

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

### **Site Of Eastglade Primary School, Whitcombe Gardens**

#### **1 Summary**

Application No: 19/02811/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Nottingham City Homes

Proposal: Construction of 106 homes.

The application is brought to Committee as it is proposed that the planning obligations typically required by adopted planning policies be waived in this case.

To meet the Council's Performance Targets this application should be determined by 20<sup>th</sup> March 2020.

#### **2 Recommendations**

**GRANT PLANNING PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report.

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

#### **3 Background**

The application site is a long cleared former school and playing fields. The wider area is entirely residential in character and the site is well connected to its surroundings by roads and footpaths. The site has substantial changes in level, the greatest fall being from north to south (approximately 17 metres), with a lesser fall from east to west. Having been vacant for many years, the site is overgrown and there are a number of mature trees on the site.

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

Planning permission is sought for one hundred and six new dwellings. These would comprise sixty-three 2-bed houses, twenty 3-bed houses and twenty-three 1-bed flats. Houses and flats are all two storey. Vehicular access is at two locations – from the north via Padgham Court and from the south via Cottam Gardens. The majority of houses face one of two access roads running west to east across the site or shared surfaces leading from those roads. The flats are located in the northern part of the site adjacent to the access road from Padgham Court. Off-street parking is provided either in front of or at the side of houses at a ratio of one or two spaces per 2-bed dwelling and two spaces per 3-bed dwelling. Parking is provided adjacent to the flats at one space per unit.

## 5 Consultations and observations of other officers

### Adjoining occupiers consulted:

One hundred and twenty six neighbouring properties were notified by letter dated 19 December 2019. The letters were sent to properties on Albert Ball Close, Yates Gardens, Casper Court, Dolphin Court, Hillgrove Gardens, Henning Gardens, Whitcombe Gardens, Anderson Court, Padgham Court, Leiston Gardens, Ranskill Gardens, Farmlands Close and Valley Farm Court. Site notices were displayed on 20 December 2019 and 28 January 2020. Press advertisement published on 27 December 2019. The consultation period expired on 21 February 2020. No representations have been received from neighbouring occupiers.

Nottingham Local Access Forum has noted that footpaths within the application site should be protected during construction and left in good condition being re-surfaced if necessary.

### Additional consultation letters sent to:

**Pollution Control:** No objection.

**Highways:** No objection.

**Lead Local Flood Authority:** No objection.

**Nottingham University Hospital NHS Trust (NUH NHS Trust):** A financial contribution is requested for additional secondary healthcare services to meet patient demand.

## 6 Relevant policies and guidance

### National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

- Policy 1 - Climate Change
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 14 - Managing Travel Demand
- Policy 17 - Biodiversity
- Policy 19 – Developer Contributions

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

- Policy CC1 - Sustainable Design and Construction
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy CE6 - Health Facilities
- Policy EN2 - Open Space in New Development
- Policy EN6 - Biodiversity
- Policy EN7 - Trees
- Policy IN2 - Land Contamination, Instability and Pollution
- Policy IN4 - Developer Contributions
- Policy SA1 – Site Allocations

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

### **Main Issues**

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

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

- 7.1 The site is allocated in the Local Plan Part 2 as Site Allocation SR03 Eastglade, Top Valley – Former Eastglade School Site, its proposed use being “residential (C3, predominantly family housing) with a proportion of the site retained as open space”. This allocation establishes the residential development of the site. All 106 properties will be affordable housing meeting part of the Nottingham City Council and Nottingham City Homes’ plan to provide high quality homes for affordable rent across the city. The proposal is therefore considered to be acceptable in accordance with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

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

- 7.2 The primary challenge in developing this site has been the changes in levels and relating the new dwellings to the existing. The scheme has been through a number of iterations with substantial input from the council's urban design team. Vehicular access is at two locations – from the north via Padgham Court and from the south via Cottam Gardens. The majority of houses face one of two access roads or shared surfaces leading from those roads. This layout allows the main north-south changes in level to be addressed by a gabion retaining wall running between gardens. It is considered that the layout of the development now responds well to the challenges of the site.
- 7.3 The new buildings are to a common architecture, with different properties having individual features, varying materials and detailing such as brick headers, arches and cills. Houses are to be constructed in red and buff brick with pitched tile roofs. Corner units respond to their location with doors and windows on side elevations to increase surveillance and add interest. Front gardens are enclosed by railings. The combination of proposed dwelling types and detailing will provide an appropriate quality of built finish to the development and the development will have its own identity within the area. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

