

## **Report of Director of Planning and Transport**

### **Land Southeast Of Park View Court, Bath Street**

#### **1 Summary**

Application No: 23/01379/PFUL3 for planning permission

Application by: Blueprint Regeneration Ltd Mr Alec Hamlin

Proposal: Construction of 22 townhouses, 4 duplex apartments and an ancillary commercial building.

The application is brought to Committee because it is a major development where there are important design and heritage considerations, and where Section 106 planning obligations are proposed to be waived due to viability considerations.

To meet the Council's Performance Targets this application should have been determined by 15th November 2023.

#### **2 Recommendations**

**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 details of the conditions to be delegated to the Director of Planning and Transport.

#### **3 Background**

3.1 At the previous meeting on 22 November, Committee resolved to defer a decision on this application for the following reason:

“The Committee felt that it was unable to take a decision on this application and requested that CP Viability be invited to attend a future meeting to answer questions about how it came to agree with the Developer’s viability appraisal that the development would not be viable if any S106 contributions were required by the Council. The Committee also requested that the developer should be approached in relation to whether solar panels can be provided on the roofs of each dwelling.”

3.2 Although for CP Viability will not be attending the meeting, committee members have been given the opportunity to raise any specific concerns about the viability report prepared by them. Any questions will be addressed in an update and at the meeting.

3.3 Committee’s resolution to defer a decision on this application has also been conveyed to the applicant. The response received from the applicant states:

“With respect to sustainability and carbon emissions, the proposals at Fruit Market already go above and beyond the performance offered by a typical new home and is certainly well above and beyond your Local Plan Policy requirements. The building fabric is significantly more thermally efficient than the minimum standards required by Building Regulations and the heating and hot water is provided by air source heat pumps that are up to 300% efficient. The combination of the improved fabric and highly efficient heating system means that the proposed homes are designed to achieve a 68% reduction against the relevant carbon emissions target in current Building Regulations. Given the City’s important ambition to be zero carbon by 2028 we believe that the Fruit Market (and other Blueprint schemes) are making a positive contribution to this aim which other projects do not appear to be making.

PV panels are to be offered as an optional extra to customers purchasing a home at Fruit Market along with a system that would connect the PV panels to the hot water cylinder. To include PV panels as standard would result in a blanket increase in pricing that would impact the affordability of the homes and is thought to be difficult to achieve in current market conditions.

With respect to viability, the financial appraisal provided by Blueprint in support of the application has been independently and rigorously evaluated in accordance with national and local planning policy.

Blueprint has worked on the regeneration strategy in the Sneinton Market area of Nottingham since 2008, initially with Nottingham Regeneration Limited and subsequently with Nottingham City Council. The vision has always been to create a bridge between the City Centre and residential neighbourhoods to the east by undertaking transformative development alongside significant public investment in infrastructure and buildings.

The Fruit Market development supports the regeneration aspirations of the area in that it provides diversity to the housing mix via the delivery of large, low-carbon family homes in the City Centre. The Fruit Market project is recognised as being innovative and of high design quality and was recently awarded the ‘Building for a Health Life’ award at the 2023 Housing Design Awards - the only awards that are promoted by all 5 of the major institutions – RICS, RIBA, RTPI, Landscape Institute and Chartered Institute of Architectural Technologists.

Fruit Market falls below Blueprint’s typical financial performance thresholds without any S106 contributions. Its proposed delivery is testament to the importance that Blueprint also places on the environmental and social outputs of projects. Fruit Market excels in these areas, providing large, low-carbon, high-quality townhouses in the City Centre where market provision is currently limited to apartments and student accommodation. It is highly doubtful that any other developer would promote a scheme of such high standards of sustainability in the absence of a Local Plan Policy requiring such performance standards.”

- 3.4 It is therefore considered that no further amendments are appropriate and that the application be determined in accordance with the above recommendation. The draft decision notice reflects amendments to the conditions in line with the consultee comments previously reported as updates.

