

Report of Director of Planning and Regeneration

Playworks, Alfred Street North

1 Summary

- Application No: 21/00230/PFUL3 for planning permission
- Application by: Hockley Developments Ltd Mr Lavan Siva on behalf of Mr Alan Forsyth
- Proposal: Change of use of existing rehearsal and recording studios (D1 use class) to 16 apartment units (C3 use class).

The application is brought to Committee because the application is recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies . To meet the Council's Performance Targets this application should have been determined by 18th May 2021. An extension of time has been agreed in principle with the applicant.

2 Recommendations

- 2.1 To **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:
- (a) Prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution of £5,000 towards affordable housing
 - (ii) A financial contribution of £5,000 towards open space improvement
 - (b) Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.
- 2.2 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 site is a council owned building which is in the process of being sold. The site also known as St Andrews Hall was most recently used in 2019 as a rehearsal and recording studio. It is understood that the building has been empty for approximately 2 years. The building has two distinct elements; the element fronting Alfred Street North which is grand double fronted Victorian brick built two storey element with a hipped tile roof line. Beyond this is a large pitched roof hall

which is attached to the listed Oldknows factory to the north. Single storey infill elements have been added on the eastern elevation fronting St Ann's Way.

- 3.2 Immediately to the west and beyond the development site is a car park associated with the Oldknows factory. The frontage of the building is separated by existing railings with a slim area of scrub land separating the back edge of the pavement from the side (east) elevation of the property.
- 3.3 The area is mixed use in character with residential properties to the east, Oldknows factory to the north contains a variety of commercial/office uses and to the south is the recently demolished former public house; The Mechanics Arms which was granted consent for the construction of 16 supported living flats.

4 Details of the proposal

- 4.1 Planning permission is sought for the change of use of the building to 16 x 1 bed apartments. Minor external alterations to the building are proposed notably the blocking up of existing doorways and creation of new window openings on the side elevations.
- 4.2 Access is gained from the front of the building with the ground floor providing 7 units. At first floor are a further 9 1 bed duplex apartments and an internal bike store for up to 16 bikes. The basement of the building would provide communal storage areas.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

16 neighbouring properties consulted; Oldknows factory to the north, Bangor Walk to the east and Alferton St North to the south.

Site and press notices displayed.

Three letters of representation received raising the following points:

- Concern regarding increased litter from new occupiers
- Concern regarding outlook from ground floor flats in particular 3,4,5,6 and 7 which are all too deep to allow natural ventilation and light
- How will the development contribute towards Nottingham 2028 zero carbon? Solar panels and/or heat pumps should be incorporated
- Biodiversity should be maximised with green walls, roofs and nesting boxes where appropriate
- Will the scheme have grey water recycling?
- 20% affordable housing should be provided
- 10% of rooms should be accessible
- Will existing windows be upgraded?

Nottingham Civic Society

We support the proposed conversion of this undesignated heritage asset to residential use but has some reservations about the window replacement strategy. The building is a well-designed Edwardian community hall with a classical frontage including a cupola upon its roof. The building adjoins the complex of the Victorian Grade II listed Oldknow's Factory and together they represent an island of buildings which characterise the Old St Ann's district before the comprehensive residential redevelopment of the 1970s. This building has been submitted as a candidate for Nottingham's Local List because of its architecture and community associations.

The hall building to the rear does retain some of its original timber multi pane casement windows which give character to the Edwardian building. It would be a pity to lose these original windows but if these have to be replaced for insulation reasons, the UPVC replacement should emulate the window original small-paned pattern. The existing frames do actually provide a heavy horizontal section between upper and lower windows which could be used to disguise the new floor that is proposed to subdivide the space.

Additional consultation letters sent to:

Pollution Control: No objection subject to submission of a noise and insulation assessment

Drainage Officer: No comments to make

Education Officer: No claim sought due to all 1 bed units

Employment and Training: No objection subject to compliance with an employment and training plan

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.