**Issue (iii) Trees and Biodiversity** (ACS Policies 10 and 17 and LAPP Policies DE1, DE2, EN6 and EN7)

- 7.4 The proposal involves the loss of eleven individual trees, including two category A (high quality) trees, as well as several groups of smaller trees. The loss of these trees is, however, felt to be acceptable as their amenity value tends to be from within the site and the trees considered by the Tree Officers to be the most important are to be retained and there is considerable scope to plant replacement trees in the areas of public open space to be retained. These areas of public open space are located primarily in the northwest and southwest of the site, are to be managed by Nottingham City Homes and are considered to enhance the development itself as well as footpath routes through the site. Appropriate conditions regarding tree planting and landscaping can ensure the provision of native species and plants attractive to pollinators. The proposal is thereby considered to be acceptable in accordance with ACS Policies 10 and 17 and LAPP Policies DE1, DE2, EN6 and EN7.

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

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

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

- 7.6 The proposal meets the affordable housing requirements of Policy HO3 (Affordable Housing) as all properties provided by the development will be affordable. The proposed development would however ordinarily be expected to provide a contribution of £191,129 to enhance existing areas of open space, or else make provision for additional areas of open space within the locality to comply with Policy EN2 (Open Space in New Development)..
- 7.7 The applicants have submitted a viability appraisal which shows that the proposed development is unviable. The combination of a low value residential area coupled with high construction costs from site abnormalities (the slope and requirement for extra drainage, retaining walls and an extensive cut & fill exercise) produces a negative development appraisal. Removing the profit element, finance costs and marketing fees etc the negative land value reduces to -£3.6 million. It is considered on balance that given the development's contribution to Council key objectives (in relation to affordable housing) and its compliance with other Policies of the Local Plan, that good reason exists to depart from policies IN4 and EN2 and that no planning obligation should be sought in respect of open space.
- 7.8 With regard to the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities). Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request that have been the subject of separate discussions with the NUH NHS Trust. However, given the viability issues referred to above, it is clear that the scheme cannot support developer contributions; again, given the scheme's contribution to Council key objectives, it is proposed that no NUH NHS Trust contributions are sought.

**8. Sustainability**

The buildings would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. The majority of the houses will have roof-mounted pv panels. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP. Ground, groundwater and ground gas remediation, an environmental noise assessment and a sound insulation scheme as requested by the pollution control officer can be required by condition to comply with Policy IN2. The drainage scheme has been agreed by the Lead Local Flood Authority.

**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**

- 13.1 The proposal contributes to meeting key objective of the Nottingham City Council Plan 2019-2023: build or buy 1,000 Council or social homes for rent.

**14 Crime and Disorder Act implications**

None.

**15 Value for money**

None.

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

1: Application No: 19/01743/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2NPHQLYLVG00>

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

Nottingham Local Plan – Part 2 (January 2020)

