

Report of Director of Planning and Transport

8 Clinton Terrace, Derby Road

1 Summary

Application No: 22/00587/PFUL3 for planning permission

Application by: Swish Architecture Ltd on behalf of Clinton View Ltd

Proposal: Proposed Part Demolition of Existing Offices for a 4 Storey Building (along with Lower Ground Floor) Block of Flats

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation; because it is a major application on a prominent site where there are important design and heritage considerations, and; because it is recommended for approval, but where the planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should be determined by 30 November 2023, with an agreed extension of time

2 Recommendations

- 2.1 **GRANT PLANNING PERMISSION** subject to conditions substantially in the form listed in the draft decision notice at the end of this report, with power to determine the final detail of the conditions to be delegated to the Director of Planning and Transport.

3 Site and background

- 3.1 The application relates to a currently vacant office building, along with its forecourt and rear car parking area. The building is attached to the western end of Clinton Terrace, a prominent, four storey Victorian terrace designed by the celebrated local architect TC Hine, which fronts onto Derby Road. It currently comprises a mix of commercial/office and residential/apartment uses. The application property is a two-storey flat roofed building with a large extent of curtain wall glazing to the front elevation, dating from the 1960/70s. The land to the rear of the main building is lower and here there is further single storey element, such that the property reads as three stories from the rear. To the west is a modern apartment block known as The Octagon.
- 3.2 Clinton Terrace is part of a wider frontage to Derby Road that forms the northern periphery of the Park Conservation Area. The terrace is identified as a row of Original Estate Houses within The Park Conservation Area Appraisal and Management Plan (CAAMP). The site is located close to the City Centre boundary as defined by the LAPP.
- 3.3 The main access to the premises is via Derby Road, with a secondary access to

the car park at the rear from Western Terrace. The building's frontage is entirely hard surfaced and used for parking. To rear of the site is also entirely hard surfaced as use as a further car park. Beyond this is a tree covered slope that runs down to Newcastle Drive.

- 3.4 Permitted development 'prior approval' was given in January 2022 for the conversion of the existing building from B1(a) offices to 6 x C3 residential apartments. This permission is extant and expires 25 January 2025.

4 Details of the proposal

- 4.1 Permission is sought to demolish the existing building and to erect in its place a detached four storey building (plus lower ground floor) to comprise 15 apartments; 14 x 1 bed and 1 x 2 bed. The three lower ground floor apartments would be accessed from the rear of the site and would each have their own front door. The other apartments would be accessed from the front of the property facing onto Derby Road, via a communal entrance.
- 4.2 The lower ground floor footprint of the building would be deeper than the existing, but the same width. A gap would be created between the proposed development and end of Clinton Terrace.
- 4.3 The building has been through significant re-design during the life of the application. The revised iteration now presented for consideration has a contemporary aesthetic but one that references some of the architectural characteristics of Clinton Terrace, a row of townhouses with a Georgian fenestration pattern and parapet roof edge, some Italianate arched openings, external corncicing and pronounced window surrounds. The building has been designed with a series of strong vertical elements, both projecting bays of varying width and tall apertures with prominent surround detailing. Most of the building is to be faced in brickwork but incorporating a significant element of stone detailing. Part of the fourth storey is to be recessed and clad in a standing seam zinc, reminiscent of a roof finish.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

83 neighbouring properties on Derby Road, Newcastle Drive, Clinton Terrace, Western Terrace and within the Octagon have been consulted twice in relation to this application, once in April 2022 when the original application was received and again in April 2023 after final revisions were made to the scheme. The last consultation period expired 6th May 2023. The application has also been advertised through press and site notice.

Summary of responses received April 2022 (Original scheme - 12 flats of student accommodation)

25 representations were received in relation to the initial consultation in April 2022, which raised the following matters:

(i) Use Concerns

- Student accommodation would conflict with local plan policies to increase

- stock of entry level housing for professionals in Nottingham
- The site is not in a location identified for housing
- Student use is incompatible with the immediate and local neighbourhood
- Student accommodation will give rise to noise, litter and anti-social behaviour
- The use will impact on the character of the area
- Site would be better suited for housing aimed at entry level professional housing or office accommodation