## Previous Report (incorporating updated consultee comments)

- 3.1 The application site is located between Bath Street and Brook Street. It previously formed part of Victoria Leisure Centre prior to its redevelopment and there were also short terraces of Council housing onto Brook Street.
- 3.2 The new Victoria Leisure Centre and its historic clock tower and The Ragged School (listed Grade II), occupied by Nottinghamshire Wildlife Trust, are to the east of the site across Bedford Row. Park View Court flats (listed Grade II) is to the west on Bath Street. The Bath Inn public house (listed Grade II) and Victoria Park are opposite to the north across Bath Street. Hockley Point and iQ student accommodation buildings are to the south across Brook Street.
- 3.3 The northern/Bath Street area of the application site falls within the Sneinton Market Conservation Area. The application site also remains allocated in the LAPP as a residential development site (SR54 Creative Quarter - Brook Street East).
- 3.4 Outline Planning Permission for the development of the application site and associated area of cleared land granted on 30.11.2018 (17/00751/POUT) for a development of up to 43 houses, apartments and duplexes. Approval of Reserved Matters was subsequently granted on 02.05.2019 for a first phase of development of 13 dwellings. The construction of those dwellings is now close to completion and occupation, with the development being marketed under the name Fruit Market.
- 3.5 The period allowed for the submission of further Reserved Matters applications has since expired and therefore the current application seeks to re-establish a planning permission for the redevelopment of the remaining vacant areas of the site.

## **4 Details of the proposal**

- 4.1 The planning application proposes the development of 22 townhouses, 4 duplex apartments and an ancillary commercial building. The proposed layout follows the pattern of the established road layout and also includes the completion of a partially formed link road between Bath Street and Brook Street. Frontages to Bath Street and Brook Street are therefore reinstated, with further houses also fronting the new link road. The scale of development is proposed as being three and four storeys, with the four storey corner buildings onto Bath Street and Brook Street providing the duplex apartments. The townhouses are arranged around central communal courtyard spaces, with adjoining short back yard spaces. Car parking is proposed to be provided on-street along the completed link road and on an associated new link section of Bedford Row. The ancillary commercial building is proposed to replace an existing garage/storage building to the rear of Park View Court flats. The proposed building would potentially be made available for community use, having a ground floor multifunctional space and a first-floor mezzanine space. The building would front onto the new link road.

## **5 Consultations and observations of other officers**

### **Adjoining occupiers consulted:**

85 neighbouring properties have been individually notified, including:

The Ragged School, Brook Street  
Victoria Leisure Centre, Gedling Street

1 – 80 Park View Court, Bath Street  
44 – 46 Bath Street  
Bath Inn, 1 Handel Street  
Hockley Point, 2 Boston Street

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

The following comments have been received:

**City Resident:** Although much is sustainable about this application there is little consideration of sustainable travel. There is, for example, no provision for cycle parking although there is plenty of space available.

Given the location the applicant should prohibit car parking rental by incoming householders, and this should be covered in a planning condition.

Note that there is no travel plan or transport assessment submitted. Such a document would focus minds on sustainable travel, including local commuting. Passing reference to nearby cycle facilities including parking hoops is effectively irrelevant.

**Nottingham Civic Society:** No objection in principle to the layout and general architectural approach to the design of new houses on the vacant site bordered by three listed buildings and within the Sneinton Market Conservation Area. The application site lies within the settings of the former Ragged School on Brook Street and Park View Court on Bath Street, both Grade II. NCS considers that the proposed development would not harm the settings of these listed buildings and would enhance the character of the conservation area.

NCS does have some reservations though, about the colour of the brickwork depicted. The houses should not be constructed in buff coloured bricks but rather in a red / orange tone which would integrate well with the heritage buildings on each side (Park View Court and the Victoria Leisure Centre.) In Phase 3, plots 29 and 30 are positioned very close the back of the Victoria Leisure Centre complex and would have a very poor outlook.

Detailed sections for the buildings will be needed to safeguard design quality.