Paragraph 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Aligned Core Strategies (2014):

- Policy 1 - Climate Change
- Policy 6 – Role of Town and Local Centres
- 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

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

- Policy CC1 - Sustainable Design and Construction
- Policy CC3 – Water
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy EN2 - Open Space in New Development
- Policy EN6 - Biodiversity
- Policy EN7 – Trees
- Policy TR1 – Parking and Travel Planning
- Policy IN2 - Land Contamination, Instability and Pollution
- Policy IN4 - Developer Contributions

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene and Setting of Adjacent Listed Building.
- (iii) Impact on Residential Amenity.
- (iv) Sustainability.
- (v) Planning Obligations

Issue (i) Principle of the Development (ACS Policy 8 and LAPP Policy HO1)

- 7.1 Policy 8 of the ACS states that new residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities, and supports the provision of family housing in Nottingham. This policy is reinforced by LAPP Policy HO1, which seeks the provision of family housing in the city where practicable. The proposal seeks to convert, without extending an existing building. Given tight boundary constraints there is an inability to provide outside space or vehicle parking. The lack of parking and private outside space is considered to be less suited to larger family sized units and the provision of one bed units is therefore in principle considered to be acceptable.
- 7.2 A recent Housing Market Assessment has been carried out in Nottingham and has confirmed the need for more housing types, of all tenures, in almost all wards in Nottingham. The site is in a sustainable location in close proximity to Huntingdon Street and Mansfield Road which provides local amenities and easy transport links to the city centre. The proposal would provide 8 x 1 bed units and 8 x 1 bed duplexes ranging in size from 39m² to 51m². The location and proposed number of flats are considered to be acceptable and weight is given to the proposal which would bring a building back into use to the benefit of the vitality of the area.

Issue (ii) Design and Impact on the Streetscene and Setting of Adjacent Listed Building (ACS Policies 10 and 11 and LAPP Policies DE1, DE2 and HE1)

- 7.3 The building and in particular the red brick frontage to Alfreton Street North is considered to positively contribute to the character of the area. The rear element which is attached to the Grade II listed Oldknows Factory is much simpler and functional in its design. The building as a whole is considered to have a neutral impact/cause no harm to the setting of the neighbouring listed building. The proposed conversion is considered to be sensitive with existing window openings retained and replacement windows proposed to improve thermal values. New window openings are proposed in the side elevations and windows proposed to replace existing commercial doors. The comments from the Civic Society are noted and window and door details shall be controlled via condition to ensure an acceptable finish.
- 7.4 Paragraph 200 of the NPPF states that proposals that preserve or make a positive contribution to the setting of listed buildings should be treated favourably. The reuse of the building would contribute to the vitality of the area and bring a building back into use which is of some architectural merit. The proposed conversion is modest in scale and given the minor external changes proposed is considered to have no negative impact on the setting of the adjacent Grade II listed Oldknows Factory. The proposal subject to condition would accord with ACS Policies 10 and 11, LAPP Policies DE1, DE2 and HE1 and guidance contained within the NPPF.

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

- 7.5 Having regard to the layout of the development, 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. Whilst comments regarding the depth of

units are noted in relation to light and ventilation, units are served by generous window openings.

- 7.6 Discussions have been had with the applicants regarding outlook from units on the eastern elevation which would have windows in close proximity to the back edge of the pavement. The applicant has proposed hedge planting which would offer a degree of defensible space. In the interests of outlook for residents it is recommended that the bottom half of ground floor windows in this elevation be obscure glazed and this can be controlled via condition.
- 7.7 All units would meet the minimum National Space Standards and are considered to offer a reasonable level of amenity for future occupiers. Pollution Control colleagues have reviewed the proposal and raised no objection subject to the submission of a noise and insulation scheme which again can be secured via condition. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the LAPP.

Issue (iv) Sustainability (ACS Policies 1 and LAPP Policies CC1 and CC3)

- 7.8 The council is committed to Carbon Neutrality by 2028 and an action plan has been produced setting out how this is to be achieved. However, planning applications must be assessed in the light of the national and local planning policies in place at the time the application is determined. Mandatory energy performance standards for all new homes are now incorporated into Building Regulations, rather than to be achieved by the planning process. There is no Local Plan policy regarding the amount of energy to be provided by renewables.
- 7.9 The applicant has indicated that the development would have no gas connection thus reducing reliance on fossil fuels. New uPVC windows would be installed to improve thermal efficiency of the building. Discussion has been had relating to the use of solar panels on the east and west roof slopes but no agreement yet reached. Weight is also given to the reuse of an existing building and the carbon saving that is made through retention rather than demolition and rebuilding. The proposal is considered to comply with Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Local Plan Part 2.

