

Report of Director of Planning and Regeneration

28 - 32 Hall Street, Nottingham

1 Summary

Application No: 21/02693/PFUL3 for planning permission

Application by: Hockley Developments Ltd on behalf of Hockley Developments Ltd.

Proposal: Partial demolition and extension and conversion to form 13 supported living dwellings with staff/communal spaces. External area to provide 2 parking spaces, amenity space, and secure bin and cycle stores.

The application is brought to Committee because of the number of citizen responses received and Section 106 viability considerations.

To meet the Council's Performance Targets this application should have been determined by 19th April 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 notices 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 site is located at the south-east corner of Hall Street with Mansfield Street and comprises a range of one and two storey buildings, which are currently vacant but were last used as a light industrial/distribution centre with offices and a rear yard space. Surrounding properties are primarily two storey terraced dwellings, with the exception of a corner shop opposite across Hall Street and a neighbouring church that adjoins the site to the east. Opposite across Mansfield Street is Hall Street surface public car park.

4 Details of the proposal

- 4.1 The application proposes the substantial demolition of the existing buildings and their replacement with a two storey building with accommodation within the roofspace. The building would turn the corner between Hall Street and Mansfield Street and would have its main entrance on Hall Street, with two other entrances on the corner and on Mansfield Street.

- 4.2 The proposed new building would provide a total of 13 supported living dwellings. Each dwelling would have one bedroom, a shower room, and a kitchen/living space. The accommodation would face onto the adjoining streets and to the rear external space. There would be a shared communal room at ground floor. The rear external space would include a single storey staff room building, a small external seating area/space, bin and cycle stores, and two off-street staff car parking spaces.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

21-47(o) and 40, 44, 50(e) Hall Street
Works Between 28 & 40 Hall Street
139,141,146,148,150,170 Mansfield Street
8 Buller Terrace

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

The following responses have been received:

FIRST CONSULTATION

Neighbour: Objection. Concern is the detrimental effect these building works and subsequent property would have on the current residents, many of whom have lived in the neighbouring properties for several years. The building works themselves would provide disruption in terms of noise and air pollution. Parking can already be an issue on the street and this will be further disrupted by works vehicles. In addition to this, a further 13 residents on the street would provide further traffic and disruption to the area. The spiritualist church currently operating brings an influx of people to the street at certain times and this would increase further with further residential properties in such a small space.

Neighbour: Concerns regarding more traffic reducing the inability for residents to park our own vehicles near our houses. At present, the property due for conversion has an area large enough for several cars to be parked, but this plan only caters for parking for two vehicles. This seems totally out of kilter with the fact that 13 people will be living there and other staff and visitors will need parking. Do not object to the plan per se, just to the lack of consideration given where car space is concerned.

Neighbour: No objection to a supported living scheme being developed but raise issues for consideration. 1. Loss of Privacy: Housing a large number of people on that site and directly opposite me will have an impact on my privacy. Concern is not only the number of dwellings in the proposal but also the number of staff/visitors that the property will attract, including support staff/social workers/family/friends and other professionals. Query whether the property be staffed overnight and who will oversee any noise disturbance or possible anti-social behaviour? 2. Loss of Light. The building opposite has been a single storey and developing it into a three storey building will have a significant effect on the light entering the front of my home. 3. Intense Development: The proposed number of dwellings seems too high for the property. 4. Design and Appearance: Any new build should be sympathetically carried out in order to be in keeping with surrounding properties. Anything higher than the tallest part of the existing building would be both imposing and out of

character. 5. Traffic and Parking: The plans only incorporate 2 parking spaces which seems totally inadequate for the number of dwellings/staff/visitors to the property. Immediately outside the property on both Hall Street and Mansfield Street there are yellow lines so there would be no additional street parking. The public carpark tends to be used as an informal park and ride scheme with lots of people parking up for the day and then either walking or taking the bus into town so would not provide additional parking for staff/visitors. The on-street parking already proves to be in too short supply for current residents so would not be able to accommodate additional vehicles. The property is situated on a very busy crossroads that sees a number of 'near misses' on an almost daily basis so any additional parking would be highly problematic and would affect already limited visibility for both vehicles and pedestrians.