(ii) Design Concerns

- The proposal would provide an opportunity to remove an existing building which is out of keeping with the area and an eyesore
- New building would appear to be more attractive than the existing building, despite it not being in keeping with the historic façade of Clinton Terrace
- Proposal does not respond appropriately to this sensitive location, on a prominent boundary to The Park Conservation Area
- The Park Conservation Area Plan has been completely ignored
- The scheme would not enhance the Conservation Area
- Density and mass of scheme is inappropriate
- Concern over choice of materials proposed
- Design details of the proposed scheme will not respond appropriately to the Regency and Victorian buildings in the locality
- Concern about the height of the building in relation to neighbouring buildings
- No sustainability measures have been incorporated in the scheme
- Lack of waste storage facilities
- Lack of cycle parking
- Lack of landscaping and no consideration given to existing trees on site
- Access and car parking layout is badly designed

(iii) Neighbour Amenity Issues

- Overshadowing and loss of daylight
- Overlooking and loss of privacy
- Impact on ventilation of neighbouring properties
- Impact on outlook
- Loss of views
- Impact on the private entrances to neighbouring properties and occupants sense of defensible space
- Extent of the building footprint together with the proposed car parking layout for the units will affect access to neighbouring properties and their car parking areas
- Noise and disturbance during construction

(iv) Future Occupant Amenity Issues

- Concerns over internal layout and lack of circulation space proposed
- Lack of amenity space for future occupants
- Inconvenient and confusing access routes to the building for future occupants

(v) Car parking and Highways Issues

- Insufficient number of car parking spaces
- Too many car parking spaces are proposed
- Scheme does not promote alternative forms of travel
- Scheme will increase traffic to and from the site
- Concerns over the suitability of the proposed vehicular access arrangements to the site and potential impact on highway safety

(vi) Other Matters

- Land ownership queries raised in regard to the footprint of the proposed building and the car parking layout
- Difficulty in interpreting the drawings
- No community engagement was undertaken with the local community
- The proposal could raise party wall issues
- Impact on local property values
- Design and Access Statement submitted falls short of requirements
- No objection to the prior approval application to allow the existing building to be converted into 6 flats

Nottingham Local Access Forum: Objects to the application as it makes no provision for sustainable transport. More cycle parking is required. It is requested that a condition is imposed to secure the provision of cycle parking. It is also requested that soft landscaping is provided to the Derby Road streetscape.

Nottingham Civic Society: Objects to the scale and design of the proposed extension to Clinton Terrace in the Park Conservation Area and adjacent to the Canning Circus Conservation Area. When viewed from Derby Road, the principal elevation of Clinton Terrace, replacing the existing two storey twentieth-century extension with a four-storey extension, would interrupt and obscure views of the western elevation of Clinton Terrace. The latter is a prominent terrace designed by Victorian architect TC Hine, well-known for his distinctive buildings in Nottingham, many of them listed. The height and footprint of the proposed new building would obscure the decorated western elevation of Clinton Terrace with its triple arched and deeply moulded second floor windows.

The height of the existing mid twentieth-century extension was constrained to leave this decorative end wall feature unobstructed in views from Derby Road and Western Terrace. The modest height and mass of the earlier extension also preserved some of the view through to the character of the Park Estate behind the 'commercial' frontage, where the complex roofs and gables of a building on Western Terrace can be glimpsed. Any replacement building on this site should demonstrate how the view of the western elevation of Clinton Terrace is preserved on the approach from the west.

The layout of the proposed residential development fails to provide any outdoor amenity space for the future occupants. Part of the existing rear car park should be re-purposed as landscaped amenity space. The Derby Road frontage should be improved with landscaping and minimal servicing space to re-establish the semblance of a residential 'front garden' in the interests of amenity and sustainability. Student accommodation in such a sustainable location does not need the level of off-street parking being proposed here to the detriment of the appearance of the conservation area. Secure cycle parking should be accommodated instead.

The materials proposed for the new building should be guided by the Park Conservation Area Appraisal and Management Plan, concentrating on brick, stone and natural materials in place of metal cladding which is not characteristic of these conservation areas.

The current scheme is unacceptable because it fails to preserve or enhance the character and appearance of the Park Conservation Area contrary to local plan policy.

Summary of responses received April/May 2023 (Revised scheme – 15 flats, not student accommodation)

26 representations were received in relation to the second consultation in April/May 2023. The application was incorrectly described as being for 15 flats (1 x 2 bed and 14 x 3 bed) (Revised plans received 11th April 2023). However, the description was corrected and it is noted that the revised plans did provide an accommodation schedule.