**Additional consultation letters sent to:**

**Highways:** Recommend approval subject to conditions and informatives.

Update: In confirming the recommendation to approve subject to conditions, it is advised that the highway authority will only adopt areas that serve a public utility purpose or provide access. Other areas are to be maintained by the applicant. Details can be resolved through the S38 process. A residents parking scheme will need to be put in place which comes with its own timescales, consultations and processes at cost to the applicant. Travel Packs for each dwelling are required to promote sustainable travel choices so that residents do not own a private car.

**Environmental Health:** No objection. The recommendations of the contaminated land report are acceptable. Recommend conditions requiring verification of contamination remediation and implementation of approved sound insulation scheme.

**Biodiversity:** The proposed development will result in the loss of biodiversity from the site. Although we are not yet in the period of requiring mandatory 10% net gain in biodiversity (as measured by the metric calculations), we do require development such as this to provide gains for biodiversity as well as ecological enhancement measures under existing Policy 17 of the Core Strategy and Policy EN6 of the Local Plan, as supported by the adopted Biodiversity SPD. At present there is only very little provision of landscaping or habitat creation proposed onsite, and therefore the recommendations contained within the ecological appraisal should be implemented.

In addition to this, various protection measures and ecological enhancement measures have been recommended in the report, which should be secured through planning. A construction method statement should be secured to ensure that the reasonable avoidance measures are adhered to, lighting considerations to prevent adverse impacts to bats during construction and operational phase, and measures to avoid impacts to hedgehog and other small mammals during construction.

A plan showing the necessary ecological enhancement measures should also be secured through planning, to include the recommendations contained within – integrated bird nest boxes included within each dwelling, including specific provision for black redstart; the inclusion of bat bricks; and holes in fencing to allow passage of hedgehog through the site. Although this plan may, in theory be conditioned, the inclusion of these features needs to be considered and acted upon now so that it is possible to include these features in architects' drawings and it is not left too late to integrate these features into the fabric of the buildings and the landscaping.

**Education:** S106 claim of £66,072 for secondary places only - as there is a current and foreseeable shortfall in secondary places both in that area and city wide. However, we expect there will be sufficient primary capacity and therefore there is no claim for this.

**City Archaeologist:** The caves assessment concurs with my view that there is high potential for the presence of a cave within this site, specifically within the area of the former Red Cow beerhouse. Such a cave would be of local-regional significance and would need to be considered in relation to Policy HE2,

A condition is required to ensure the site is investigated through cave probing to establish the presence/absence of caves. The methodology for cave probing must be agreed prior to commencement of the investigations. Should a cave be encountered, then we would need investigation of the cave, by a suitably qualified and experienced archaeological contractor. The applicant would also need to submit, for approval by the Local Planning Authority, a foundation design and layout of services, that shows such works can be carried out without impacting any caves.

Archaeological fieldwork has been undertaken at this site and I am satisfied that no further surface archaeological work is required in advance of determining this application or as a condition of planning permission.

Update: The cave probe locations and spacings have been agreed, focussing on the area around the historic site of the Red Cow. Caves in this area are most likely to be associated with beerhouses and other drinking establishments, so there is low potential for caves away from the known beerhouses/pubs/inns.

**Carbon Neutral Policy Team:** Our overall impression is that this proposal will on balance have a positive climate impact, and it is for this reason we offer a supportive stance to this proposal.

**Flood Risk Management Team:** The EA's flood maps indicate that Brook Street & Bath Street is at risk of surface water flooding adjacent to the site. Whilst the site sits outside of the area at risk, we would advise the applicant to ensure that there is safe access and egress available for the occupants/users. The applicant should be mindful if altering levels and ensure that their proposals do not increase flood risk off site.

We always appreciate opportunities to make improvements to reduce downstream impacts and welcome the inclusion of SuDS within the drainage design and look forward to seeing this progressed at detailed design. The drainage design includes tree pits and raingardens alongside geocellular storage. Given the amount of paving proposed in the design we would encourage the applicant to consider permeable features e.g., permeable block paving to minimise the impact of the site.