Neighbour: Broadly supportive of the proposed development. It is good to see office space being converted into residential in this popular residential area and this is a good location for those requiring supported living: there is easy access to local facilities and this is also a friendly and generally welcoming street. However, have the following comments/ concerns: 1. The amenity space, particularly the outside amenity space, seems inadequate for the proposed number of residents. Access to adequate outside space is important for well-being. 2. The building design appears to propose accommodation on 3 floors (ground, first and second) but it is not clear how the upper floors will be accessible for those who may have a disability - would this not be expected in a supported living design? 3. While supportive in principle of the development, it feels like you may be trying to accommodate too many people for the size of the building/ ground space. 4. I understand this is unlikely to carry much weight in any planning decision, but the proposed increase in height of the building will restrict light into, and views from, some of the nearby properties on Hall Street. 5. Parking is very difficult in this area and there is a risk the development will increase the parking pressures in this area. I don't know whether it is anticipated that any of the residents may require cars, but even if they don't the proposed 2 car parking spaces seems inadequate assuming these will need to cater for staff and visitors. The impact should be assessed with appropriate mitigations implemented to ensure that local parking pressures are not increased. 6. During building works, construction traffic and parking may create particular challenges. There are already challenges for vehicles servicing local shops particularly at the difficult junctions of Hall Street and Mansfield Street, and also Mansfield Road and Hall Street. As a condition of the planning I would suggest consideration be given, and a plan agreed, as to how traffic and parking will be managed safely during construction and without impacting local residents. 7. In light of the city's zero carbon ambitions (and increasing energy costs), will the proposed development incorporate appropriate features (e.g. building materials, heating system, solar panels, waste management) that are consistent with the zero carbon ambition? The proposed use of Astro turf does not seem consistent with a zero carbon policy which should seek to enhance green space and vegetation cover in any development.

Neighbour: Concern that the privacy would be adversely impacted by the proposed roof extension, with its windows which would directly overlook the back gardens. Request that planning consent be conditional on this aspect of the plan being adjusted to maintain this amenity.

Neighbour: Concerns regarding the proposed plans for Hall Street: 1. Construction noise pollution and impacts to current resident, parking etc. particularly when the majority now work from home. 2. Further details around the nature of the supported living service needs to be disclosed to safeguard the current residents on Hall

Street and within the local area. 3. Parking issues - in the plans 2 parking spaces are noted however plans state 13 flats. Thus where is it intended for potential residents, staff, visitors and professionals to park? Concerns around further parking issues for the current residents.

Neighbour: Objection. 1. Parking: There is no spare capacity on the street for extra vehicles, especially as the property is on a corner plot. This will therefore put pressure on the existing free car parks. Could a compromise be reached with fewer apartments, together with more parking spaces? 2. Layout clarification. 3. Boundary clarification. 4. Access: Require maintenance access to the side of our property. 5. Noise: Currently our garden is exceptionally quiet and private. The previous tenants of 28-32 Hall Street worked standard office hours, Monday to Friday. Request that some thought is given to the positioning of the generator house, the cycle sheds and bin units, plus the outdoor garden area, to ensure that we are not adversely affected by noise, emissions or in any other way. 6. Privacy: The plans propose an additional storey to one of the buildings, with new windows overlooking our garden.

Neighbour: Support development with caveats 1. Good levels of staff presence are essential to ensure the safety & wellbeing of both the building residents and neighbours. The organisation(s) responsible for the operation of the building and provision staff should provide neighbours with contact details in case of issues arising. 2. Vehicle ownership / parking. The apartments must be sold / let (whether they are sheltered or standard accommodation) with restrictive covenants prohibiting motor vehicle ownership. Traffic congestion is a problem and it is therefore vital that this and other residential developments do not add any further vehicles. The development is two minutes walk from shops, leisure and excellent, frequent bus routes, which completely negates the need for private vehicle ownership for the able-bodied. In addition, there is a car club located further up the road. 3. Overlooking. The design of flat 13 should be reviewed to ensure that there is no overlook to the gardens of 146, 148 and 150 Mansfield Street.

Neighbour: Support the provision of supported accommodation at this location. On further reflection I also think that I am satisfied with the size of the proposal. On the northern elevation, the replacement of dormer windows with skylights gives a less oppressive look to the whole second floor/roof area. The revisions has allow a sloped roof on the northern elevation, which is in keeping with those on Hall Street. The resulting roofline will not be significantly higher than others in the area.

Neighbour: Support the objective of providing this type of accommodation but concerned about making the already crowded local streets more crowded with extra vehicles.