These representations raised concern that the proposed accommodation would still be attractive for students, as the majority of the units are 1 bedroomed. It was noted that architecturally the revised scheme provided a better response to Clinton Terrace and other historic buildings in the area, but quality materials would be required. It was also noted that the gap provided between the new building and Clinton Terrace would be visually useful and may lessen some of the amenity concerns raised by neighbouring occupants. Additionally, the re-location of an entrance door from the east side of the building addresses concerns raised in relation to the new development sharing an existing entrance to neighbouring properties within Clinton Terrace.

Concerns were raised that the increased height of the building would cause more impact on the occupants of Clinton Terrace and The Octagon.

Issues were raised in relation to the quality of the revised drawings and the lack of a revised Design and Access Statement.

Nottingham Local Access Forum: The revised scheme does not address their concerns. More cycle parking is required. It is requested that a condition is imposed to secure the provision of cycle parking. It is also requested that soft landscaping is provided to the Derby Road streetscape.

Nottingham Civic Society: Continues to object to the revised scheme for a 4-storey extension for student accommodation at Clinton Terrace within the Park Conservation Area and adjacent to the Canning Circus Conservation Area. When viewed from Derby Road, the principal elevation of Clinton Terrace, the additional height of the proposal above the existing extension would still interrupt and obscure TC Hine's decorative western elevation of the terrace with its triple arched and deeply moulded second floor windows.

The Civic Society notes that the applicant stresses the sustainable location for student accommodation, in which case, there is no need to provide so much car parking for student use. Secure cycle parking should be accommodated instead. Part of the existing rear car park should be re-purposed as landscaped amenity space for the occupants. The Derby Road frontage should be improved with

landscaping and minimal servicing space to re-establish the semblance of a residential 'front garden' in the interests of sustainability and the character of both the Park and Canning Circus Conservation Areas.

The current scheme still fails to preserve or enhance the character of either conservation area, as such should not be supported.

Additional consultation letters sent to:

Environmental Health and Safer Places: The issues in relation to this scheme would be noise and the provision of Electrical Vehicle (EV) charging points. Conditions are requested to secure an Environmental Noise Assessment and sound insulation and ventilation scheme, and appropriate EV charging points.

Traffic Management: No highway objections, subject to conditions to secure a Construction Traffic Management Plan, reinstatement of damaged highway, provision of car parking, cycle parking and residential travel packs.

Conservation Officer: Revised scheme –

This is a significant historic location within the Park Conservation Area. It was originally developed during the mid-nineteenth century as a garden belonging to the westernmost house of Clinton Terrace. Clinton Terrace is a positive heritage building designed by T. C. Hine and demonstrates the gradual shift in design from classical to Italianate/Romantic that was occurring in the Park Estate at that time. As such Clinton Terrace is a mixture of Georgian grid-based proportions and Italianate details, such as semi-circular arched fenestration, decorative brickwork, external cornicing and pronounced window surrounds. During the post-war period the fortunes of the Park Estate were in decline, which led to various unsympathetic infill schemes, such as the modernist low-rise office block that was built on this very location. Given the above considerations it is important to carefully assess any proposal to develop this site.

The applicant has proposed to demolish the unsympathetic modernist office building and replace this with a block of residential accommodation. The design is sympathetic to the ethos of this location as it a contemporary interpretation of a grid-based townhouse with Italianate arched fenestration, external cornicing and pronounced window surrounds. Its height and massing are subordinate to its immediate neighbours on Derby Road and the block is separate from any historic building. This scheme is therefore acceptable from a conservation perspective upon the condition that the material details are of a suitable quality for this location. As such the brickwork should be Flemish bond. Detailed drawings of the windows should also be submitted to show the profile of the margin lights. The rear car park should be set with permeable pavers and perimeter garden planting. These items can be secured by conditions to ensure that this development will be a significant contextual improvement upon the structure that it is replacing.

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) (2023)

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.

