

Report of Director of Planning and Regeneration

102 Palm Street

1 Summary

Application No:	20/02769/PFUL3 for planning permission
Application by:	Hockley Developments Ltd Mr Oliver Cammell on behalf of Mr Alan Forsyth
Proposal:	Conversion of temple (Use Class F1) to 15 flats (Use Class C3) and external alterations.

The application is brought to Committee because due to viability issues it is recommended for approval with planning obligations which are substantially less than typically required by adopted planning policies.

To meet the Council's Performance Targets this application should have been determined by 7th April 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 subject to:
- (a) Prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution of £10,000 towards affordable housing
 - (ii) A financial contribution of £20,096 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 former industrial building in the New Basford Industrial Estate and most recently used as a temple. It is understood that the building has been vacant since January 2020. The building has two elements; a low, two storey, gabled building fronting Palm Street and a taller, deeper, two storey, hipped roof building to the rear. There is a first floor, enclosed bridge which connects the rear building to the building to the north.

- 3.2 To the south are three storey former industrial buildings converted to flats. To the east is Palmerston House, a former mill understood to be vacant but formerly in use for training purposes. To the north and west, across Palm Street, are industrial buildings, some of which are also vacant, one of which now houses a gym.

4 Details of the proposal

- 4.1 Planning permission is sought for the change of use of the building to 15 x 1 bed apartments. Minor external alterations to the building are proposed notably replacing windows and providing new openings and doors for the bin and cycle storage areas.
- 4.2 Access is gained from the north side of the building to four flats in the front building and from the yard on the north side of the building to six flats on the ground floor of the rear building. This yard also provides access via a communal stairway to five flats on the first floor of the rear building. The ground floor of the front building, with its existing large openings, would provide bin and cycle storage.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

84 neighbouring properties consulted; the adjacent flats and commercial buildings on Palm Street and Mount Street, and houses on Mount Street and Gladstone Street. Site and press notices displayed.

Two emails of representation received from neighbouring residential occupiers, expressing concern about noise, traffic and parking during construction. Noise during construction is not a planning matter, although it is noted that environmental health legislation exists regarding excessive noise at unsocial hours. Regarding construction traffic and parking, the Highway Authority has requested a Construction Traffic Management Plan to ensure that problems do not arise.

Nottingham Civic Society supports the conversion of the nineteenth-century industrial building into flats and wish to ensure that the historic features of the building are safeguarded. This can be ensured by condition.

A planning consultant has commented on behalf of the owner of the adjacent building to the north and the bridge link between the buildings being blocked as this forms a fire escape. Whilst this is not a matter for the planning system, these concerns have been raised with the applicant, who states that the link has been blocked since 2008 and that the adjacent owner has no rights through the application building. This remains a private matter.

Additional consultation letters sent to:

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

Highways: No objection subject to conditions regarding reinstatement of redundant footway crossings and sustainable travel packs.

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.

Aligned Core Strategies (2014):

Policy 1 - Climate Change
Policy 4: Employment Provision and Economic Development
Policy 8 - Housing Size, Mix and Choice
Policy 10 - Design and Enhancing Local Identity
Policy 14: Managing Travel Demand
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 EE2 - Safeguarding Existing Business Parks / Industrial Estates
Policy DE1 - Building Design and Use
Policy DE2 - Context and Place Making
Policy EN2 - Open Space in New Development
Policy TR1 – Parking and Travel Planning
Policy IN4 - Developer Contributions

7. Appraisal of proposed development

Main Issues

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

Issue (i) Principle of the Development (ACS Policies 4 and 8 and LAPP Policies EE2, HO1 and TR1)

- 7.1 Policy EE2 of the Local Plan (Safeguarding Existing Business Parks / Industrial Estates) states that within the major business parks/industrial estates employment sites or employment premises will only be granted planning permission for employment uses. It is noted that in this part of the New Basford Industrial Estate a number of neighbouring employment buildings have already been converted to residential use (on Palm Street and on Mount Street) either with planning permission or through the prior approval process. In addition, buildings are in other, 'non-employment' uses; Palmerston House in education use and the adjacent gym. Furthermore, the application building is a Victorian building which has not been in employment use, and is unlikely to be suitable for modern employment use. It is therefore considered that the premises are not 'employment premises', so the proposal does not conflict with Policy EE2 and that it is acceptable for the application buildings to be converted to residential use.
- 7.2 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. The resulting units are unlikely to appeal to car users and it is considered that the lack of parking is not likely to lead to any issues of highway safety/capacity, and it is noted that the highway team has no objection subject to provision of travel packs, which can be secured by condition. As such, the proposals comply with policy TR1.
- 7.3 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 relatively sustainable location, accessible to the tram network and local amenities on North Gate and in Sherwood Rise. The proposal would provide 14 x 1 bed units and 1 x 1 bed duplex ranging in size from 39m² to 53m². 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 (ACS Policy 10 and LAPP Policy DE1)