Neighbour: Objection. Concerns regarding: 1. Construction noise pollution and impacts to current resident, parking etc. 2. Further details around the nature of the supported living service needs to be disclosed to safeguard the current residents. 3. Where is it intended for potential residents, staff, visitors and professionals to park?

Neighbour: Concerns. Aware of the need for and importance of providing sufficient supported housing and appreciate why this is such a good site close to the facilities residents will need. However, proposed density seems high. Increasing the building to include a 3rd floor will have a big impact on the immediate neighbourhood. Also, the windows on the 2nd & 3rd floors facing Mansfield St potentially raise overlooking and privacy issues regarding the gardens of properties to the rear. The area already has serious parking problems. Consequently am very concerned

about the fact that the application only includes 2 car parking spaces for staff. Appreciate that the residents aren't expected to have cars, but presumably they will all have visiting professionals as well as friends & family? Concern that building work is planned to manage parking. Query if there will be 24-hour resident support.

Neighbour: Support the principle of providing supported living accommodation, although potentially some groups of vulnerable people would make better neighbours than others, and there is no information on the proposed target groups. However, main concern is that the proposed development is too big. The northern elevation will take light from the south facing houses opposite it on Hall Street. Also, family and friends visiting the residents will put further pressure on parking space in this area.

Neighbour: Concerned that disruption during the works will have an adverse effect on my established business and query compensation for any loss of trade and additional cleaning needed. Query what sort of supported living?

Neighbour: Concerned that the proposed development will affect the natural light into my property and that the already stretched on-street parking will be adversely affected.

Neighbour: Objection. Whilst I support change to residential use I do not feel that changing to a three storey block development with at least 13 residents is in keeping with the area. Believe the scale of the building would be out of context with the rows of long established terraced and semi-detached residential properties. Three storeys will block light to and overlook our gardens. The number of residents will likely place strain on parking spaces in an already small street.

RENOTIFICATION

Amendments to the application were received and neighbours were renotified for their further comments. The amendments include the omission of dormer windows at second floor to the front and rear, substituting these with rooflights; the removal of a section of the upper floors of the building that previously adjoined the boundary of the site with the neighbouring church garden; the provision of stone head and cills to the ground floor window and door openings, and a brick band detail between the ground and first floor. The following further responses have been received:

Neighbour: Objection. The proposal isn't suitable for the location in its current state:

1. Loss of light and overshadowing: The new building will affect several of the houses on Hall Street.
2. Overlooking and loss of privacy: The new building will be taller and overlook houses on Hall Street.
3. Adequacy of parking/loading/turning: This is already a very highly densely populated area and the proposed parking isn't adequate for existing residents alone.
4. Highway safety: The junction outside of the property is quite dangerous there are near missed there all the time.
5. Traffic Generation: Having this development will mean more traffic in an already busy traffic area.
6. Noise and disturbance resulting from use: The term 'assisted living' can mean a wide range of things. If it's alcohol and drug dependant then could result in noise and disturbance.
7. Fear of Crime: Concern that crime could increase dependent on category of residents.

Neighbour: Objection Reiterate concerns regarding the size of the property and the number of residents to be housed. On an already overcrowded street where residents struggle to be able to park. The height of the proposed building will also

significantly cut out natural daylight, negatively affecting many current residents. Privacy will be affected by the number of windows overlooking properties on both Hall Street and Mansfield Street. The main door to the property will be on Hall Street directly opposite occupied houses and will be particularly problematic if the proposed residents are receiving significant numbers of visitors/deliveries etc. The staffing situation remains unclear, including if the property be staffed 24 hours a day and if staff will take responsibility for any potential noise nuisance/anti-social behaviour.

Neighbour: Objection. Insufficient information about the tenants of the proposed units. 1. Full disclosure about the category of 'vulnerable adults' concerned and implications for the surrounding neighbourhood. 2. Lack of information about the on-site staff/tenant ratio and the level of support available, including 24-hour presence, which could also lead to increased crime, noise nuisance, and anti-social behaviour in the area. There is a strong community in the Hall Street/Hood Street area which residents have worked hard to build up and do not wish this to be affected.

Neighbour: No objection in principle, but do not feel this is not a suitable place for this type of accommodation. It will change the character of Hall Street and could potentially adversely affect house prices. Whilst may not drive cars, they may well have visitors etc. who do. Parking is already a big problem for existing residents. Although the height of the proposed building is not much higher than the highest point of the existing it will be one large block to that height which will be very imposing and take away light. Concern on how demolition and construction will be managed.