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

- 7.10 A policy compliant planning obligation for the proposed development would be expected to provide a total contribution of £164,334 in lieu of on-site provision comprising affordable housing (£140,406) open space enhancement (£21,436) and employment and training (£2,492).
- 7.11 The applicants have submitted a viability appraisal which has been independently appraised by CP Viability on the Council's behalf. CP Viability conclude that the development is not viable with the full burden of required obligations, however a contribution of £10,000 can be provided. The applicant has agreed to provide this contribution which will be split evenly between affordable housing provision and open space enhancement and secured via section106 agreement.

The proposal is considered to accord with ACS Policies 8 and 19 and LAPP Policies EN2 and IN4.

8. Biodiversity (ACS Policy 17 & LAPP Policy EN6)

The site offers limited potential in terms of provision of green space given the tight boundaries to existing built form. The applicant has however indicated that native *Pyracantha* planting shall be provided along the eastern boundary which would be beneficial to local biodiversity as well as providing some defensible space to future occupiers. The same treatment would be planted to the front of the building in place of existing railings. The applicant has also indicated that bird and bat boxes can be installed as part of the refurbishment of the building and precise planting and ecology box positions can be secured via condition. The proposal is considered to accord with ACS Policy 17 & LAPP Policy EN6.

9 Financial Implications

As noted above, a policy compliant planning obligation for the proposed development would be expected to provide a contribution of £164,334 in lieu of on-site provision of affordable housing, enhancement of existing areas of open space, and towards facilitating local employment and training. Through viability appraisal a reduced contribution of £10,000 has been agreed which would be secured via S106 and split equally between Affordable Housing and Open Space enhancement.

10 Legal Implications

There is an overarching statutory duty imposed by s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which properly understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings. Preserving means doing no harm.

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: Providing a high quality and sustainable development

14 Crime and Disorder Act implications

None

15 Value for money

None

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

1. Application No: 21/00230/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNX7ELYJ2E00>

17 Published documents referred to in compiling this report

Nottingham Local Plan Part 2 (January 2020)

Aligned Core Strategies (September 2014)

NPPF (2019)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

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NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 21/00230/PFUL3 (PP-09431799)
Your Ref:
Contact: Mr James Mountain
Email: development.management@nottinghamcity.gov.uk

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

Hockley Developments Ltd Mr Lavan Siva
15 Clarendon Street
Nottingham
NG1 5HR

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

Application No: 21/00230/PFUL3 (PP-09431799)
Application by: Mr Alan Forsyth
Location: Playworks , Alfred Street North, Nottingham
Proposal: Change of use of existing rehearsal and recording studios (D1 use class) to 16 apartment units (C3 use class).

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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
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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Not for issue

2. 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_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

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.

In the interests of amenity of future occupiers and to accord with policy DE1 of the LAPP

3. Prior to the installation of any new/replacement windows and doors large scale elevations and sections of said openings shall be submitted to and approved in writing by the Local Planning Authority.

Works shall be carried out in accordance with the approved details.

Reason: To ensure that the character and appearance of the building is preserved and to ensure a satisfactory residential environment, to comply with Policies DE1 and HE1 of the LAPP and Policies 10 and 11 of the ACS.

Pre-occupation conditions

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

4. Prior to occupation, details of biodiversity measures to be incorporated within the fabric of the building in addition to details to enhance biodiversity relating landscape 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: In the interests of enhancing biodiversity and to accord with policy EN6 of the LAPP.

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

In the interests of amenity of future occupiers and to accord with policy DE1 of the LAPP

6. Prior to first occupation a scheme for the partial obscuring of windows contained at ground

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Not for issue

floor level in the eastern elevation of the building shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with policy DE1 of the LAPP

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 16 February 2021.

Reason: To determine the scope of this permission.

Informatives

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

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

3. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

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

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

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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.

5. The resistance to the passage of sound in buildings must comply with Approved Document E of the building regulations which sets out standards for the resistance to airborne sound and impact sound between and within dwellings. Approved Documents E covers:

Separating walls, floors & associated flanking transmissions for new buildings
Internal walls, floors & stairs for new buildings
Dwelling houses & flats formed by a material change of use
Rooms for residential purposes
Common internal parts of buildings containing flats or rooms for residential purposes .

Approved Document E states that it is good practice to consider the layout of rooms in separate dwellings at the design stage to avoid placing noise sensitive rooms next to rooms in which noise is generated e.g. not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise.

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

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

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Not for issue

RIGHTS OF APPEAL

Application No: 21/00230/PFUL3 (PP-09431799)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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Not for issue