In determining applications that may affect heritage assets paragraph 189 advises that such assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 194 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 197 of the NPPF then states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm

amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of) the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 of the NPPF indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Aligned Core Strategies (ACS) (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 11: The Historic Environment

Policy 17: Biodiversity

Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (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 EE3: Change of Use to Non-Employment Uses

Policy EE4: Local Employment and Training Opportunities

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

Policy IN4: Developer Contributions

Statutory Duties

When considering whether or not to grant planning permission for development that affects a Conservation Area there is a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that a Local Planning Authority, pay

special attention to the desirability of preserving or enhancing the character or appearance of such areas.

The Park Conservation Area Appraisal and Management Plan (CAAMP) (2023)

The CAAMP identifies the existing building as making a neutral or poor contribution that has created a substantial change and has limited to no architectural/historical interest.

7 Appraisal of proposed development

Main Issues

- (i) Principle of the Development
- (ii) Design and Conservation Area Considerations
- (iii) Impact on Residential Amenity
- (iv) Planning Obligations
- (v) Sustainability and Biodiversity

Principle of the Development (Policy 8 of the ACS, and Policies EE3 and HO1 of the LAPP)

- 7.1 Policy EE3 of the LAPP provides a number of criteria that need to be considered when assessing proposals that result in the loss of employment premises. One of those allows comprehensive redevelopment which would benefit the wider area. As noted by the Conservation Officer, the existing building makes an unsympathetic contribution to the Conservation Area and the proposed scheme presents an opportunity to replace this with a more sympathetic development. It is also recognised that the current office building could be converted to apartments as permitted development, ie. without the need for planning permission. Given this fallback position and the wider benefits of the scheme, it is considered that the proposal complies with Policy EE3 of the LAPP.
- 7.2 A number of the representations received object to the use of the property as student accommodation. As revised, the scheme is no longer proposed for this purpose. It is recognised that the flats could still be occupied by students but by virtue of their size and the accommodation on offer, they are clearly not designed for this purpose, and would only permit a very low density of occupation.
- 7.3 Policy 8 of the ACS and Policy HO1 of the LAPP place an emphasis on providing family homes within Nottingham City on sites outside of the City Centre, as is the case here. Policy HO1 additionally provides criteria for assessing whether sites are capable of accommodating family housing, including whether the development would be in character with the local area and whether the resulting development would fulfil other regeneration aspirations. This part of Derby Road is on the fringe of the City Centre and characterised by larger/taller buildings accommodating flats within a mixed residential/commercial environment. This context would suggest that a building of comparable stature would be the appropriate solution in townscape terms when redeveloping the site, pointing to a development of flats rather than family housing. It is also recognised that redevelopment of the site presents an opportunity to remove an existing building which detracts from the overall character and appearance of the Park Conservation Area. The proposal is therefore considered to be acceptable in principle, in accord with Policy 8 of the

ACS and Policy HO1 of the LAPP.

Design and Conservation Area Considerations (Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP)

- 7.4 This application presents an opportunity to remove an existing building that is harmful to the site, streetscene and wider conservation area. Its low scale, horizontal emphasis, architectural language and materials are all at odds with its surroundings, and its attachment to Clinton Terrace is particularly incongruous and harmful to the appearance and setting of this prominent heritage asset.
- 7.5 The proposed scheme has been through significant design development in response to some key design parameters that have been established through an assessment of the site and its context. These are:
- Removal of the existing building is welcomed
 - The building should be detached from Clinton Terrace
 - The building should be of greater scale than the existing and more in keeping with the scale and mass of those adjacent
 - Noting the point above, the building should be subordinate to Clinton Terrace
 - The building should have a strong vertical emphasis, rather than the horizontal emphasis of the existing building
 - The building should reference some of the architectural characteristics of Clinton Terrace
 - The palette of external materials should reference the historic context, particularly Clinton Terrace
 - The frontage to Derby Road would benefit from soft landscaping in place of the current car park
- 7.6 As revised, it is considered that the proposal successfully responds to these parameters and would present an attractive addition to this important and prominent frontage of Derby Road, in particular resulting in a sympathetic and subordinate relationship with Clinton Terrace. As a replacement of the existing office building, the proposal would make a positive contribution in this context and enhance the character and appearance of the Park Conservation Area. The gap being created between the new building and Clinton Terrace is a particularly positive aspect of the scheme that would better reveal the bay window and brick detailing on the west elevation of this building. The comments of the Civic Society are noted in this regard, but it is felt that the right balance has been struck between exposing this western end of Clinton Terrace whilst also achieving an appropriate scale and height that better respects its setting. The scheme also achieves a generous separation with The Octagon to the west, allowing a retained view of the Park beyond, particularly 1 Western Terrace, when viewed from Derby Road.
- 7.7 The proposal to remove the exiting car park at the frontage of the site and its replacement with soft landscaping is also welcomed and would further enhance of the Conservation Area. Car parking is to be retained to the rear of the property, although this can only accommodate approximately 6 spaces. However, this is an acceptable level of provision given that the site is in a sustainable location, close to the City Centre and on a principle public transport corridor. Precise details of the car parking layout can be secured by condition.
- 7.8 Overall, it is considered that the proposed development, including the removal of the existing building, would make a positive contribution to the character and