Neighbour: Objection, 1. Poor design, the development would result in a detrimental impact and harm the visual amenity of the street scene and character of the area. 2. It would result in an unacceptable impact on amenity. 3. Due to insufficient off street parking provision and pedestrian visibility splays it would result in an unacceptable impact on highway safety.

Neighbour: Objection. 1. Loss of light and overlooking of those living opposite and adjacent to the building. 2. The amount of supervision of the vulnerable adults will be inadequate. 3. Hall Street and it's junction with Mansfield Street are very busy cut-throughs and there is insufficient parking for residents at the moment, let alone if the occupants of the building have visitors. 4. Concern that development could lead to increased crime.

Neighbour: Objection. Concern over level of consultation. This is an area that suffers from too much traffic. There is no disturbance from the site currently. The proposed building with 13 residents will generate more traffic via visitors, staff, deliveries etc. than the situation now. Currently the streets are low rise. The plans suggest an imposing new office type building, with considerable additional square metres of space above ground level. Concern regarding levels of air pollution. It is a poor choice of location for a large group of vulnerable adults. Concern that vulnerable young adults would be placed in close proximity to existing anti-social behaviour

Neighbour: Objection. Increase traffic concerns - where are potential residents, staff, visitors and professionals to park? Will incur further parking issues for the current residents. Concern regarding access by emergency services. Concerns around size of proposal and loss of light and privacy. Concern over size of proposed rooms and lack of communal areas. Fear of increase crime - request for

disclosure of the nature of the supported living to safeguard the current residents. Request to disclose the proposed staffing levels for this 24 hour service. Concerns around the lack of information shared around the nature of service and how this has been funded.

Nottingham Civic Society: Continues to have reservations about the revised design for the redevelopment of this prominent corner site. The substitution of rooflights in place of the very long dormer window is an improvement. However, the continued specification of render and the lack of design details on the street elevations which would help to reference the narrower grain of traditional buildings of character nearby, result in a disappointingly bland appearance for the new building.

Additional consultation letters sent to:

Environmental Health: No objection subject to conditions relating to ground contamination and noise and dust management.

Drainage: Request that small scale sustainable drainage features are incorporated to reduce the run-off/slow the flow from this site to contribute to an overall benefit. This could be features such as water-recycling, permeable paving, rain gardens, smart water butts, rainwater planters etc.

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 EN2: Open Space in New Development

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy TR1: Parking and Travel Planning

NPPF (2021):

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

- 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.

7. Appraisal of proposed development

Main Issues

- (i) Supported living use and impact upon the amenity of neighbouring occupiers and the wider area.
- (ii) Scale, layout and design and impact upon the neighbouring properties and the amenity of the area.

Issue (i) Supported living use and impact upon the amenity of neighbouring occupiers and the wider area (ACS Policy 8 and LAPP Policies HO1, HO3 and TR1).

- 7.1 There has been local resident concern over the level of information provided with the application regarding the specific nature of the supported living use and the extent of staff supervision that would be provided. The applicant has since provided supplementary information and has circulated this to local residents. It is explained that the proposed development will provide housing for vulnerable adults and that this is supported by the Council's Commissioning and Procurement Team. The apartments would be let to citizens who are eligible for support from Adult Social Care and who would have been assessed as being able to live independently in the community with an appropriate package of support. This support would be delivered through a 24-hour on-site staff presence, which would be delivered by a specialist provider who would be commissioned by the Council. The level of support given to individuals would be reviewed by the Adult Social Care Team. Each occupant would be party to a tenancy agreement and would be expected to adhere to the terms of that agreement.

