

Report of Director of Planning and Regeneration

Land At Prospect Place, Prospect Place

1 Summary

Application No: 21/02655/PFUL3 for planning permission

Application by: Mr Marcus Tams on behalf of Mr A Marjerrison

Proposal: Residential development of 36 dwellings

The application is brought to Committee because it is a major application with important land use considerations and, for viability reasons, the application is being recommended for approval without policy compliant planning obligations.

To meet the Council's Performance Targets this application should have been determined by 17th March 2022; an extension of time has been agreed with the applicant to cover the extended period of negotiation.

2 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

3 Background

3.1 The site is approximately rectangular with an additional spur to the north west and was historically occupied by a varying collection of industrial and commercial buildings. The site appears to have cleared in approximately 2011/2012 and at present is undulating and covered in scrub vegetation and rubble from previously demolished buildings. The immediate area is largely residential in character with two and three storey terraced properties to the east and west of the site. To the north is the Lenton Centre; a community centre with associated swimming pool and car parking area. Immediately to the south on Prospect Place, within a former commercial unit, is Skateland, a roller skating leisure facility.

3.2 The site is allocated within the local plan (SR38 Prospect Place) for residential; predominantly family housing.

4 Details of the proposal

4.1 The proposal is for the construction of 36 residential dwellings. The properties are proposed to be constructed for Nottingham Community Housing Association (NCHA) and would be 100% affordable dwellings comprising largely two storey terraces of 4-11 dwellings, with one pair of semi-detached. The proposal has been designed with properties largely fronting Harley Street and Willoughby Street and a pair fronting Prospect Place. A central private road would provide access and parking for a number of the properties with the remaining dwellings having on-plot

frontage parking.

- 4.2 The properties would all be constructed from brick and tile with a 'saw tooth' roof profile and detailing to their front elevations. Properties would be a mix of 2 bed (15), 3 bed (19) and 4 bed (2). NCHA have stated that 26 of the properties would be available for affordable rent and 10 of the units (2 bed and 3 beds) would be available for shared ownership. Walls and railings are proposed to property frontages and indicative landscaping and planting details have also been provided.
- 4.3 The properties would be 100% electrically powered and heated with air source heat pumps. Solar pv panels are proposed on all appropriate roof slopes.

5 Consultations and observations of other officers

52 properties consulted on Harley Street, Prospect Place, Willoughy Street, Hart Street, Mettham Street, Fredrick Grove and Osmaston Street. Press & site notices displayed.

Eleven letters of representation have been received in addition to a petition on behalf of the Lenton Centre signed by approximately 100 people. The following points have been raised:

Traffic/parking

The area is already busy with a school, community centre and insufficient parking for existing residents. The parking situation deteriorated when the new housing was built and this proposal will make it almost impossible to use the Lenton Centre, especially for disabled people and their workers/carers if this scheme is approved.

I am concerned about the number of plots and impact on volume of moving traffic and parking in the area.

The proposal will result in a loss of approximately 50% of on-street car parking on Willoughby and Harley Streets, which will be detrimental to users of the Lenton Centre and Quakers swimming school.

The development makes in-sufficient provision for off-street parking with 1 space per property.

Roads in the area are often blocked, particularly when the students are present, making it unsafe to cycle/walk.

Submitted reports do not take into account the volume of traffic that goes down Meltham & Harley Street. The corner is also a hazard due to double yellow line location.

A strip of the site on the northern boundary should be given to the Lenton Centre to improve parking. This would result in the loss of 2 houses based on the current layout but better to lose these houses than lose the Lenton Centre.

Other matters

The proposal will result in disruption to local businesses and residents during construction.

36 dwellings is over development of the site and results in a too dense layout.

The loss of on-street parking will detrimentally impact upon the viability of the Lenton Centre which is a multi-purpose community focused centre for local people which supports some of the most vulnerable people within the community. The community took over the running of the centre in 2004 when NCH decided it was no longer viable. The centre now offers a range of services for all ages and abilities and has invested over £150,000 over the last 2 years to improve the building. It is considered that the proposed neighbouring development would have a very detrimental impact on the future viability of the Lenton Centre should it go ahead and we strongly urge that permission in the interests of local residents and community organisations and businesses is refused.

10 properties are detailed as being available for shared ownership and concern is raised that these could then become student houses. All houses should be rented.