appearance of the Conservation Area in accord with Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

- 7.9 In reaching the above conclusion the Council has fulfilled its duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance.

Impact on Residential Amenity (Policy 10 of the ACS and Policy DE1 of the LAPP)

- 7.10 Changes have been made to the scheme to address the concerns raised by existing occupants of the lowest apartment in 7 Clinton Terrace, the property at the western end of the Terrace. Windows and the front door to the lower ground floor flat closest to ground floor entrance to 7 Clinton Terrace have been relocated, to reduce any loss of privacy. Windows that are located on the eastern elevation of the proposed building are not primary windows and as such their opening can be restricted to be obscurely glazed by condition, which would address any overlooking issues towards apartments in 7 Clinton Terrace. Concern has also been raised regarding a loss of outlook from and, overbearing impact on, the upper floor flats within 7 Clinton Terrace, which currently have windows that face west and look over the top of the current office building. It is acknowledged that there would be some impact in this regard, in spite of the fact that these windows are situated directly on the boundary with a neighbouring property and a view over third party land cannot be protected. However, the floor plans approved for the conversion of 7 Clinton Terrace into flats (under planning application reference 97/00617/PFUL3) show that the room on the second floor which is served by a west facing window, was approved to be a kitchen which also benefits from additional windows facing north and south. On the third floor, the west facing windows are shown as serving a cloakroom and a bathroom. On this basis, the relationship between the proposed development and the western end of Clinton Terrace is considered to be acceptable, and that a refusal of the application in this regard would not be justified.
- 7.11 Windows are also proposed in the west elevation of the proposed building, facing The Octagon apartment building. Again, these windows are not primary and can be conditioned to be obscurely glazed. At the lower ground floor level the gap between The Octagon and the proposed building would be the same, whilst from the ground floor upwards the gap between would be just over 11m, which is approximately 3m closer than the existing office building. It is therefore recognised that the proposed development would clearly have some impact upon the flats within The Octagon that have east facing windows overlooking the development site. The Octagon was converted from offices to flats under planning application 00/00262/PFUL3, and the approved floorplans show that the two flats (per floor) on the eastern side of the building have windows facing the application site that serve kitchen and dining areas that form part of a larger open plan living room arrangement. These open plan living areas are also served by other windows that either face north or south, so are not solely reliant on an east facing aspect. Given this arrangement it is not considered that the proposed development would unduly impact occupants within The Octagon to an extent that would substantiate a refusal of the scheme.
- 7.12 Concern has also been expressed from occupants within the flats at 1 Western Terrace, one of the Original Estate Houses within the Park Estate, about the impact of the proposed building upon their property. 1 Western Terrace sits to the rear/south west of the proposed development and is orientated at an angle from the site, so the buildings would not face each other directly. At their closest point the

buildings would be approximately 10m apart; there is a relatively small number of windows in the north east elevation of 1 Western Terrace that primarily overlook the car park, with a greater window to window separation distance across this. Furthermore, sitting to the north, the proposed development would not result in an overshadowing impact on 1 Western Terrace. In conclusion, the impact upon the occupants within this building is considered to be acceptable.

- 7.13 The proposed flats meet Nationally Described Space Standards in terms of the size of accommodation provided, and all benefit from an appropriate outlook, acknowledging that this is more restricted for the lower ground floor flats to the rear of the building.
- 7.14 Some of the representations received reference concerns in relation to vehicular access, the level of parking provision and traffic generation. As discussed above, the level of current parking provision serving the office is to be significantly reduced, and the number of spaces now proposed is considered to be appropriate given the sustainable location of the site. The retained car park to the rear is served by an existing and longstanding access that also serves further parking to the rear of Clinton Terrace.
- 7.15 Details of bin storage and cycle parking can be secured by condition.
- 7.16 The proposed development therefore complies with Policy 10 of the ACS and Policy DE1 of the LAPP.

