant contributions, indicating there would be no monies available to facilitate requests for additional funding.

### **Issue (vii) Others matters**

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

- 7.51 The condition relating to the remediation strategy, recommended by Environmental Health colleagues, would be secured by condition.

#### **Flood risk and drainage** (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.52 The site resides within Flood Zone 2 and has been supported with a site specific Flood Risk Assessment (FRA). No objection to the proposed development has been raised by the Environmental Agency or Drainage colleagues subject to the imposition of conditions relating to the final details of the surface water drainage strategy being agreed and details of surface water management during construction. Drainage support the inclusion of green roof as part of the scheme, the final details of which will be agreed by condition. The proposal is therefore in accord with policy 1 of the ACS and policy CC3 of the LAPP.

#### **Biodiversity** (Policy 17 of the ACS, Policy EN6 of the LAPP)

- 7.53 The site was largely covered by the former industrial units or hard surfaced, however there is some scrub vegetation along the rear boundary. An ecological appraisal has been carried out that concludes the site is of limited ecological value and that enhancement can be achieved through the provision of green roofs, bird and bat boxes integrated within the buildings and native wildlife landscaping. Being a high density City Centre site the scheme offers limited landscaping opportunity, however, together with details of the green roof and bird/bat boxes, further details of landscaping can be secured via condition. The proposal subject to condition accords with policy 17 of the ACS and policy EN6 of the LAPP.

#### **Sustainability** (Policy 1 of the ACS, policies CC1 and CC3 of the LAPP)

- 7.54 The site is sustainably located and the revised scheme incorporates new public realm and pedestrian routes through the site. A wide range of sustainable measures are also to be incorporated within the built development, including:
- Fabric first, high-performance façades
  - Energy efficiency to exceed Building Regulations by 30%
  - Air source heat pumps for cooling of main front of house areas and domestic hot water of the PBSA
  - An all-electric building solution
  - Highly efficient glazing to manage solar gain
  - A low energy ventilation strategy with passive ventilation and cooling
  - Building management system (BMS) to optimise the building services and maintain internal environmental conditions efficiently
  - High water efficiency fixtures and fittings
  - Incorporation of Sustainable Urban Drainage (SUDs) with green roofs, permeable pavements and below ground attenuation tanks to achieve a 30% reduction in surface water run-off
  - A comprehensive waste management strategy for the reuse and recycling of materials

- The provision of an Electric Vehicle Charging Point
- Landscaping and building design adopt flood mitigation features
- Ecological enhancements proposed to both the building and landscaping

7.55 On this basis, it is considered that the proposed development accords with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

## **8 Financial Implications**

As indicated above in relation to the S106 planning obligation, the applicant has submitted a viability appraisal that is currently being independently assessed. This process has the potential for S106 contributions to be reduced or waived, depending on the outcome of the assessment.

## **9 Legal Implications**

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

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

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

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

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

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

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

Aside from the main EIA consideration addressed within this report, on determination of the application, regulation 30(1) of the 2017 Regulations requires that the Secretary of State and consultation bodies be informed of the decision in writing, the decision has to be advertised and a statement made available for inspection. The statement must include a range of elements specified in the 2017 Regulations but particularly the main reasons and considerations on which the decision was based, a summary of the results of consultations undertaken and information gathered and how those results have been incorporated or otherwise addressed.

The remaining 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**

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.

## **11 Risk Management Issues**

None.

## **12 Strategic Priorities**

Neighbourhood Nottingham: Redevelopment of a long term brownfield site with a high quality sustainable residential development as part of the wider regeneration of the southern gateway

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood

## **13 Crime and Disorder Act implications**

The development would provide active frontages and natural surveillance where non currently exists.

## **14 Value for money**

None.