The proposed drainage should be summarised as a sustainable drainage strategy or statement and contain the following outstanding information:

- Site plan showing impermeable area
- Topographic survey of the site
- Details on the existing surface water drainage arrangements for the site
- Existing & proposed rates and volumes of surface water run-off generated by the site
- Appropriate evidence to support how the site will drain
- Details on management & maintenance of drainage system – specifically SuDS features within private gardens
- Exceedance Plan - a plan is required that shows how flows will be managed safely within the site if the system fails, blockages occur, or design exceedance arises. Flows should be contained within the site to ensure that there is no increase of flood risk off site.

There was a warning in the Microdrainage Calculations that stated, “half Drain Time has not been calculated as the structure is too full”. Can this be explained please?

Any existing drainage infrastructure to be used on site should be surveyed to check they are fit for purpose, with any necessary repairs made or prior to removal.

Update: Have reviewed the information provided and recommend conditions relating to (i) detailed design and associated management and maintenance plan of surface water drainage, (ii) management of surface water on site during construction of the development, and (iii) pre-occupation verification that the drainage system has been constructed as per the agreed scheme.

## **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.

### **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 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

### **Land and Planning Policies (LAPP) (2020)**

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

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

Policy HE2: Caves

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy SA1 - Site Allocations (SR54 Creative Quarter - Brook Street East)

Policy TR1: Parking and Travel Planning

## **7. Appraisal of proposed development**

### **Main Issue**

**Layout, scale and appearance in relation to neighbouring occupants, the character or appearance of the Sneinton Market Conservation Area, and the setting of adjacent listed buildings.** (ACS Policies 8, 10 and 11, LAPP Policies HO1, SA1, DE1, DE2, and HE1)

7.1 The LAPP allocates the application site for Class C3 residential use. The principle



of the redevelopment of this longstanding vacant site for residential use is therefore considered to be appropriate to neighbouring developments and the wider area. There have been no objections to the proposed residential use of the site.

- 7.2 Whilst the density of proposed development is higher than other existing housing on Brook Street, it is also lower than could have been anticipated for the site at this location on the edge of the city centre and relationship to the higher density Park View Court flats.
- 7.3 The proposed development repeats the layout and format of townhouses arranged around a central communal courtyard space that has been developed on the neighbouring site as Phase 1 of the Fruit Market development. The proposed layout provides a logical pattern of dwellings that front onto the roads and internal courtyard spaces. Whilst it is recognised that the internal courtyard spaces created are reliant upon a high degree of communal amenity, it is considered that this compact model is appropriate to the location of the site, including its proximity to local facilities and the city centre.
- 7.4 Outline planning permission had previously been granted for the continuation of the development in the format proposed, but this permission has lapsed prior to development commencing on these further phases. No material changes have occurred within the area that would significantly affect the principle of development continuing in the manner as previously approved and therefore the density and layout of proposed development is considered to remain appropriate to the site and area.
- 7.5 The terrace of dwellings proposed onto Brook Street is considered to respond well to the roofscape of the Grade II listed Ragged School building, including a serrated roof profile and curved corner onto Bedford Row, which reflect elements of the Ragged School. The elevation and stepped profile of the terrace of dwellings proposed onto Bath Street is similarly considered to respond well to the Victoria Leisure Centre and the Grade II listed Park View Court flats, with a taller maisonette building onto the new link road defining the corner of the proposed development in addition to marking a transition in scale between the proposed development and its taller neighbour.
- 7.6 The appearance of the proposed dwellings follows the same design cues as Phase 1, having a contemporary aesthetic. There is rhythm to the terraces through the use of their roof forms, fenestration, and detailing, but with each terrace also having individual elements that will contribute to the appearance and identity of the development as a whole.
- 7.7 There is a main brick colour to each terrace, which is then complemented through the use of a contrasting brick colour to inset panels and other detailing. This is also evident on Phase 1. The comments of Nottingham Civic Society regarding the tone of brick colours to be used on Bath Street are noted. The brick colour palette of this terrace has now been amended by the applicant to a red/brown brick that is intended to mediate between the tones of the Park View Court and Victoria Centre buildings. Final selection would be via a condition of planning permission. Further amendments have also been made to the high-level brick detailing to provide breaks and to reinforce the visual rhythm of this terrace.
- 7.8 The concerns of Nottingham Civic Society regarding the position and outlook of two of the proposed dwellings to the rear of the Victoria Leisure Centre are also noted.