I support the development, it appears well thought out and fits the street pattern. It would be great to have more soft landscaping, trees and hedges are very important for health and well-being and providing habitat for wildlife.

Cllr Trimble

Whilst I'm aware that the application is for social housing by a registered social landlord, I am also aware that due to the nature of the area we have a serious parking issue in the vicinity. I'm also aware that The Lenton Centre which is a much needed social enterprise leisure centre has submitted a petition with regard to the proposed loss of on street parking spaces on both Prospect Place and Willoughby Street, which they rely on to sustain their valued facility.

In terms of the local housing position this is dominated by Houses in Multiple Occupation run by Student Landlords creating a very high density per property and a substantial number of right to buy social housing. I'm aware that other local residents are concerned that this proposed development would also end up with high numbers of right to buy properties adding even more to the current substantial over density.

In terms of overall design of the estate it seems to me that too many extra properties have been squeezed into a tight space which exacerbates the parking situation unnecessarily. Also should planning permission be given in any form then there should be planning conditions attached in order to protect against future applications for C4 housing in particular stopping any building into the loft spaces.

Nottingham Action Group on HMO's (NAG)

An application for 22 family dwellings was refused in 2004 and a subsequent appeal withdrawn. In principle we welcome redeveloping the site for family housing, however there are aspects of the application which raise concerns.

The proposed shared communal area with limited car parking is questioned in terms of appropriateness for the location and whether it satisfies the criticism made about the 2004 application, i.e. that the development provides insufficient parking and will result in on-street parking in the area, which would lead to an inconvenience for other users and the Lenton Centre. The area already suffers from

a lack of on-street parking due to the intensification of use of neighbouring streets by increasing numbers of students who bring cars with them.

The 2004 application raised concern that any new housing would likely become student occupied HMO's. The Article 4 direction mostly addressed immediate concerns but there remains a question about future ownership and potential increases in density through converting roof space etc. it is too easy to imagine that in due course the properties will be owned and managed by private sector landlords. With these potential future concerns it is considered that in the interests of existing residents and community facilities the application should be rejected.

Nottingham Civic Society

We largely support the layout and appearance of the proposed housing development. The terraces are contextually appropriate and would fit well with the grain of the surrounding area. The house designs do have the potential to create interesting townscape although the shallower pitched house types, whilst resembling factory architecture, do look somewhat incongruous. However, the communal space would appear to be a rather mundane car park, potentially dominated by parking rather than a shared green space, so more intensive landscaping should be specified.

Additional consultation letters sent to:

Environmental Health - No objection subject to conditions to secure contaminated land remediation and noise and sound insulation details.

Highways Officer – No objection subject to further clarification relating to the private driveway being secured via condition in addition to electric vehicle charging points, a construction traffic management plan, footways being reinstated and a small area of land being stopped up.

Lead Local Flood Authority – No objection subject to conditions to secure construction drainage details and drainage verification prior to occupation.

Biodiversity Officer – No objection subject to provision of bird and bat boxes and landscaping details being secured via condition.

Carbon Neutral Team – The proposed incorporation of a number of energy/carbon saving measures is positive as is the removal of gas as an energy source. The predicated emission reduction of 75% is impressive.

Education: Contribution requested for secondary school places.

Nottingham Jobs: A memorandum of understanding will be prepared to promote local employment opportunities.

6 Relevant policies and guidance

National Planning Policy Framework (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 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 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 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

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 EE4 - Local employment and training opportunities

Policy EN2 - Open Space in New Development

Policy EN6 - Biodiversity

Policy EN7 - Trees

Policy IN2 - Land Contamination, Instability and Pollution

Policy IN4 - Developer Contributions

Policy SA1 - Site Allocations

Policy TR1 - Parking and Travel Planning

Supplementary Planning Documents (SPDs)

Biodiversity (2020)

The Provision of Open Space in New Residential and Commercial Development

(2019)

7 Appraisal of proposed development

Main Issues

- (i) Principle of the Development
- (ii) Design and Impact on the Streetscene
- (iii) Highways and parking
- (iv) Impact on Residential Amenity
- (v) Planning Obligations
- (vi) Other Matters

(i) Principle of the Development (ACS Policies A and 8, LAPP Policies HO1 and SA1)