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

1. Application No: 22/00593/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8W3MDLY0KU00>

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

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

Open Space SPD 2019

Biodiversity SPD 2020

Affordable Housing SPD 2021

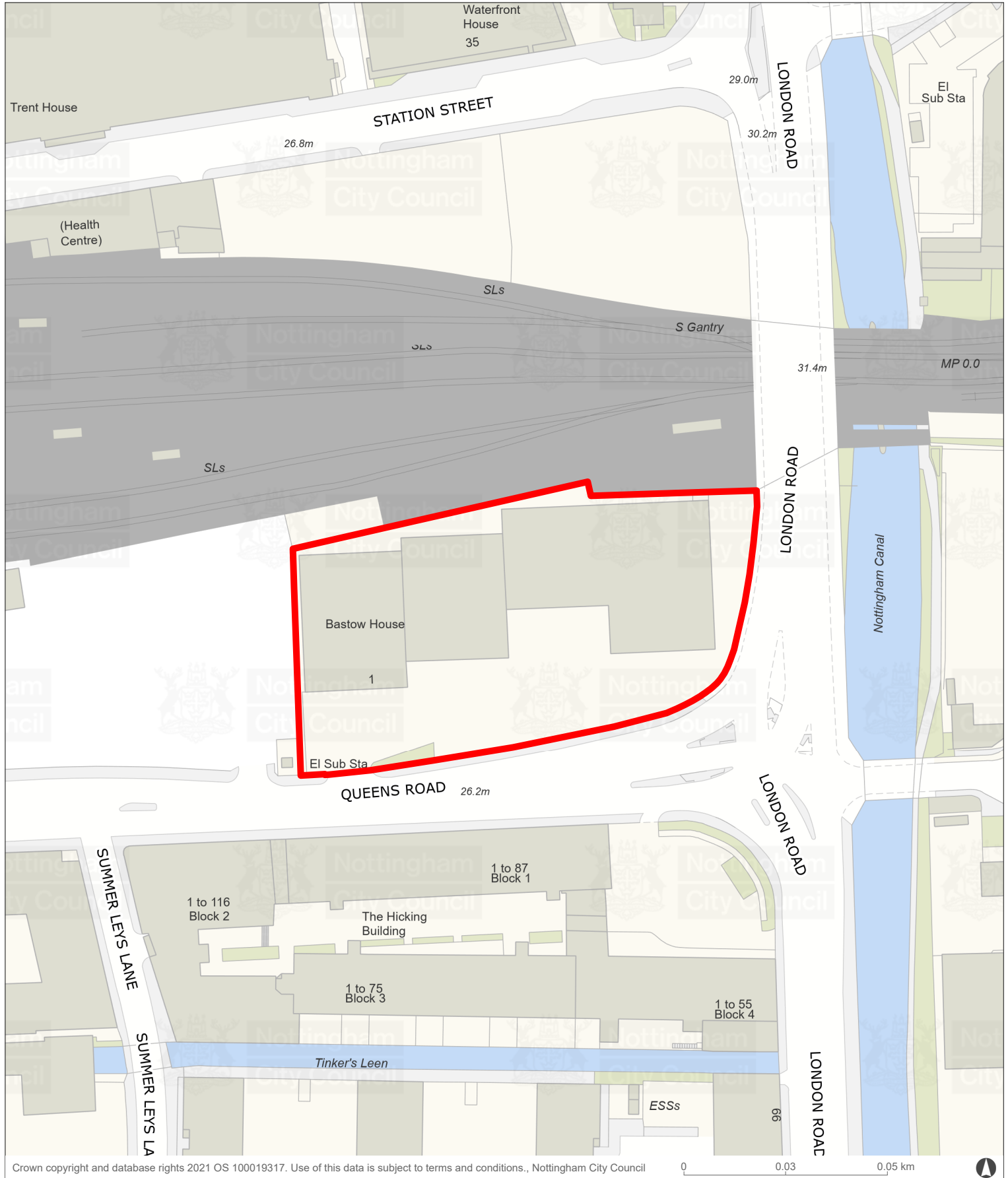
Nottingham City Centre Urban Design Guide (May 2009)

### **Contact Officer:**

Mrs Jo Bates, Case Officer, Development Management.

Email: [joanna.briggs@nottinghamcity.gov.uk](mailto:joanna.briggs@nottinghamcity.gov.uk). Telephone: 0115 8764041

# Nomad printed map



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0 0.03 0.05 km

**Key**  
 City Boundary

Printed map generated by a Nomad user on 13/12/2022. This map is not suitable for publishing, for high quality maps please contact [gi@nottinghamcity.gov.uk](mailto:gi@nottinghamcity.gov.uk).

**Description**  
A map printed from Nomad.

**My Ref:** 22/00593/PFUL3 (PP-11016890)  
**Your Ref:**  
**Contact:** Mrs Jo Bates  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
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**Tel:** 0115 8764447  
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Lichfields  
FAO Mr James Fryatt  
St Nicholas Building  
St Nicholas Street  
Newcastle Upon Tyne  
NE1 1RF

Date of decision:

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

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Application No: 22/00593/PFUL3 (PP-11016890)  
Application by: C/O Agent  
Location: Units 1 To 4, Queens Road, Nottingham  
Proposal: Redevelopment of part of the site to provide student accommodation (Phase One) with associated infrastructure, works and landscaping

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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

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

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Continued...