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

- 7.17 The proposed scheme would require the following contributions to be secured by a section 106 agreement:

Affordable housing - £162,979.50
Open Space – £26,391.55
Education - £1,417.11
Employment and Training - £49,981
- 7.18 The total contribution sought would be £195,769.19
- 7.19 However, the applicant has submitted a Viability Appraisal which has been reviewed by an independent assessor appointed by the Council. The assessor has advised that the scheme is only marginally viable before S106 contributions are factored in and as such, they concur with the applicant's conclusion that the scheme is unable to meet the required S106 contributions.
- 7.20 Policy 19 of the ACS and IN4 of the LAPP allow S106 contributions to be waived if it is demonstrated that the viability of the proposal would be affected and render the scheme undeliverable. Given the conclusions of the independent assessor, it is accepted that no S106 contributions are justified in this instance, in accord with Policy 19 of the ACS and Policy IN4 of the LAPP.

8 Sustainability and Biodiversity (Policies 1 and 17 ACS and Policies CC1, CC3 and EN6 of the LAPP)

- 8.1 Details of the sustainability measures to be incorporated within the scheme can be

secured by condition.

- 8.2 As indicated above, the frontage of the site is to be soft landscaped, which would introduce planting and biodiversity to a site where there is currently none. Further details of the planting can be secured by condition, along with a provision for bird and bat boxes to be incorporated within the design of the building. No changes are proposed to the rear of the site that would affect existing trees.
- 8.3 Through the use of conditions, the scheme complies with Policies 1 and 17 of the ACS and Policies CC1, CC3 and EN6 of the LAPP.

9 Financial Implications

As detailed above, a viability assessment of the scheme has been undertaken and in this instance no contributions are to be sought. The scheme has been considered in accordance with Policy 19 of the ACS and Policy IN4 of the LAPP.

10 Legal Implications

The duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that a Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining a planning application within a conservation area.

While the duty with regard to preserving or enhancing may only require that no harm should be caused, it nonetheless creates a “special presumption” and “considerable weight and attention” as a material planning consideration, should be given to any harm found to arise with regard to the character or appearance of the area.

The above duty means there is a strong statutory presumption against granting planning permission which does not so preserve or enhance. This must be placed in the planning balance in determining the application. However, that presumption may be outweighed by other material considerations.

The weight to be attached to each of the relevant historical dimensions or ingredients of the judgment is a matter which section 72 clearly leaves to the decision-maker in each individual case. The Committee must afford considerable importance and weight to the desirability of preserving or enhancing the character or appearance of a Conservation Area irrespective of the level of any harm to their significance.

Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), requires clear and convincing justification. Here the Planning Officer offers the opinion that the scheme would cause no harm and have a positive impact on the Conservation Area. The remaining 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

The proposed development would need to be designed to be compliant with current building regulation standards in terms of accessibility and requirements under the

Disability Discrimination Act.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a site with a high-quality residential development

Safer Nottingham: The development would contribute to a safer and more attractive neighbourhood

14 Crime and Disorder Act implications

The development would provide natural surveillance in and around the site.

15 Value for money

None.

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

1. Application No: 22/00587/PFUL3 - link to online case file [Simple Search \(nottinghamcity.gov.uk\)](https://www.nottinghamcity.gov.uk/simple-search) using application reference quoted

2. Application No: 97/00617/PFUL3 - link to online case file [Simple Search \(nottinghamcity.gov.uk\)](https://www.nottinghamcity.gov.uk/simple-search) using application reference quoted

3. Application No: 00/00262/PFUL3 - link to online case file [Simple Search \(nottinghamcity.gov.uk\)](https://www.nottinghamcity.gov.uk/simple-search) using application reference quoted

17 Published documents referred to in compiling this report

NPPF (2023)

Aligned Core Strategies – Local Plan Part 1 (2014)