- 7.1 The site is allocated in the LAPP (SR38 - Prospect Place) for a residential development of predominantly class C3 family housing.
- 7.2 The proposed development would be 100% affordable housing with a mix of affordable rent and shared ownership tenures. The proposal would offer a good mix of house types and sizes with a predominant focus on family housing. Given the site allocation and prescribed development that this permits, the proposal is acceptable in principle and accords with Policy 8 of the ACS and Policies HO1 and SA1 of the LAPP.
- 7.3 Concern has been raised by a number of parties that given the location of the site in Lenton, the units could be occupied by students. The proposal is for all of the units to be class C3 dwellings and by virtue of the Article 4 Direction in Nottingham relating to such matters, planning permission would be required for any of the properties to be used as a class C4 HMO. Furthermore, the local plan policy position on such a change is very clear and creates a robust position to refuse such applications where the existing concentration of student households is high, which is the case in this locality. Whilst as class C3 dwellings there is no ability to restrict any of the units from being occupied by up to 2 unrelated individuals, be that students or others, such a situation would be unlikely given the size of the dwellings proposed; student HMOs generally accommodate 4 or more occupants. It is also noteworthy that the development is for NCHA, a registered social housing provider, with all occupants needing to satisfy their requirements for access to these affordable units. The applicant has also indicated a willingness for a condition to remove permitted development rights for roof alterations, to limit the scope for alterations to the properties without the need for planning permission.

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

- 7.4 The proposed development is felt to be well-considered in terms of its layout and design, and would relate well to the character of the area. Properties are arranged to front Harley and Willoughby Street with a semi-detached pair also fronting Prospect Place. Properties would largely be two storey terraced units constructed of brick with recessed brick panel details to their front elevations. Following negotiation with the applicant, the roof design of 8 of the units has been amended to provide a more uniform approach to the 'saw tooth' roof line, an issue the Civic Society also raised.

7.5 Initial concern was raised in relation to the proposed private drive accessed from Prospect Place to serve units 17 to 24, which also provides additional parking spaces for units 25 & 26. Consideration has been given to revising this element of the layout by pushing the properties fronting Prospect Place to the north and bringing parking to the front of the site. However, it is felt that this would weaken the scheme, with a preference for an active frontage rather than a prominent car park with poor surveillance. A landscaping scheme has been provided which demonstrates proposed planting to the front of the private drive and inclusion of a number of trees and raised beds to provide interest and reduce the perceived extent of hard surfacing. More precise details of the hard and soft landscaping shall be secured via condition. Means of enclosure are specified in visuals supplied by the applicant as a mix of brick walls and railings, which are considered to be acceptable and again more precise details shall be secured via condition. Brick bin store areas are indicated to the front of properties alongside street planters which add further interest to the streetscene. The proposed density, design and layout of the development are considered to be appropriate and would relate well to the current tight urban grain of the area. Subject to condition the proposed development therefore accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

(iii) Highways and Parking (ACS Policies 10 and 14, LAPP Policy TR1)

7.6 The proposed development would provide 38 parking spaces for 36 dwellings with the 2 x 4 bed properties benefiting from 2 parking spaces. 26 of the 36 dwellings would have on-plot parking spaces with 10 parking spaces proposed on the private driveway to serve units immediately adjacent. All properties would provide space either within their frontage or rear garden for cycle storage.

7.7 Concerns have been raised that the proposal would remove existing on-street parking bays on the western side of Willoughby Street to the detriment of the neighbouring Lenton Centre, and would result in greater on-street parking demand. The development would also remove some on-street parking on Harley Street but these are for permit holders only. The petition and representation received from and on behalf of the Lenton Centre are noted. At present the Centre has a small car park at the rear of the building that can accommodate approximately 8 cars. There are a number of parking bays on Willoughby Street that are available for short-term stay, accommodating approximately 17 spaces in total. The proposed development would result in the loss of approximately 6 of these. Whilst it is recognised that this would reduce the capacity for short-term parking on Willoughby Street, it would not be significantly so. Furthermore, any harm in this regard is not considered to outweigh the redevelopment of an allocated, longstanding brownfield site which is blighted with a number of constraints that have prevented its redevelopment for many years. The proposed development would not only remove what is currently a large unkempt site to the benefit of the local neighbourhood, it would also deliver a scheme of affordable family dwellings.

7.8 Highways colleagues have reviewed the application and are supportive of the proposal subject to further detail, particularly in relation to the private drive, being secured via condition. The proposal therefore accords with Policy 10 of the ACS and Policy TR1 of the LAPP.