2. Notwithstanding the submitted plans and prior to the commencement of above ground development, details of the temporary treatment of the remaining part of the site (phase 2) shall be submitted to and agreed in writing with the Local Planning Authority. Details shall include the following:

- Boundary enclosure
- Treatment of the remaining undeveloped part of the site, including hard/soft landscaping
- Ground level changes (if any)
- Arrangements to access the bridge, district heating infrastructure and railway
- Timescale for the works to be carried out

The development shall be carried out in full accordance with the approved details prior to first occupation of the development.

*Reason: In order to safeguard the appearance of the development pending delivery of Phase II, in accordance with Policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP.*

3. The development shall not be commenced until details of the proposed new access has been submitted to and agreed in writing with the Local Planning Authority.

The vehicular access shall be constructed in accordance with the approved details.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the ACS and Policies DE1, IN2 and TR1 of the LAPP.*

4. The development shall not be commenced until a Remediation Strategy that has regard to the Desk Study & Ground Investigation Report by GEA dated Feb 2022 Rev 3 and includes details of the remedial capping of all landscaped areas forming part of the development and an appropriate Verification Plan, has been submitted to and be approved in writing by the Local Planning Authority:

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 proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.*

5. The development shall not be commenced until a construction methodology statement in relation to the railway, the London Road bridge structure and district heating system infrastructure located immediately to the east and north of the site, has been submitted to and approved in writing by the Local Authority. The statement shall demonstrate consultation with both the Asset Protection Project Manager at Network Rail and the City Council's Highways and Enviroenergy teams.

The construction shall thereafter be carried out in accordance with the approved construction methodology statement unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To safeguard the neighbouring transport and district heating infrastructure in accordance with Policies 10 and 14 of the ACS and Policies IR2 and TR1 of the LAPP.*





6. The development shall not be commenced until a scheme to ensure appropriate access for the future maintenance, operation, emergency access to and future improvements of the neighbouring bridge structure and district heating infrastructure, has been submitted to and agreed in writing by the Local Planning Authority. The arrangements should be designed to enable access by all necessary vehicles.

The scheme shall be fully implemented prior to first occupation of the development.

*Reason: To allow access to the London Road bridge structure and district heating infrastructure for essential maintenance and thereby ensure there is no health and safety risk to third parties, in accordance with the aims of Policies 1, 10 and 14 of the ACS and Policies DE1, IN2 and TR1 of the LAPP.*

7. The development shall not be commenced until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Provision shall be made for all site operatives, visitors and construction vehicles loading and offloading at the site during the construction period. The Plan shall also include a construction traffic routing agreement.

The development shall be constructed in accordance with the approved Plan.

*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 10 and 14 of the ACS and Policies DE1, IN2 and TR1 of the LAPP.*

8. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority, demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

*Reason: To ensure that the proposed development poses no contamination risks to accord with Policy IN2 of the LAPP.*

9. The development shall not be commenced until details for the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority.

The management of surface water for the development shall be implemented in accordance with the approved details.

*Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy 1 of the ACS and Policy CR3 of the LAPP.*

10. Prior to the commencement of above ground development, finalised details of the sound insulation and complementary ventilation scheme as set out in the Noise Impact Assessment by Adnitt Acoustics dated 18/02/2022 and amended to consider only Phase 1 of the development, shall be submitted to and be approved in writing by the Local Planning Authority.

The sound insulation and ventilation scheme for the development 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 an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.*

11. No above ground development shall be commenced until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

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

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

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

*Reason: To ensure an appropriate noise environment for future and neighbouring occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.*

12. The development shall not be commenced until details of the surface water drainage strategy for the development, to include sustainable drainage measures, have been submitted to and approved in writing by the Local Planning Authority.

The management of surface water for the development shall be implemented in accordance with the approved details.

*Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems in accordance with policy 1 of the ACS and policy CR3 of the LAPP.*

13. No above ground development shall be commenced until precise details of the materials to be used externally within the development, including the construction of a sample panel on the site, have been submitted to and approved in writing by the Local Plan Authority.

The approved detailed design shall thereafter be implemented prior to the occupation of the development.

*Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP.*



14. No above ground development shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) Large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements of the extension and new building:

a) Elevations: including window, glazing systems, reveals, window panels and entrances;

b) Roofs: including edges, parapets and plant enclosures;

c) Plant: including external ventilation systems and other similar elements that are integral to the fabric of the building.

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

*Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP.*

15. Notwithstanding the approved drawings, no above ground development shall be commenced until a scheme of Accessible and Adaptable units to be provided within the development has been submitted to and approved in writing by the Local Planning Authority.

Thereafter that the development shall be carried out in accordance with the approved scheme.