- 7.4 The proposed alterations to the windows and doors are visually acceptable. The comments from the Civic Society are noted and window and door details shall be controlled via condition to ensure an acceptable finish. The proposal subject to condition would accord with ACS Policy 10 and LAPP Policy DE1.

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 properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. The proposed flats have been arranged to ensure that habitable room windows in the rear building face north on the ground floor and south on the first floor to make appropriate use of adjacent open areas.

All units would meet the Nationally Described 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 Policy CC1)

- 7.6 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. 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 Policy CC1 of the Local Plan Part 2.

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

- 7.7 A policy compliant planning obligation for the proposed development would be expected to provide a total contribution of £125,096 in lieu of on-site provision comprising affordable housing (£105,000) and open space enhancement (£20,096).

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 £30,096 can be provided. The applicant has agreed to provide this contribution which will be split proportionately 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 Financial Implications

As noted above, a policy compliant planning obligation for the proposed development would be expected to provide a contribution of £125,096 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 £30,096 has been agreed which would be secured via S106 and split proportionately between Affordable Housing and Open Space enhancement.

9 Legal Implications

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

10 Equality and Diversity Implications

None

11 Risk Management Issues

None

12 Strategic Priorities

Neighbourhood Nottingham: Providing a high quality and sustainable development

13 Crime and Disorder Act implications

None

14 Value for money

None

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

1. Application No: 20/02769/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

16 Published documents referred to in compiling this report

Nottingham Local Plan Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2019)

Contact Officer:


Phil Shaw Case Officer, Development Management.

Email: Philip.shaw@nottinghamcity.gov.uk Telephone: 0115 8764076

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Key
 City Boundary

Description
 No description provided

My Ref: 20/02769/PFUL3 (PP-09356952)
Your Ref:
Contact: Mr Phil Shaw
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

Hockley Developments (102 Palm Street) LTD
FAO Mr Oliver Cammell
15 Clarendon Street
Nottingham
NG1 5HR
United Kingdom

Date of decision:

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

Application No: 20/02769/PFUL3 (PP-09356952)
Application by: Hockley Developments LTD
Location: 102 Palm Street, Nottingham, NG7 7HS
Proposal: Conversion of temple (Use Class F1) to 15 flats (Use Class C3) and external alterations.

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 the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) Details of new external materials and finishes, including infill brickwork and roof tiles, new windows and doors, replacement window cills and headers.
 - b) Details of a Residential Travel Pack for all occupants have been submitted to and approved in writing by the Local Planning Authority. The Travel Pack shall be made available for all future residents.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of sustainable travel in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan.



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Pre-occupation conditions

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

3. No residential unit shall be occupied until existing dropped kerbs that have been made redundant as a consequence of this development is permanently closed and the access crossing reinstated as footway in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 1 of the Aligned Core Strategies and Policy DE1 of the Local Plan.

4. No residential unit shall be occupied until verification that the approved sound insulation scheme has been implemented and is fully operational has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the living conditions of future residents in accordance with with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan.

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 6 January 2021.

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**a) 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 highway.management@nottinghamcity.gov.uk 0115 8765293. All costs shall be borne by the applicant.

b) S278

Planning consent is not consent to work on the highway. To carry out off-site works associated with the submission, approval must first be obtained from the Highway Authority. Approval will take the

form of a Section 278 Agreement. All associated costs will be borne by the developer. Please contact Highways Network Management highway.management@nottinghamcity.gov.uk 0115 8765293.

c) Traffic Regulation Orders (TROs)

Prior to occupation of the development, it may be necessary to introduce Traffic Regulation Orders to protect the turning head and provide for highway safety considerations. 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 8765293 to instigate the process.
- For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245 or via email at Scott.Harrison@nottinghamcity.gov.uk.

d) Sustainable Transport

Please contact James.Ashton@nottinghamcity.gov.uk to discuss sustainable transport and the Travel Packs.

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: 20/02769/PFUL3 (PP-09356952)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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