

Report of Director of Planning and Transport

159 Hucknall Road

1 Summary

Application No: 22/01525/PFUL3 for planning permission

Application by: Hockley Developments Ltd

Proposal: New two-and-a-half storey building to provide 11 one-bed Class C3 supported living dwellings with staff and communal areas.

This application is brought to committee because of the significant level of public interest that is contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 24th January 2023.

2 Recommendation

2.1 To GRANT PLANNING PERMISSION subject to: -

(a) prior completion of a Section 106 planning obligation to secure:

- (i) A financial contribution of £48,235.25 towards off-site affordable housing
- (ii) a financial contribution of £16,841.11 towards the provision or improvement of off-site open space
- (iii) a financial contribution of £4,611 towards employment and training

(b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of the planning obligation and conditions of planning permission to be delegated to the Director of Planning and Regeneration.

2.3 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 site is a single storey, flat-roofed building on the corner of Hucknall Road and Teesdale Road. The building sits behind a parking forecourt and is on the same building line as the houses to the south on Hucknall Road. The area is primarily

residential, the site being bounded by houses. The building has long been in use for beauty treatments and is currently vacant, the business having moved premises.

- 3.2 Planning permission was granted in February 2022 for 'Construction of three houses following demolition of existing building' (ref. 21/02090/PFUL3).

4 Details of the proposal

- 4.1 Planning permission is sought for to demolish the existing building on the site and erect a two-and-a-half storey, pitched roof building to provide eleven one-bed flats. The applicant, Hockley Developments, has confirmed that the proposed flats would be occupied within Use Class C3 of the Use Classes Order and would provide housing for vulnerable adults, this being supported by the Council's Commissioning and Procurement Team. The apartments would be let to working-age 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.
- 4.2 The proposed building would be two-and-a-half storeys of red brick with a slate roof, with metal clad dormers and front gable. Externally, bin and cycle storage are proposed to the rear and side of the building. Two off-street parking spaces are provided directly from Hucknall Road; a soft landscaped area is proposed on the corner with a low brick wall to be continued onto Teesdale Road, where it would be topped by railings.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Adjoining occupiers on Hucknall, Teesdale and Weardale Road were notified of the application on 25.10.2022. Representations have been received from sixty residents, objecting to the proposal for the following reasons:

- The lack of parking provided on the site will lead to congestion, parking issues and additional parking on Teesdale and Weardale Roads.
- The nature of the occupiers will lead to ant-social behaviour, additional activity and disturbance detrimental to neighbouring occupiers and close to neighbourhood schools.
- The scale of the building and its design will lead to loss of light, privacy and outlook for neighbouring occupiers.
- The design of the building is out of keeping with the area.
- Need to retain the southern wall of the existing building as this forms the boundary with the adjacent house on Hucknall Road.
- Loss of the street tree on Teesdale Road as originally proposed is not

acceptable. It is noted that this proposal has now been omitted from the application.

- The existing building should be on the Local List of heritage buildings.
- Problems of noise and access to Teesdale and Weardale Roads during construction. It is noted that this is not directly a planning matter. Noise problems can be dealt with by the environmental health teams and there is no reason why access to the side road should be affected during construction.
- The site should be used for family housing as per the previous grant of planning permission.
- Development would lead to an overconcentration of similar supported living in the area.

One resident has written in support of the proposal, being of the view that the building is visually acceptable, as is the proposed parking provision for such a use. Nottingham City Council Interim Commissioning Lead for Adults supports the proposal and is confident that the building would meet the needs of the citizens who would be living there.

Additional consultation letters sent to:

Environmental Health and Safer Places: no objection.

Highways: no objection.

Flood Risk Management: sustainable drainage strategy required.

Planning Policy: no objection. Policies HO1 and HO4 of the Local Plan have been satisfactorily addressed by the applicants (this relates to family housing and overconcentration issues questioned above).

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 1 - Climate Change
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 19 - Developer Contributions

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

- Policy CC1 - Sustainable Design and Construction
- Policy CC3 - Water
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy EN2 - Open Space in New Development
- Policy EN7 - Trees
- Policy IN4 - Developer Contributions
- Policy EE4 - Local and Training Opportunities

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) Planning obligations.

Issue (i) Principle of the Development (ACS Policy 8 and LAPP Policy HO1 and DE1)

- 7.1 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. It is accepted that there is a need for more housing types, of all tenures, in almost all wards in Nottingham; this includes social one-bedroom self-contained homes. 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. The Council's Commissioning Lead for Adults supports the proposal and the Policy team accept that the development would meet housing aims of the City Council. Planning permission is sought for C3 use and so it would be granted on this basis, and any alternative use,

such as a hostel or house in multiple occupation, would require separate planning permission. As the flats are considered to be within Class C3, and comply with the Nationally Described Space Standards the proposal is considered to comply with Policy DE1 and Policy HO1 and is therefore acceptable in principle.