It is considered that the internal layout of these dwellings have maximised the available opportunities for outlook within this part of the site and do include an outlook down Bedford Street as well as an eastern outlook towards Sneinton Market Square. It is therefore considered that this layout at this part of the site is appropriate within the given constraints.

- 7.9 With regard to the comments from the City Resident, a shared, covered store adjacent is being provided adjacent to the Victoria Leisure Centre and further wall mounted bike racks are to be included in each of the rear yards. The highly sustainable location of the site is also noted below. Whilst it would be unreasonable prohibit car parking rental by incoming householders by planning condition, the intention for the proposed on-street car parking to form part of a residents parking scheme is also noted below.
- 7.10 The layout, scale and appearance of the proposed development is considered to be appropriate to neighbouring developments and would enhance the character and appearance of the Sneinton Market Conservation Area.
- 7.11 It is considered that the proposed development is considered to be appropriate to neighbouring developments and would make a positive contribution to the character and appearance of the Sneinton Market Conservation Area in accordance with Policies 8, 10 and 11 of the ACS and Policies HO1, SA1, DE1, DE2 and HE1 of the LAPP.
- 7.12 In reaching the above conclusion the Council has fulfilled its duty under section 72 of the Listed Building and Conservation Area Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance.
- 7.13 It is considered that there are significant public benefits through the redevelopment of a long-standing vacant site within the Sneinton Market Conservation Area. Whilst the proposed development would alter the setting of the neighbouring listed buildings of Park View Court, The Ragged School, and The Bath Inn, it is considered that the proposed development has positively accounted for these relationships in terms of its layout, scale and appearance. It is therefore considered that the proposed development would amount to less than substantial harm to the setting of these designated heritage assets in accordance with Paragraph 202 of the NPPF.

### **Other Matters**

- 7.14 The comments of the City Archaeologist are noted. The applicant is progressing with the recommended cave probing investigations, with locations and spacing having been agreed with the City Archaeologist. An update will be provided to Committee, having regard to LAPP Policy HE2.
- 7.15 The response of the Flood Risk Management Team is noted and has been raised with the applicant, who has provided further information that is under review. An update will be provided to Committee, having regard to LAPP Policy CC3.
- 7.16 The detailed design of the access road is being concluded with Highways and an update will be provided to Committee. The access road has already been formed to base level as a previously funded project that was initially designed by the Highways team. The applicant is finalising the detailed design in association with

the delivery of the proposed development. It is considered that the proposed level of on-street parking to be provided accords with ACS Policy 14 and LAPP Policy TR1 and a final update will be provided to Committee.

- 7.17 The response of Environmental Health is noted and, subject to conditions, it is considered that the proposed development accords with LAPP Policy IN2.

## **8. Sustainability / Biodiversity**

- 8.1 The Energy Statement submitted indicates that there would be a 68.02% reduction in CO2 above current Building Regulations, with a robust 'fabric first' approach to the build specification. The dwellings are proposed to be all-electric with space heating and hot water all provided by air source heat pumps. All dwellings are to achieve an EPC rating of B as a minimum.
- 8.2 The site is in a highly accessible location, being close to local amenities and the city centre, public transport, and walking and cycling routes. Therefore, no off-street car parking spaces have been included, with proposed on-street parking provision being made and intended to form part of a residents parking scheme.
- 8.3 The response of the Carbon Neural Team is noted and the proposed development is therefore considered to accord with LAPP Policy CC1 and ACS Policies A and 1.
- 8.4 The response of the Biodiversity Officer is noted and the applicant has now indicated positions for integrated bird nest boxes and holes in fencing to allow passage of hedgehog through the site. Details of the provision of bat bricks are to follow or can be a condition of planning permission and the proposed development is therefore considered to accord with ACS Policy 17 and LAPP Policy EN6.