(iv) Impact on Residential Amenity (ACS Policy 10, LAPP Policies DE1 and IN2)

- 7.9 The proposed residential layout has been designed to ensure an appropriate standard of outlook for future occupiers and neighbouring residents. The separation distance to properties on Harley Street would be approximately 15-16m and approximately 20m to those fronting Willoughby Street. On Harley Street only a handful of existing properties actually front Harley Street, the majority of which are corner properties with two frontages. Osmaston, Metham and Hart Street to the west of the site are all typical tight grain Victorian terraced streets, with front to front separation of approximately 9-10m and rear to rear distances of approximately 16m. The proposed development would reflect the tight urban grain of its surrounds and not result in any significant loss of amenity. It is also noted that no letters of representation have been received from any neighbouring properties raising amenity concerns. All properties would accord with National Space Standards and provide modest private garden areas.
- 7.10 Initial concerns were raised by Environmental Health (EH) given the proximity of Skateland on Prospect Place. A revised noise assessment has been submitted and discussions are on-going with this facility to mitigate noise levels. It is also noted that Skateland is operating on a temporary planning permission, given that it is not a suitable long term use for the industrial premises that it operates within. Further details are requested from EH relating to contaminated land, sound insulation and ventilation, all of which can be secured by condition.
- 7.11 The proposal is therefore considered to be in accordance with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.
- (v) Planning Obligations** (ACS Policies 8 and 19, LAPP Policies EE4, EN2, HO3 and IN4)
- 7.12 A policy compliant planning obligation for the proposed development would be expected to provide the following contributions:
- Public Open Space - £196,622
 - Education - £100,548
- 7.13 The development is being developed on behalf of NCHA and comprising 100% affordable housing, there is no requirement to secure a contribution in this regard.
- 7.14 The applicant has submitted a viability appraisal with the application which has been independently reviewed by an assessor appointed by the Council. In this instance it has been concluded that a contribution, beyond the provision of on-site affordable housing, is not viable.
- 7.15 Given that the development is for NCHA, the Employer Engagement and Apprenticeship team have advised that local employment and training initiatives arising during both the construction and operation of the development can be secured without the need for a S106, via a memorandum of understanding, which has been shared with the applicants. The proposal therefore accords with ACS Policies 8 and 19 and LAPP Policies EE4, EN2, HO3 and IN4.
- (vi) Other Matters** (ACS Policies 1 and 17, LAPP Policies CC1, CC3, EN6 and EN7)

Ecology & Trees

- 7.16 The development has been supported by an ecological assessment which has been reviewed by the Biodiversity Officer. The report recommends the provision of bat and bird boxes at suitable locations on buildings which shall be secured by condition. A planting plan has also been reviewed by the Biodiversity Officer and is considered to be acceptable. A number of street trees are proposed to be removed on Harley Street to facilitate the development. Whilst disappointing that these trees cannot be retained, the applicant is proposing to plant a number of trees to both the Harley Street and Willoughby Street frontages and within the courtyard area of the site itself. The proposal is therefore considered to be acceptable and accords with Policy 17 of the ACS and Policies EN6 and EN7 of the LAPP.

Drainage

- 7.17 The site drainage strategy has been reviewed by the Drainage Team (the Lead Local Flood Authority) and is considered to be acceptable subject to a number of conditions. The proposal therefore accords with Policy CC3 of the LAPP.

8. Sustainability

The applicant has provided an updated energy statement which has been reviewed by the Carbon Neutral Team, who are supportive of the proposed development. All units would be electrically powered and heated with air source heat pumps. Solar pv panels are to be installed on all appropriate roof slopes. The updated energy strategy expects to deliver a minimum reduction in annual regulated carbon emissions of approximately 75% compared to Building Regulations requirements. All units would provide an electric vehicle charging point, which shall be secured via condition. The development therefore satisfies the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP.

9 Financial Implications

None.

10 Legal Implications

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

11 Equality and Diversity Implications

None.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a long term vacant and unsightly brownfield site with affordable, family housing

Safer Nottingham: Enhancing the surrounding streets with activity and natural surveillance

Working Nottingham: Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities

14 Crime and Disorder Act implications

None.

15 Value for money

None.

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

1. Application No: 21/02655/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R474WPLYJRA00>

17 Published documents referred to in compiling this report

NPPF (2021)

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Biodiversity (2020) SPD

The Provision of open Space in New Residential and Commercial Development (2019) SPD

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