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

- 7.2 The proposed building is considered to be visually acceptable. Lower, modern floor to ceiling heights and the provision of dormers in a two-and-a-half storey building mean that the eaves of the proposed building are only a little higher than adjacent houses on Hucknall Road. The design of the Hucknall and Teesdale Road elevations has been revised during consideration of the application, although this was driven partly by the requirement to retain the street tree on Teesdale Road (discussed below). The revised design, which involved the dormers and the metal cladding, is considered to be acceptable. The low brick wall and railings are an appropriate treatment for the front boundary.
- 7.3 The application initially proposed removal of the adjacent street tree on Teesdale Road. This was not considered acceptable in terms of biodiversity and amenity and has been omitted from the scheme. Retention of the tree has resulted in changes to the building design to avoid the tree having an impact on light into and outlook from the proposed flats. The resulting layout is considered to be successful in achieving this and also in design terms. The proposal is therefore considered to comply with ACS Policy 10 and LAPP Policies DE1 and DE2.

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

- 7.4 The relationship between the proposed building and the adjacent properties is considered to be acceptable. The proposed building is to the north and east of neighbouring houses, of a very similar height, and its physical impact in terms of loss of light is considered to be acceptable. Two bedroom windows would be located in the rear elevation of the proposed building but are an acceptable distance from neighbouring properties and would lead to no more loss of privacy than if the site were developed for family housing. The developers have agreed to retain the boundary walls around the site as requested by neighbours.
- 7.5 The proposal provides two off-street parking spaces. It is noted, however, that this is a sustainable location close to bus stops, shops and other facilities. It is also accepted that occupiers of flats of this size, particularly the intended occupier group, are unlikely to be car owners. There is no objection from Highways.
- 7.6 The proposed use for supported living and the support for the proposal and its continued use by the Council's Commissioning and Procurement Team and Adult Social Care and the presence of support staff all indicate that the use would not be detrimental to the living conditions of local residents in terms of anti-social behaviour.
- 7.7 The proposal is therefore considered to comply with ACS Policy 10 and LAPP Policies DE1 and DE2.

Issue (iv) Planning Obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP)

7.8 A policy compliant planning obligation for the proposed development would be expected to provide the following contributions:

- Affordable Housing - £48,235.25
- Public Open Space - £16,841.11
- Employment and training - £4,611

It is considered appropriate that the affordable housing is provided by way of off-site contribution, rather than on-site provision, due to the specific nature of the intended end use.

7.9 Such obligations are in line with adopted policy and as such are considered to be (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.

7.10 The applicant has confirmed that these obligations are acceptable to them.

8. Sustainability / Biodiversity (ACS Policies 1 and 10 and LAPP Policies CC1, CC3, DE1, DE2 and EN7)

8.1 A planning condition can ensure the use of sustainable drainage. Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Nottingham Local Plan.

8.2 The application initially proposed removal of the adjacent street tree on Teesdale Road. This was not considered acceptable in terms of biodiversity and amenity and has been omitted from the scheme. This complies with Policy EN7 of the Nottingham Local Plan.

9 Financial Implications

A financial contribution of £48,235.25 is secured towards off-site Affordable Housing, £16,841.11 towards open space improvements and an employment and training contribution of £4,611.

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

Strategic Council Plan 2021-23 Outcome Nine: Better Housing - deliver new affordable homes and well-balanced neighbourhoods with a mix of housing types that meet Nottingham's future needs and working to ensure that new developments are linked to the local amenities, green spaces and good public transport that local people want and need.

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: 22/01525/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