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

- 9.1 In accordance with ACS Policy 19; LAPP Policies HO3, EN2, and IN4; Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance; The Provision of Open Space in New Residential and Commercial Development Supplementary Planning Document; and the Education Contributions from Residential Developments Supplementary Planning Document the proposed development would be expected to provide on-site affordable housing or a contribution to off-site provision, on-site open space or the provision of additional areas of open space elsewhere, and financial contributions to be directed to funding works associated with addressing the increased pressure on existing school provision that a development will generate. In the absence of appropriate provision being made on site, the S106 contributions that would be attributable to each of these areas would have been as follows:

Affordable Housing: £282,497.80

Public Open Space: £84,195.34

Education: £66,072

Employment & Training: not progressed in context of the conclusion of the viability appraisal

- 9.2 The applicant has submitted a viability appraisal with the application, which has been independently assessed by the Council's consultants. The independent assessment agrees that the scheme is unable to provide a policy compliant S106. On the basis of the conclusions of the independent assessment of the applicant's

viability appraisal it is therefore accepted that no S106 contributions are justified in this instance, and it in these circumstances it is considered that the proposed development accords with ACS Policy 19 and LAPP Policy IN4.

- 9.3 The response of the Education team is noted but is not able to be accommodated in the context of the conclusion of the viability assessment.

## **10 Financial Implications**

As noted above, contributions totalling £432,765.14, secured through Section 106 obligations, are required to comply with the council's planning policies. The applicant has submitted a viability assessment seeking to demonstrate that the development would be unviable if these contributions are made. The viability assessment has been the subject of an independent review process and the recommendation reflects this.

## **11 Legal Implications**

Under s 66 Planning (Listed Buildings and Conservation Areas) Act 1990, in determining an application which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The duty in s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 must also be considered as a material consideration in the planning balance.

The Committee must afford considerable importance and weight to the "desirability of preserving... the setting" of listed buildings when weighing this factor in the balance with other "material considerations" which have not been given this special statutory status.

A finding of harm to the setting of listed buildings is a consideration to which the Committee must give "considerable importance and weight, when weighing up the harm, against any benefits or countervailing factors. However, that does not mean to say that a strong presumption against granting permission for development that would harm the listed building and or its setting, cannot be outweighed by substantial public benefits so as to rebut that presumption.

It is also necessary for a Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, as designated heritage asset, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, 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 historic dimensions or ingredients of the judgment is a matter which section 72 clearly leaves to the decision-maker in each individual case.

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

## **12 Equality and Diversity Implications**

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

## **13 Risk Management Issues**

None.

## **14 Strategic Priorities**

Helping to deliver well-balanced neighbourhoods with a mix of housing types that meet Nottingham's future needs.

Ensuring that all planning and development decisions take account of environmental and sustainability considerations.

## **15 Crime and Disorder Act implications**

Improved surveillance and community safety.

## **16 Value for money**

None.

## **17 List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 23/01379/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZ245VLYK3X00>