- 7.2 ACS Policy 8 and LAPP Policy HO1 recognise that a general mix of housing tenures, types and sizes is desirable in order to create sustainable, inclusive and mixed communities. Whilst Policy HO1 has a particular emphasis on the provision of family housing, it also recognises that there may be instances where alternative provision could meet other aims of the City Council. Policy HO3 focuses on the provision of affordable housing, but also defines this as being for those whose needs are not met by the market. The justification for the provision of affordable housing also refers to the need to maintain inclusive and mixed communities and regard is to be paid to the amount, type and tenure of affordable housing already in the locality of a development. Although the proposed development is for supported living dwellings, it is considered that its presence as part of a mixed community is able to be supported where the sustainable and inclusive nature of the community would be maintained.
- 7.3 It is noted that there is an underlying level of local support for the principle of providing supported living accommodation in the area and that, where there is concern and objection, this is expressed in questions regarding the nature of the supported living being proposed and desire to safeguard local residents. It is considered that the applicant has now provided supplementary information that clarifies the proposed supported living use and support that is being given Council's Commissioning and Procurement Team and Adult Social Care.
- 7.4 There are significant local resident concerns regarding the limited number of off-street car parking spaces proposed to be provided and existing pressure for on-street car parking within the area. The two car parking spaces are proposed to be provided for support staff use and are related to the proposed staff room building. Staff would also be expected to make best use of public transport, walking or cycling as opposed to cars and an on-site cycle store is also to be provided. It is not expected that residents of the proposed development would be car owners or users and that proximity to the Sherwood District Centre and public transport routes on Mansfield Road has also influenced the choice of location for the proposed development. Whilst other vehicle traffic can be expected in association with the proposed development, it is not considered that this would be at levels above that which could be expected at other residential properties. It is also to be noted that whilst the existing buildings are currently vacant, their authorised use as a light industrial/distribution centre with offices and a rear yard space could be reinstated with associated traffic implications.
- 7.5 Local resident concerns regarding car parking are, however, fully recognised and it is the proposed use of the development as one-bedroomed supported living dwellings that allows a recommendation to accept that car parking spaces for residents of the proposed development to be omitted. Therefore, and in recognition of the concerns of local residents, it is recommended that planning permission be conditioned to limit any future changes to the supported living use and layout of the proposed development as one-bedroom units in order to ensure that the further review the impact that such changes could otherwise cause to the amenity of surrounding residents and the area. On this basis it is therefore considered that the proposed development accords with ACS Policy 8 and LAPP Policies HO1, HO3 and TR1.

Issue (ii) Scale, layout and design and impact upon the neighbouring properties and the amenity of the area (ACS Policy 10 and LAPP Policies DE1 and IN2).

- 7.6 The proposed development is essentially a two storey building but with a third level of accommodation within the roofspace. The roof area of the proposed building is deep and includes a section of flat roof, thereby generating the third level floorspace. The design of the roof has also been revised to omit previously proposed dormer windows at second floor to the front and rear, substituting these with rooflights.
- 7.7 It is recognised that the scale of the proposed development is greater than the existing buildings on the site where there is only one two storey element. However, the proposed scale is only marginally taller than this existing two storey element and is otherwise generally consistent with the scale of development of terraced housing within the area. Whilst the proposed increase in the scale of development of the site will alter the existing outlook and privacy of facing the properties across Hall Street where there are lower sections of the existing buildings, the level of this impact is also considered to be acceptable where the scale of proposed development is generally consistent of that within the area.
- 7.8 The layout and design of the proposed development has been amended to the rear, removing a section of the upper floors of the building that previously adjoined the boundary of the site with the neighbouring church garden and had been considered to have an overbearing impact upon this neighbour. The revised layout is now considered to improve upon the existing built relationship on this boundary and no overlooking windows are included.
- 7.9 The revised layout of the rear of the proposed building and omission of proposed dormer windows at second floor to the rear is also considered to minimise any loss of amenity to the rear gardens of neighbouring properties on Mansfield Street. Whilst rooflight windows are included to serve the second floor accommodation, it is not considered that this style of window would provide the same opportunity as the previous dormer window to overlook and therefore impact upon the privacy of these properties. The inclusion of a single storey staff room building on the boundary with the neighbouring property to the rear is also considered to contain activity within the rear external space of the proposed development.
- 7.10 In addition to the revisions mentioned above including the change from dormer windows to rooflights, the elevations of the proposed development have also been revised to include stone head and cills to the ground floor window and door openings, a brick band detail between the ground and first floor. The position of rainwater downpipes have also been added to illustrate how the elevation would be visually broken in its length. The elevation materials are proposed as a red brick ground floor, a white render first floor, and a grey tile roof, which would be consistent with the properties opposite on Hall Street and the area in general.
- 7.11 Whilst the responses of local residents and Nottingham Civic Society are noted, it is considered that the scale, layout, and design of the proposed development has been improved and that the amenity of neighbouring properties and the area would not be significantly affected. It is therefore considered that the proposed development accords with ACS Policy 10 and LAPP Policy DE1.
- 7.12 The response of Environmental Health is noted and conditions relating to ground contamination and noise and dust management are recommended in accordance with LAPP Policy IN2.