17 Published documents referred to in compiling this report

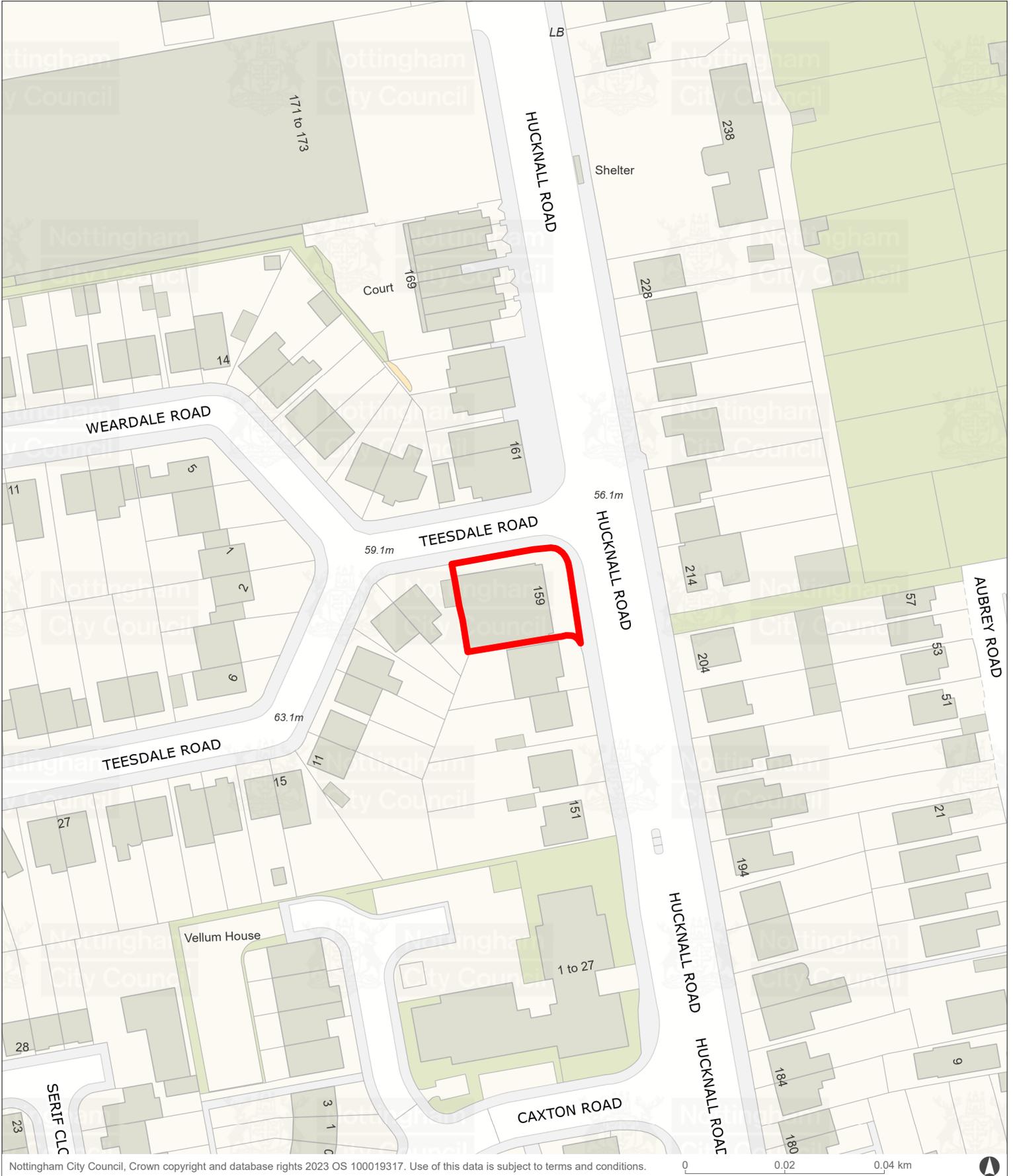
Nottingham Local Plan Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2021)
Strategic Council Plan 2021-23

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

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Key

 City Boundary

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Description

A map printed from Nomad.



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City Council

My Ref: 22/01525/PFUL3 (PP-11440613)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Date of decision:

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

Application No: 22/01525/PFUL3 (PP-11440613)
Application by: Mr Alan Forsyth
Location: 159 Hucknall Road, Nottingham, Nottingham City
Proposal: New two-and-a-half storey building to provide 11 one-bed Class C3 supported living dwellings with staff and communal areas.

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 the external materials;
 - b) details of the enclosure of the site, including new and retained boundary walls and railings;
 - c) details of a scheme for the sustainable drainage of the site;
 - d) details of the appearance of the cycle storage.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the living conditions of neighboring occupiers and in the interests of sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies CC3 and 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. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and
 - c) any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Regulatory/ongoing conditions

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

4. 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 following drawings/documents:
- Planning Layout reference HKR-HD-20001-PL revision C, received 6 March 2023
 - Plan reference HKR-HD-28001-PL revision C, received 6 March 2023
 - Planning Layout reference HKR-HD-23001-PL revision C, received 6 March 2023
 - Planning Layout reference HKR-HD-24001-PL revision C, received 6 March 2023
 - Planning Layout reference HKR-HD-22001-PL revision C, received 6 March 2023
 - Elevations reference HKR-HD-20102-PL revision C, received 6 March 2023
 - Elevations reference HKR-HD-20101-PL revision C, received 6 March 2023

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 officer's delegated report, enclosed herewith and forming part of this decision.

3. Flood Risk and Drainage

Proposed drainage should be summarised as a sustainable drainage strategy or statement containing the following (as a minimum):

- o Site plan & impermeable area
- o Topographic survey of the site
- o Details on the existing surface water drainage arrangements for the site
- o Basic ground investigation to show potential viability of infiltration
- o Existing & proposed rates and volumes of surface water run-off generated by the site
- o Appropriate evidence to support how the site will drain
- o Details of how the surface water run-off will be managed
- o Drainage plan showing the layout of the proposed drainage (both foul and surface water),
- o Calculations to support design
- o Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework 167 & 169)
- o Details on management & maintenance of drainage system

As per S3 and S6 of the Non statutory technical standards for SuDS, when developing previously developed sites the peak flow and volume runoff should be as close as is reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but in any event should never exceed the rate of discharge from the development prior to redevelopment for that event.

We are aware of historical flooding along Hucknall Road and Haydn Road so there are opportunities here to make improvements to reduce downstream impacts.

4. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

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: 22/01525/PFUL3 (PP-11440613)

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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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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