*Reason: To ensure that the accommodation is designed to meet all accessibility needs, in accordance with policy HO4 of the LAPP*

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

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

16. The development shall not be brought into use until the public realm enhancement works to the frontage of Queens Road have been completed in accordance with details that have first been submitted to and agreed in writing. Details shall include the following:

- existing and proposed ground levels along the frontage
- relocation, repair replacement of new items of street furniture, bollards, lighting columns and road signs
- the retention of walls or other boundary treatments
- hard surfacing materials
- tree specifications
- demarcation of adopted highway and privately maintained public realm
- maintenance proposals

*Reason: In the interests of the appearance of the development and to avoid prejudice to traffic conditions within the vicinity of the site, in accordance with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.*

17. The development shall not be brought into use until a Verification Report, which shall include the data referred to in the Verification Plan to demonstrate that the approved Remediation Strategy has been fully implemented, has been submitted to and agreed in writing by the Local Planning Authority.

*Reason: To ensure that the proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.*



18. Prior to first occupation of the development, verification that the diesel generator proposed for fire-fighting use in Phase 1 of the development shall not exceed a NOx emission rate of 5 mg/sec, shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that the proposed development poses no contamination risks and to ensure an appropriate noise environment for future occupants, to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.*

19. The development shall not be brought into use until the applicant has submitted 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 has been implemented.

*Reason: To ensure that an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.*

20. The development shall not be brought into use until verification that the approved sound insulation and ventilation scheme for the development has been implemented and is fully operational, has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.*

21. The development shall not be brought into use until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed in accordance with 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 and outfalls.

*Reason: To ensure the drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with Policy 1 of the ACS and policy CR1 and CR3 of the LAPP.*

22. The development shall not be brought into use until a Waste Management Plan has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include provision for the management, storage and collection of waste arising from the development.

The development shall thereafter be carried out in full accordance with the Plan.

*Reason: To ensure waste arriving from the development is dealt with in an appropriate manner to safeguard the amenities of the future and neighbouring occupiers in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.*



23. The development shall not be occupied until details of a Student Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term, has been submitted to and agreed in writing with the Local Planning Authority.

The Traffic Management Plan shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the ACS and Policy TR1 of the LAPP.*

24. Prior to first occupation of the development, an electric vehicle charging scheme shall have been installed in accordance with details that have first been submitted to and be approved in writing by the Local Planning Authority.

*Reason: To promote sustainable forms of travel to comply with Policies 1 and 14 of the ACS and Policies CC1 and TR1 of the LAPP.*

25. The development shall not be brought into use until a landscaping scheme (both hard and soft landscaping including surfacing and means of enclosure), including details to enhance biodiversity and a management strategy relating to on-going maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of proposed trees, shrubs, planters and other planting.

The approved hard surfacing shall be carried out prior to first occupation of the development. The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of that phase of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development, 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 accords with policies 10 and 17 of the ACS and policies DE1, DE2 and EN6 of the LAPP*

26. The development shall not be brought into use until a scheme of ecological enhancement measures, including those integrated within the fabric of the building, has been implemented 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 EN6 of the LAPP and Policy 17 of the ACS.*

27. Each phase of the development shall not be occupied until secure cycle has been provided in accordance with the approved details.

*Reason: To promote sustainable forms of travel in accordance with Policies 10 and 14 of the Aligned Core Strategy and policy TR1 of the LAPP.*



28. External lighting shall not be installed other than in accordance with details that have first been submitted to and approved by the Local Planning Authority.

*Reason: In order to ensure that the external public spaces of the approved development are appropriately lit having regard to public safety in accordance with Policies 10 of the ACS and Policies DE2 and EN6 of the LAPP.*

29. Prior to the first occupation of the development, any redundant footway crossings and/or damaged or altered areas of footway or other highway street furniture shall be reinstated or relocated in accordance with details that have first been approved in writing by the Local Planning Authority.

*Reason: To ensure that any redundant crossings or damaged crossings are reinstated appropriately to safeguard highway safety and to accord with Policy 10 of the ACS and Policy TR1 of the LAPP.*

### **Regulatory/ongoing conditions**

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

30. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and the Council's Environmental Health department. An investigation and risk assessment must be undertaken in accordance with current guidance and good practice, and where remediation is necessary a remediation scheme must be prepared and be submitted for approval in writing by the Local Planning Authority.

Following completion of remedial measures identified in the approved remediation scheme, a verification report must again be submitted to and approved in writing by 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.*

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

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 7 April 2022.