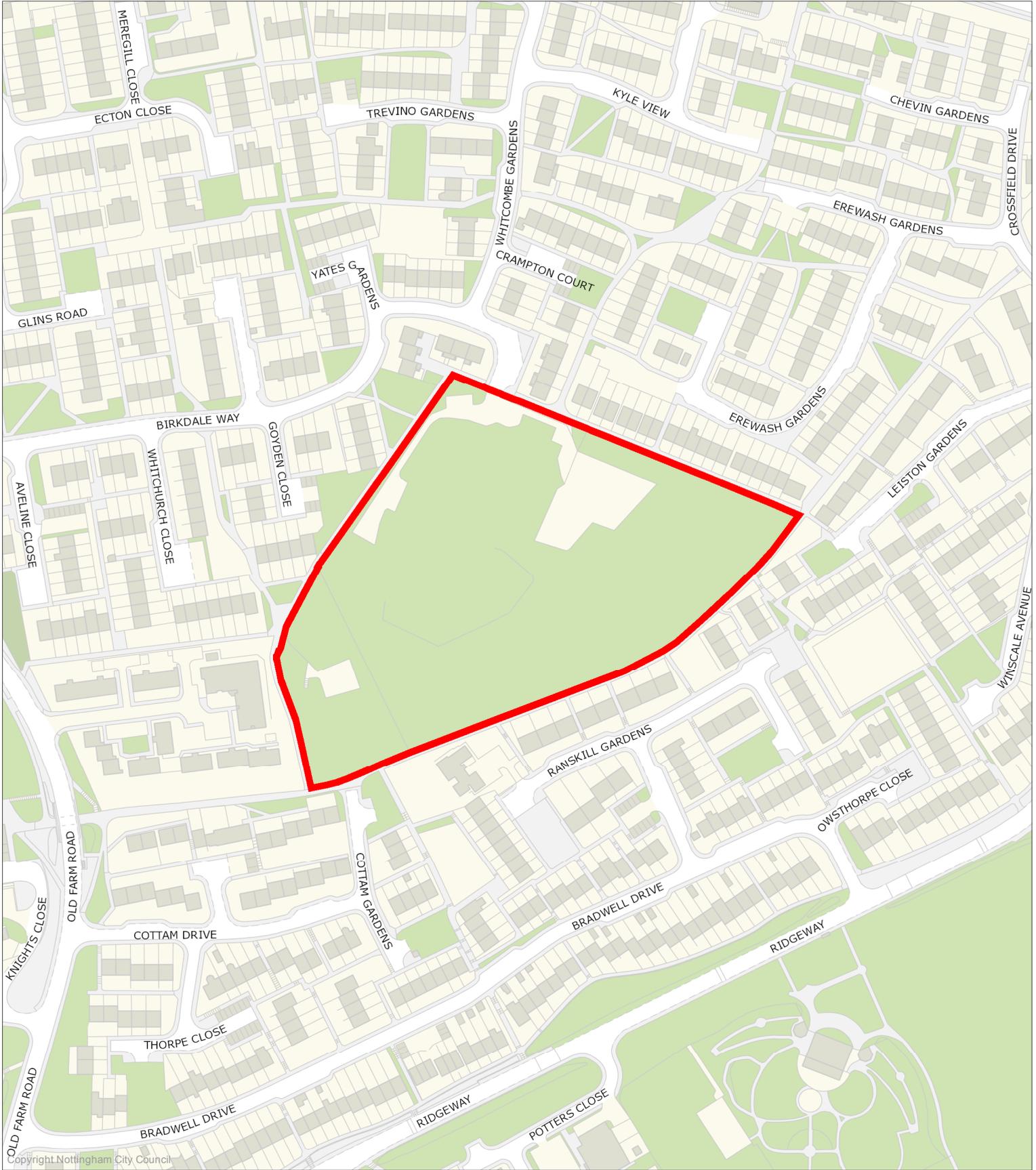
Aligned Core Strategies (September 2014)

**Contact Officer:**

Mr Phil Shaw, Case Officer, Development Management.

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# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided

**My Ref:** 19/02811/PFUL3 (PP-08359713)  
**Your Ref:**  
**Contact:** Mr Phil Shaw  
**Email:** development.management@nottinghamcity.gov.uk



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Date of decision:

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

Application No: 19/02811/PFUL3 (PP-08359713)  
Application by: Nottingham City Homes  
Location: Site Of Eastglade Primary School, Whitcombe Gardens, Nottingham  
Proposal: Construction of 106 homes.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. The development shall not be commenced until an Arboricultural Method Statement prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

*Reason: To ensure the protection of trees during the construction period and in accordance in accordance with Policy EN7 of the Local Plan - Part 2.*

3. The development shall not be commenced until details of an electric vehicle charging scheme, making provision for each property, including a timetable for its implementation has been



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**Not for issue**

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submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable.

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

**Pre-occupation conditions**

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

4. A landscaping and planting scheme shall be provided for the development. In particular
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
  - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and
  - c) any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 17 December 2019.

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

**Informatives**

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

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

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

### 3. Highways

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

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

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

4. A Section 38 Agreement is required and can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Network Management on 0115 876 5293.

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

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

7. To discuss PROW details further the applicant should contact John Lee 0115 8765246.

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

9. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway.

10. The development shall not be fully operational until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated to the satisfaction of the City Council as highway authority. Dropped kerbs and ramps, suitable for wheelchairs and prams, shall be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings in accordance with details to be agreed in writing with the City Council as highway authority.

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

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

## **RIGHTS OF APPEAL**

Application No: 19/02811/PFUL3 (PP-08359713)

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.



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