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

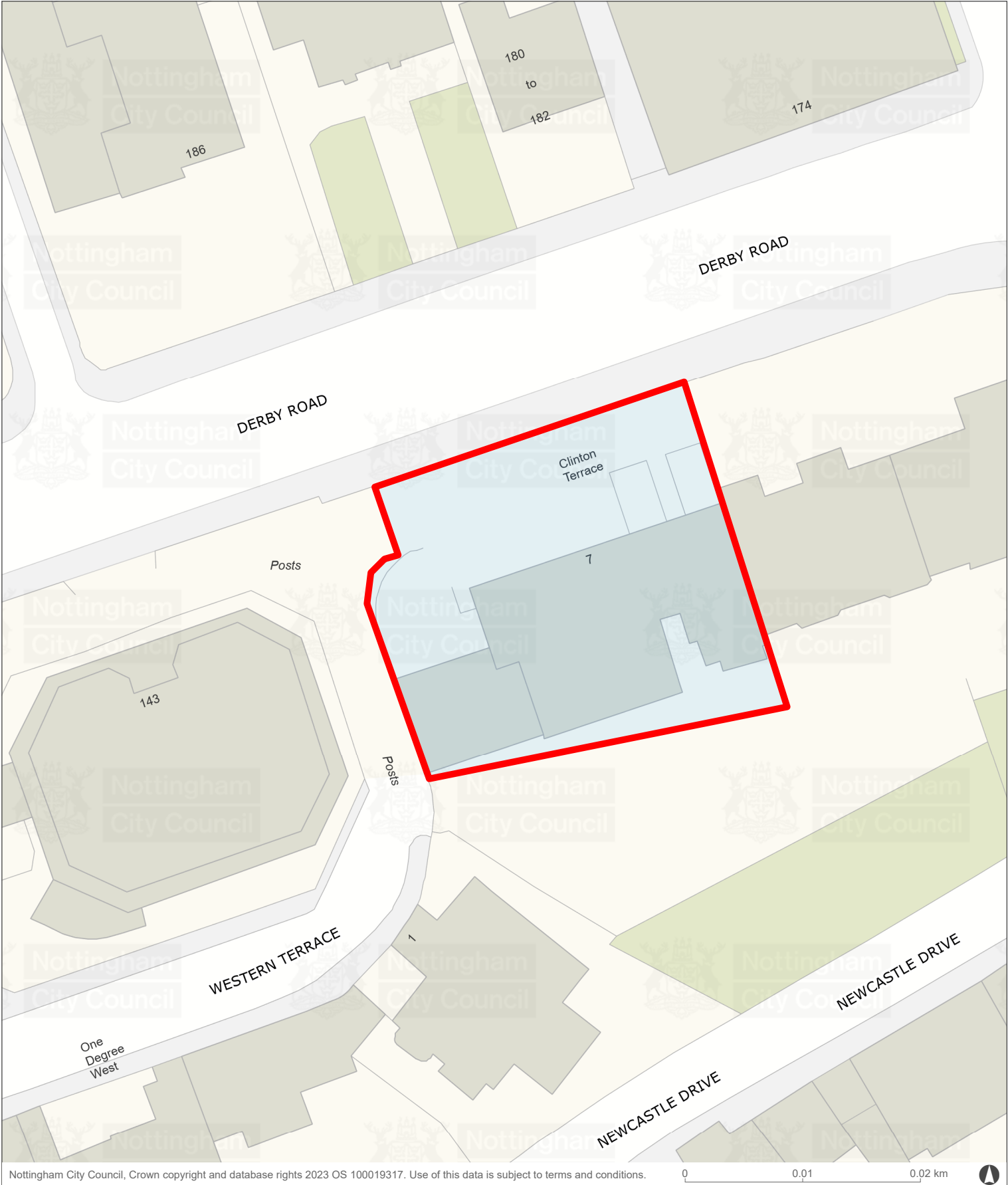
The Park Conservation Area Appraisal and Management Plan (CAAMP)

Contact Officer:

Jennifer Curry, Case Officer, Development Management.

Email: jennifer.curry@nottinghamcity.gov.uk.