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

### **Informatives**

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

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

3. Noise Control: hours of work and equipment during demolition/construction



# DRAFT ONLY

## Not for issue



To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

#### Equipment

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

#### Dust/Grit and other fugitive emissions

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

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

#### 4. Air Quality

The development is located within an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for nitrogen dioxide, as set out in the Regulations, are not being met.

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

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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



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

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

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

#### 6. Environmental Noise Assessment

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

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

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

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

#### 7. Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.



The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

8. i: The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238 or [Highway.Agreements@nottinghamcity.gov.uk](mailto:Highway.Agreements@nottinghamcity.gov.uk). All costs shall be borne by the applicant.

ii: It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

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

iv: The proposed development appears to require the stopping up public highway. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public highway and an unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up the public highway will be required. This is a separate legal process and the applicant will need to contact the Department for Transport at their earliest convenience to discuss this matter further. Their contact details as follows: The National Transport Casework Team, Department for Transport, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (T) 0191 226 5216. It is strongly recommended that the applicant liaise with our Rights of Way Officer, John Lee who can be contacted on 0115 876 5246.

v: We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the DSP Design Guide which is available at <https://www.nottinghaminsight.org.uk/Document-Library/Document-Library/197452>

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

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: 22/00593/PFUL3 (PP-11016890)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

## **STREET NAMING AND NUMBERING**

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



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## **Not for issue**

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

**DRAFT ONLY**

**Not for issue**

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**Wards Affected:** St Anns

**Item No:**

**Planning Committee  
21<sup>st</sup> December 2022**

## **Report of Director of Planning and Transport**

### **10 Woodborough Road, Nottingham**

#### **1 Summary**

Application No: 22/00676/PFUL3 for planning permission

Application by: Mr Simon Henderson on behalf of Nottingham City Homes

Proposal: Construction of 24 houses and flats

The application is brought to Committee because of s106 viability considerations.

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

#### **2 Recommendations**

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

#### **3 Background**

- 3.1 The application relates to the site of the former Oakdene Residential Home which occupies a prominent location at the junction of Woodborough Road and St Ann's Way, in the St Ann's Ward of the City. The residential home closed in 2019 and was demolished in January 2020. The site remains cleared and vacant. The site is owned by Nottingham City Homes, who is the applicant for this application.
- 3.2 The site is bounded by Norman Close, St Ann's Way and Woodborough Road and is surrounded by existing residential properties. There is a change in level across the site, sloping up from south east to north west and down from south west to north east.
- 3.3 Planning permission was granted in August 2020 for a three storey building comprising 48 one bedroom flats and associated parking and landscaping (planning permission reference 20/01126/PFUL3). This permission remains extant but Nottingham City Homes have advised that the scheme is not financially viable.

## 4 Details of the proposal

- 4.1 The current application proposes a residential scheme of 9 flats and 15 houses, all of which would be Affordable. The houses would be 2 storey and would be laid out in a back to back arrangement with 5 fronting onto Woodborough Road, 8 fronting onto Norman Close and 2 onto St Anns Way. The flats would be in a three storey block located on the southern corner of the site. The dwellings would be a mix of 2 and 3 bedrooms whilst the flats would have 1 bedroom.
- 4.2 The houses would have asymmetric pitched roofs and would be arranged in terraces with projecting flat roof bays to the front elevation. The flat block would have a curved edge to the southern corner and a flat roof.
- 4.3 The houses on Norman Close and St Anns way would each have a separate vehicular access and driveway for one vehicle, whilst the houses fronting onto Woodborough Road would have a shared vehicular access and parking area. No parking is proposed for the flats. Each dwelling would have a private rear garden and an area of external amenity space to the rear of the flats is also proposed.

## 5 Consultations and observations of other officers

### Adjoining occupiers consulted:

1, 2, 7, 8, 9, 10, 11, 15, 16 Heskey Walk  
46, 48, 50 Woodborough Road  
32, 37, Surestart Children's Centre Palmerston Gardens  
Huntingdon Academy, Alfred Street Central  
1, 2, 3, 4, 5, 6, 7, 8 Harlaxton Walk  
1, 2, 3, 4, 20, 21, 22, 23 Sherwin Walk

The application has also been publicised by site and press notices.

No responses were received.

### Additional consultation letters sent to:

**Environmental Health:** No objection. Pre-commencement conditions requiring Noise Assessment, Noise and Dust Management Plan and Contaminated Land Remediation, are recommended.

**Highways:** No objection. A Condition requiring the submission of a Construction Traffic Management Plan is recommended. A s278 Agreement will be required and will address technical and Highway design issues.

**Biodiversity Officer:** No objection. The updated Ecology report is satisfactory. A condition requiring Hedgehog friendly fencing is recommended.