## **18 Published documents referred to in compiling this report**

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

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

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

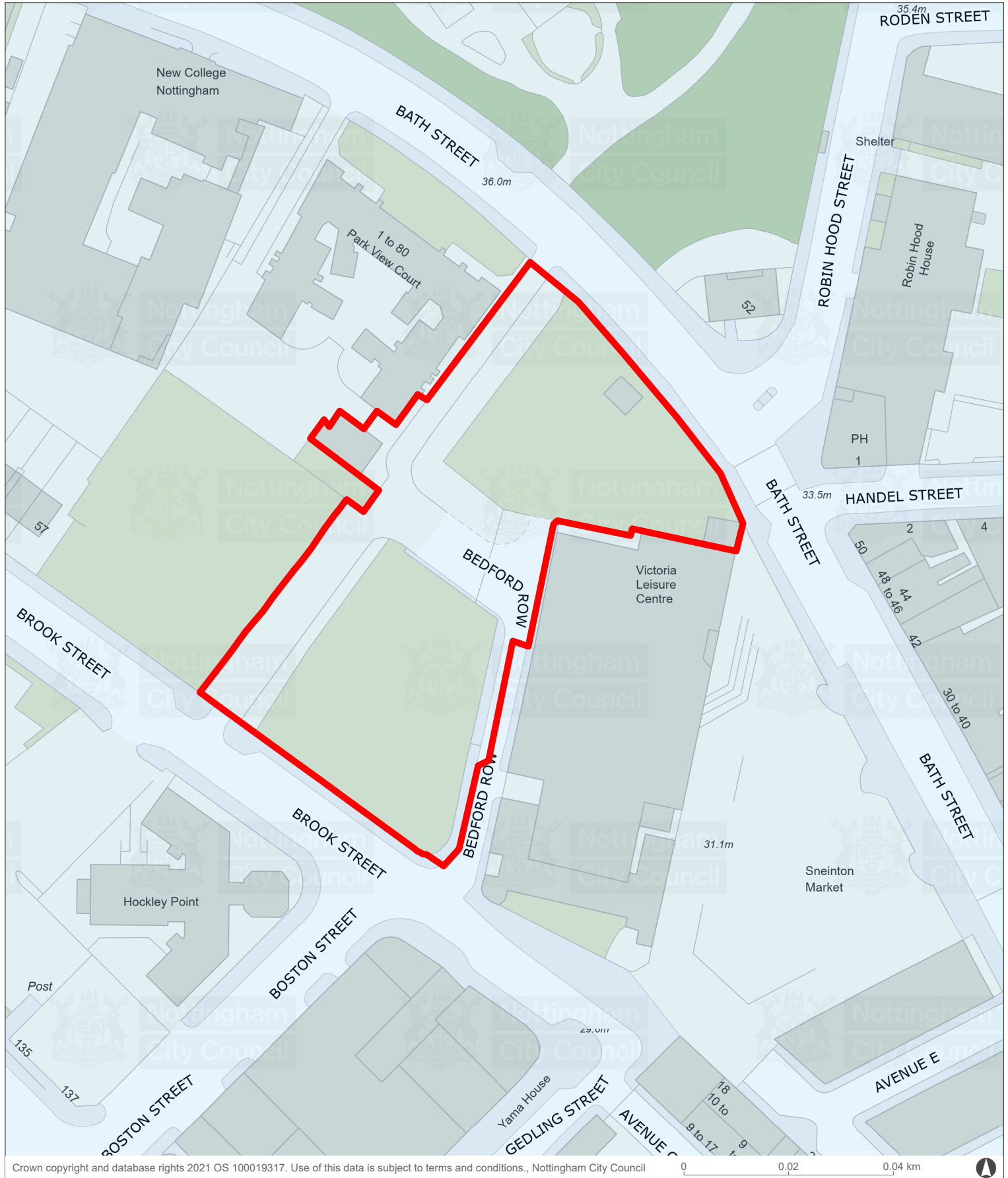
Education Contributions from Residential Developments Supplementary Planning Document

### **Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

# Nomad printed map



Key  
 City Boundary

Printed map generated by a Nomad user on 12/12/2023. This map is not suitable for publishing, for high quality maps please contact [gl@nottinghamcity.gov.uk](mailto:gl@nottinghamcity.gov.uk).

Description  
A map printed from Nomad.

**My Ref:** 23/01379/PFUL3 (PP-12344961)  
**Your Ref:**  
**Contact:** Mr Jim Rae  
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**Nottingham  
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Blueprint Regeneration Ltd Mr Alec Hamlin  
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Nottingham NG1 1PS.