8. Sustainability / Biodiversity (ACS Policy 1 and LAPP Policies CC1, CC3 and EN6)

- 8.1 The proposed development is sustainably located proximate to Sherwood District Centre, other local amenities, and with very good public transport links on Mansfield Road to the rest of the city.
- 8.2 New build construction will be to a 'fabric-first' approach as an appropriate means to achieve carbon reduction targets. On this basis it is considered that the proposed development would accord with Policy 1 of the ACS and Policy CC1 of the LAPP. Opportunities to enhance the biodiversity of the site are significantly limited due to the sites' limited size. The proposed development is therefore considered to comply with LAPP Policy EN6.
- 8.3 The response of the Drainage Team is noted and a condition requiring the incorporation of small scale sustainable drainage features is recommended in accordance with LAPP Policy CC3.

9. Section 106 (ACS Policy 19 and LAPP Policies EN2, HO3 and IN4)

- 9.1 The application would be expected to provide a S106 planning obligation to include financial contributions towards affordable housing and open space. In accordance with the adopted Supplementary Planning Guidance on Affordable Housing and Developer Contributions (Policy HO3), and the Supplementary Planning Document on The Provision of Open Space on New Residential and Commercial Developments (Policy EN2), the proposed development would be expected to provide the following financial contributions where on site provision is not being made:

Affordable Housing: £48,235.25

Open Space: £68,138.38

- 9.2 The applicant has submitted a viability appraisal with the application, which has been independently assessed by the Council's consultants. The independent assessment agrees that the scheme is unable to provide a policy compliant S106, and is regarded as being, at best, only marginally viable before any planning policy requirements are factored in. The proposed development is for supported living accommodation that is to be let to citizens who are eligible for support from Adult Social Care. The proposal is therefore considered to meet a particular housing need and is would therefore be seen to meet the needs of those that whose needs are not met by the market. This form of affordable housing provision therefore exceeds the requirements of LAPP Policy HO3. On the basis of the conclusions of the independent assessment of the applicant's viability appraisal and in recognition of the level of affordable housing being proposed, it is therefore considered that the proposed development accords with LAPP Policies EN2, HO3 and IN4.

10 Financial Implications

None.

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

The provision of Disability Discrimination Act (DDA) compliant accessible buildings.

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: 21/02693/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R4GE8FLYKE100>

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)

The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

Contact Officer:

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0 0.01 0.03 km



Key



City Boundary

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Description

A map printed from Nomad.



Nottingham
City Council

My Ref: 21/02693/PFUL3 (PP-10488578)
Your Ref:
Contact: Mr Jim Rae
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City Council**

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Date of decision:

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

Application No: 21/02693/PFUL3 (PP-10488578)
Application by: Hockley Developments Ltd.
Location: 28 - 32 Hall Street, Nottingham, NG5 4AS
Proposal: Partial demolition and extension and conversion to form 13 supported living dwellings with staff/communal spaces. External area to provide 2 parking spaces, amenity space, and secure bin and cycle stores. (REVISED DRAWINGS)

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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Not for issue

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 and groundwater contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground and groundwater contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) 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).
 - d) 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.
- 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.

3. 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

Development works shall thereafter adhere to the agreed Noise and Dust Management Plan.

Reason: In the interests of the amenity of neighbouring residential properties and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document.



4. No above ground development shall commence until details of the external materials of the buildings 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. No above ground development shall commence until details of small scale sustainable drainage features to reduce the run-off/slow the flow from this site have been submitted to and approved by the Local Planning Authority. The features shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of ensuring the provision of sustainable drainage features within the approved development and therefore in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document.

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

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

A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

7. 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)

8. The approved development shall not be used at any time in future other than for a total of 13 supported living dwellings with staff/communal spaces and in accordance with the approved layout plans unless varied with the prior written approval of the Local Planning Authority.

Reason: In the interests of ensuring that any future changes to the use or internal layout of the approved development can be reviewed having regard to the amenity of neighbouring residential properties and wider area in accordance with Policy 8 of the Aligned Core Strategies and Policies HO1, HO3 and TR1 of the Land and Planning Policies Development Plan Document.

9. 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 18 January 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. Contaminated Land & 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.

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 and groundwater contamination of the site has been addressed satisfactorily.

4. 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) 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)

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.

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

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



DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 21/02693/PFUL3 (PP-10488578)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

STREET NAMING AND NUMBERING

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



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Nottingham
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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