**Flood Risk Management:** A condition requiring the submission of a drainage strategy for the development is required, to include exceedance routes, discharge rates, how Sustainable Urban Drainage Systems will be used and maintained and surface water run off management.

**Carbon Neutral Policy Team:** If parking needs to be provided (despite the

proximity to the City Centre) EV charging should be incorporated. It is positive to see a range of energy reduction features. Secure, covered and lit cycle storage should be provided for houses and flats.

**Education:** No contribution is required for education.

## **6 Relevant policies and guidance**

### **Aligned Core Strategies**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 19: Developer Contributions

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

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy IN4: Developer Contributions

Policy TR1: Parking and Travel Planning

Policy RE1: Facilitating Regeneration

Policy EE4: Local Employment and Training Opportunities

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

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- 7) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

### **Main Issues**

- (i) Principle of the Development
- (ii) Design and Layout
- (iii) Impact upon Residential Amenity
- (iv) Highways

### **Issue (i) Principle of the Development** (Policy 8 of the ACS and Policies HO1, HO3 and RE1 of the LAPP)

- 7.1 Policies 8 of the ACS and HO1 of the LAPP place a presumption on developing family dwellings beyond the city centre, although both set out criteria where exceptions to this approach will be appropriate. Policy 8 recognises that the appropriate housing mix will be informed by a number of factors including strategic housing assessments/strategies, demographics, local evidence of need and demand, site specifics and accessibility (amongst others). Policy HO1 also requires consideration of local housing need and demand, and whether alternative provision would meet other aims of the City Council.
- 7.2 Located within an established Residential Area on the edge of the City Centre, the current scheme of 1, 2 and 3 bedroom Affordable dwellings has been developed to meet a specific local need; there is a high demand for social housing of the typologies proposed in the surrounding area which comprises a high proportion of traditional family housing.
- 7.3 It should also be noted that there is an extant planning permission for 48 1 bedroom flats on the site. The current scheme provides variation in the size and type of dwellings proposed, including a proportion of dwellings which are suitable for occupation by families. The current proposal is therefore considered to represent an improvement in terms of the housing size and mix proposed.
- 7.4 The proposal is therefore supported in principle, in accordance with ACS policy 8 and LAPP policies HO1 and RE1. As a scheme of 100% affordable housing, policy HO3 of the LAPP is also satisfied.

### **Issue (ii) Scale, Layout and Design** (Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP)



- 7.5 The proposed houses would be two storey in height whilst the flat block would be three storeys. It is considered that the proposed buildings would sit comfortably within the streetscene, responding to the established two and three storey scale of development on surrounding streets. The flat building would have sufficient presence on the prominent southern corner with the curved design enhancing the aesthetic of the building. The asymmetric design of the houses adds character to the development and the proposed bay features give articulation to the frontages. It is proposed to use a mix of red/orange brick types which will give sufficient interest and variation to the appearance. A condition requiring the submission of materials prior to commencement is recommended to ensure that these are of sufficient quality.
- 7.6 The scheme has been amended to address minor highway concerns. As amended the proposed points of access are considered acceptable, subject to agreement of the technical detail through a s278 Agreement.
- 7.7 All houses and the flat block have designated bin storage and landscaped gardens/amenity space. Front boundaries would be enclosed by low level walls and railings and rear boundaries with timber fencing or 1.8m high walls where they adjoin a public highway (plot 8). This arrangement is considered acceptable. A condition requiring hedgehog friendly timber fencing is recommended in accordance with the request from the Biodiversity Officer.
- 7.8 In summary it is considered that the proposed development is acceptable in terms of its scale, layout and design. All units would comply with Nationally Described Space Standards. As such the proposed development would comply with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

**Issue (iii) Impact upon Residential Amenity** (Policy 10 of the ACS and Policy DE1 of the LAPP)

- 7.9 The scale, location and orientation of the dwellings within the development is considered to be satisfactory in terms of the relationship with existing dwellings surrounding the site. The layout of plot 1 has been amended to improve the relationship with properties on Harlaxton Walk. These properties back onto an alleyway and whilst they do have ground floor windows in the rear elevations, these are small scale and secondary in nature. The amended arrangement is considered to provide an acceptable relationship between the existing and proposed dwellings. It is noted that no representations have been received in response to consultation.
- 7.10 The proposed houses and flats would comply with Nationally Described Space Standards and would provide adequate natural light within and outlook from habitable rooms. All dwellings would have access to external amenity space. As such it is considered that the proposed development would provide a satisfactory quality living environment for future occupiers, and would comply with Policy 10 of the ACS and Policy DE1 of the LAPP.