Nomad printed map



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0 0.01 0.02 km

Key

 City Boundary

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Description

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Nottingham
City Council

My Ref: 22/00587/PFUL3 (PP-11112703)

Your Ref:

Contact: Mrs Jennifer Curry

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Swish Architecture Ltd
FAO Mr Dino Labbate
Unit 2B
100 Melton Road
West Bridgford
NG2 6EP
Undefined

Date of decision:

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

Application No: 22/00587/PFUL3 (PP-11112703)
Application by: Clinton View Ltd
Location: 8 Clinton Terrace , Derby Road, Nottingham
Proposal: Proposed Part Demolition of Existing Offices for a 4 Storey Building (Along With Lower Ground Floor) Block of Flats

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. Prior to the commencement of development, a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for each phase of development and shall provide for:
 - a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) Wheel washing facilities.
 - e) Measures to control the emission of dust and dirt during construction

Reason: In the interests of highway safety to accord with Policy TR1 of the LAPP.

3. Prior to the commencement of development, details of the existing building to be demolished and retained, together with existing and proposed site levels, final heights of the building and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The information submitted shall include before and after development site plans showing site cross sections. The development shall be completed in accordance with the approved demolition and retention plan, site levels, finished floor levels and building height.

Reason: To ensure the satisfactory appearance of the development and to accord with Policy 10 of the ACS and Policies DE1, DE2 and CC3 of the LAPP.

4. Prior to the commencement of the development, an environmental noise assessment and sound insulation and ventilation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition, it shall include predicted noise levels for any relevant premises which may not currently be operating, and plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and facade areas, commercial or residential separation).

The sound insulation and ventilation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

The sound insulation and ventilation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy 10 of the ACS and Policies DE1 and IN2 of LAPP.

5. Prior to the commencement of development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development incorporates sustainable design features to accord with policy CC1 of the LAPP.

6. No development shall be commenced until design details of the following, including drawings and cross sections at a scale of not less than 1:20 have been submitted to and approved in writing by the Local Planning Authority:

- (i) External windows and doors, including their reveal depths
- (ii) Rainwater goods and soil pipes
- (iii) Extractor vents/meter boxes
- (iv) Brickwork Detailing
- (v) Parapet and roof detailing

Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the design quality of the development and character of the area and to accord with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.

7. Prior to the commencement of development, precise details of the materials to be used externally within the development, including mortar colour and external windows and doors (their design, colour, as well as details of proposed obscure glazing and mechanism to restrict the opening of windows to the east and west elevations) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP, and to safeguard the residential amenity of existing occupants of neighbouring properties to accord with Policy DE1 of the LAPP.

Pre-occupation conditions

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

8. Prior to the first occupation of the development, a verification report shall be submitted to confirm that the approved sound insulation and ventilation scheme has been implemented in accordance with the approved details.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy IN2 of LAPP.

9. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme for the Derby Road frontage has been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details the type, height, species and location of the proposed trees and shrubs

The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and 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 a high quality development in accordance with Policies 10 and 11 of the ACS and Policies DE1 and DE2 of the LAPP.

10. Notwithstanding any details shown on any approved plan, prior to the development hereby permitted being first occupied the area to the rear (south) of the building shall be laid out in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall show the location and dimensions of proposed car parking spaces.

Reason: To ensure that car parking is provided to accord with policy 14 of the ACS and policy TR1 of the LAPP.

11. Notwithstanding any details shown on any approved plan, prior to the development hereby permitted being first occupied external waste storage facilities and cycle parking shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall show the location, dimensions, and elevation details of the storage facilities.

Reason: To secure a development of satisfactory appearance that complies with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.

Regulatory/ongoing conditions

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

12. The windows to the east and west elevations shall at all times be obscurely glazed and at all times their opening shall be restricted in accordance with the condition 7 set out above.

Reason: To safeguard the residential amenity of existing occupants of neighbouring properties to accord with Policy DE1 of the LAPP.

13. Notwithstanding any details shown on any approved plan, the area of flat roof to the south of the ground floor entrance and to the west elevation shall at no time be used as a roof terrace or as outdoor amenity space.

Reason: To safeguard the residential amenity of existing occupants of neighbouring properties to accord with Policy DE1 of the LAPP.

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:
Drawing reference Proposed Lower and Ground Floor Plans revision 1055 03 G
Drawing reference Proposed First and Second Floor revision 1055 04 F
Drawing reference Proposed Third Floor and Roof Plan revision 1055 05 F
Drawing reference Proposed Elevations revision 1055 06 G

Reason: To determine the scope of this permission.

Informatives

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.

DRAFT⁵ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 22/00587/PFUL3 (PP-11112703)

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 Planning Inspectorate website at <https://www.gov.uk/appeal-planning-decision>.

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, 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.