**Issue (iv) Highways** (Policy 10 of the ACS and Policy TR1)

- 7.11 Given the proximity of the site to the City Centre, the proposal to provide parking for only the houses and not the flats is acceptable. The city centre is easily accessible on foot and there are good transport links to other areas of the city from Woodborough Road. The parking spaces for the houses are considered to be

acceptable in terms of the size and location.

- 7.12 The layout of the access points and driveways has been accepted by the Highway Authority, subject to agreement of technical details, including Safety Audits for the off street spaces in proximity to existing Traffic calming features and street furniture, via a s278 Highways Agreement. This will be agreed outside of the remit of the Planning Application.
- 7.13 In summary, it is considered that the development would comply with Policy 10 of the ACS and Policy TR1 of the LAPP.

## **8. Sustainability / Biodiversity**

- 8.1 The proposed development is sustainably located within walking distance of the City Centre and good public transport links to the rest of the city.
- 8.2 The development includes a range of energy reduction features including PV panels to all houses with battery storage, Positive solar gain orientation, solar shades, triple glazing, LED lights, use of waste water for heat recovery and Air Source Heat Pumps fitted throughout. On this basis it is considered that the proposed development would accord with Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.3 The site falls within Flood Zone 1 and the requisite Flood Risk Assessment has been submitted. The Flood Risk Management Team have reviewed this and are satisfied with the submitted detail but require the submission of further details relating to exceedance routes, discharge rates and a Sustainable drainage strategy. Appropriate conditions are recommended. Subject to approval of these details by condition, the proposed development would comply with Policies CC1 and CC3 of the LAPP.

## **9 Section 106 (ACS Policy 19 and LAPP Policies EN2, HO3, EE4 and IN4)**

- 9.1 The application would be expected to provide a S106 planning obligation to include financial contributions towards open space and Employment and Training opportunities (The Education Team have confirmed that no contribution towards Education is to be claimed for this development). In accordance with the adopted Supplementary Planning Document on The Provision of Open Space on New Residential and Commercial Developments (Policy EN2) and Policy EE4 the proposed development would be expected to provide the following financial contributions where on site provision is not being made:

Open Space: £51,053.30

Employment and Training: £12.375.92

- 9.2 The scheme provides 100% affordable dwellings and as such is policy compliant in this regard.
- 9.3 As a Nottingham City Council scheme, S106 policy requirements would normally be dealt with by a transfer of funds allocated to the project, the money then being ring-fenced for S106 purposes. In this case, the proposed development has been subject to a protracted timetable and tendering process, during which the financial landscape has changed significantly. Building costs have increased significantly, and the overall cost of scheme delivery has increased by 12.5% against the

November 2021 forecast. The revenue however does not change at the same rate as the market. The tenure cannot be changed from social to market rent and therefore cannot be increased by more than, a below inflation, 7%. Overall, the scheme has become significantly more expensive to deliver. The £63,429.22 required to meet Section 106 objectives would add to the overall costs of the scheme, already forecast to be in excess of £0.5 million against the original cost plan.

- 9.4 The extra costs of the scheme will have to be met from other resources and reserves that will in turn no longer be available to future affordable housing schemes. The addition of costs to meet Section 106 objectives would worsen this position.
- 9.5 Due to the nature of the scheme's funding, it is considered that it is difficult to assess viability in the normal way. However, it is accepted that the delivery of the scheme is already challenging, and that adding Section 106 costs will make it more so. S106 costs would have to be met from other resources and reserves that will in turn no longer be available to future affordable housing schemes. Having regard to the benefits of the scheme, providing 100% affordable housing, in a well-designed and highly sustainable development, the provision of family housing, regenerating a brownfield site, it is considered to be appropriate to waive the Section 106 requirements in this case.

## **10 Financial Implications**

As noted above, no Section 106 financial contributions are to be provided due to the above considerations.

## **11 Legal Implications**

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

## **12 Equality and Diversity Implications**

None.

## **13 Risk Management Issues**

None.

## **14 Strategic Priorities**

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

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

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

None.

**16 Value for money**

None.

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

1. Application No: 22/00676/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9HT4MLYJBK00>

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

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

Open Space SPD 2019

Affordable Housing SPD 2021

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

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

# Nomad printed map



**Key**  
 City Boundary

Printed map generated by a Nomad user on 13/12/2022. This map is not suitable for publishing, for high quality maps please contact [gl@nottinghamcity.gov.uk](mailto:gl@nottinghamcity.gov.uk).

**Description**  
A map printed from Nomad.

**My Ref:** 22/00676/PFUL3 (PP-11066578)  
**Your Ref:**  
**Contact:** Mrs Zoe Kyle  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

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

Mr Simon Henderson  
12-14 Pelham Road  
Sherwood Rise  
Nottingham  
NG5 1AP  
United Kingdom

Date of decision:

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

Application No: 22/00676/PFUL3 (PP-11066578)  
Application by: Ms Mano  
Location: 10 Woodborough Road, Nottingham, NG3 1AZ  
Proposal: Construction of 24 houses and flats

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

**Time limit**

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

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

**Pre-commencement conditions**

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

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

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



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3. Prior to the commencement of the development hereby permitted, a drainage strategy for the development shall be submitted to and approved in writing by the Local Planning Authority.

The Drainage Strategy as a minimum should contain:

- Details of how the surface water run-off will be managed inc. design,
- Drainage plan showing the layout of the proposed drainage (both foul and surface water),
- Proposed Adoption of SuDS features (who will maintain the SuDS features),
- Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
- Relevant surface water calculations from licenced software.
- The drainage strategy itself should also have exceedance routes mapped to ensure 3rd parties are not at risk, given the site is within an existing residential area. It should also take into consideration exceedance routes from the surroundings/existing developments and consider the impact on the proposals (as part of the flood risk assessment above).
- If infiltration is to be explored as a SuDS option, appropriate ground investigation and infiltration testing (BRE365), undertaken in both summer and winter will be required. The tests should be located as a minimum where infiltration features are proposed, also aligning with the proposed depths of these features. This should be aligned with a Phase 2 ground investigation.
- The SuDS considered should carefully align with the proposed remediation in the Phase 1 ground investigation and further works as part of Phase 2.

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

*Reason: To ensure adequate sustainable drainage provision for the development in accordance with Policies CC1 and CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

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

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

5. Notwithstanding the details on the approved plans and unless otherwise agreed in writing by the Local Planning Authority, no above ground development shall commence until details of pv panels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

*Reason: In the interestd of sustainable development and in accordance with Policy 1 of the Aligned Core Strategy and Policy CC1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*



6. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, details of all boundary enclosures, both within and around the perimeter of the site, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of hedgehog friendly fencing to rear gardens. Thereafter, the approved details shall be implemented prior to the first occupation of the development.

*Reason: To ensure that the appearance of the development is satisfactory and to provide adequate means of enclosure within and around the site in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

7. Prior to the commencement of development hereby permitted details of how surface water and the proposed SuDS would be managed during construction (construction management plan and schedule of works) shall be submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure adequate drainage provision and management during construction in accordance with Policies CC1 and CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

8. No above ground development shall commence until details of all hard and soft landscaping proposals have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

9. No above ground development shall commence until details of cycle storage for the houses has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In order to ensure an appropriate quality of finish to the approved development and provide sufficient cycle storage for the development and in accordance with Policy 10 of the Aligned Core Strategy and Policies DE1 and TR1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*





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

The environmental noise assessment shall include the impact of any transportation noise, 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 normally more than 45dB L<sub>Amax</sub>(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

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

*Reason: To ensure adequate sound insulation for the development in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

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

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

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

*Reason: To ensure adequate dust management during construction in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

12. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:



Based on the Preliminary Risk Assessment and Site Investigation by Hydrock, Reference 13796-HYD-XX-XX-RP-GE-0002, submitted with the application,

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

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

Please ensure that the Remediation Strategy and Verification Strategy proposals comply with Nottingham City Council's Standards for Cover Systems and On Site Verification.

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 adequate remediation is carried out in accordance with Policy 10 of the Aligned Core Strategies and Policy of DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

### **Pre-occupation conditions**

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

13. The approved development shall not be first occupied until the external areas of the site have been implemented in accordance with the approved details, including the car parking spaces, bin and cycle stores.

*Reason: In the interests of the residential amenity of occupants of the approved development and neighbouring residents in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

### **Regulatory/ongoing conditions**

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

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

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

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

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

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 29 March 2022.



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

## **Informatives**

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

### **2. Environmental Noise Assessment**

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

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

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

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

### **3. Construction & Demolition**

#### **Proposed Method of Demolition**

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk)) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

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

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))



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## Equipment

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

## Dust/Grit and Other Fugitive Emissions

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

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include:-

### Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

## 4. Contaminated Land, Ground Gas & Groundwater

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

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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



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

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

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

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

## **RIGHTS OF APPEAL**

Application No: 22/00676/PFUL3 (PP-11066578)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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

## **STREET NAMING AND NUMBERING**

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



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A city we're all proud of

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



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