Date of decision:

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

Application No: 23/01379/PFUL3 (PP-12344961)  
Application by: Blueprint Regeneration Ltd Mr Alec Hamlin  
Location: Land Southeast Of Park View Court, Bath Street, Nottingham  
Proposal: Construction of 22 townhouses, 4 duplex apartments and an ancillary commercial building.

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. No phase of the approved development shall be commenced until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the Construction Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document.*



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3. No phase of the approved development shall be commenced until a detailed design and associated management and maintenance plan of the surface water drainage for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

*Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document.*

4. No phase of the approved development shall be commenced until such time as details in relation to the management of surface water on site during construction of that phase has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document.*

5. No above ground development of each phase of the approved development shall be commenced until sample panels of all proposed external materials to be used in the construction of that phase has been submitted to and approved by the Local Planning Authority in writing before any above ground development commences. The development shall thereafter be carried out in accordance with the approved materials.

*Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document.*

#### **Pre-occupation conditions**

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

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

A Verification Report, by an independent environmental consultant, which shall include the following;

- i) Verification that the made ground has been removed to a depth of 1m below the intended ground level or alternatively as far as the underlying clean subsoil in each of the rear gardens.
- ii) Verification that clean material has been imported to ensure that the top 1m of ground is free of contamination.
- iii) Documentation demonstrating a sufficient level of in-situ soil testing verifying that the material is suitable.\*

*Reason: To ensure that the residential occupiers do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document.*



7. Prior to first occupation of each phase of the approved development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that the residential occupiers do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document.*

8. Prior to the first occupation of each phase of the approved development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system for that phase has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

*Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document.*

9. Prior to first occupation of each phase of the approved development, cycle parking provision for that phase shall have been implemented and available for use in accordance with the approved details.

*Reason: In the interests of encouraging sustainable modes of transport in accordance with Policy TR1 of the Land and Planning Policies Development Plan Document.*

10. No part of the development hereby permitted that adjoins a redundant footway crossings shall be occupied until that footway crossing has been reinstated with full height kerbs.

*In the interests of highways safety and in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document.*

### **Regulatory/ongoing conditions**

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

11. The approved landscaping scheme for each phase of the approved development shall be carried out in the first planting and seeding seasons following the occupation or the completion of that phase whichever is the sooner, and any trees 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 will be satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document.*

12. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

*Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.*

**(Note: This condition affects the requirements of the Building Regulations that apply to**



**this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)**

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 16 August 2023.

*Reason: To determine the scope of this permission.*

**Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

**3. Highways**

**HIGHWAY LICENCES**

1. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway MAY be occurring and licences will be required. Please contact them via [highway.approvals@nottinghamcity.gov.uk](mailto:highway.approvals@nottinghamcity.gov.uk). All costs shall be borne by the applicant.

**PREVENTION OF MUD ON THE HIGHWAY**

2. It is an offence under Section 148 and S151 of the Highways Act 1980 to deposit mud on the public highway, and as such you should undertake every effort to prevent it occurring.

**SECTION 278 AGREEMENT**

3. In order to carry out the off-site highway works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake works you will need to enter into an agreement under Section 278 of the Act. The applicant must contact the Technical Services Team via email at [highway.agreements@nottinghamcity.gov.uk](mailto:highway.agreements@nottinghamcity.gov.uk) to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

**SECTION 38 ROAD ADOPTION**

4. Section 38 - road adoption If the applicant is to pursue an adopted highway, a S38 agreement is to be entered into and necessary technical details and processes followed to achieve the access and other estate roads as suitable for adoption. Vehicle tracking and other technical assessment



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details are necessary. The applicant is to contact [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) to pursue further.

## COMMUTED SUMS

5. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is c.£1,500 per tree. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Highway Technical Services & Systems via [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk).

## TRAFFIC CALMING & STREET TREES

6. The applicant is to consider providing traffic calming on the new adopted highway with street tree build outs. Please contact [Alex.Begg@nottinghamcity.gov.uk](mailto:Alex.Begg@nottinghamcity.gov.uk) to pursue tree species and placement alongside the S278 works.

## TRAFFIC REGULATION ORDERS (TROs)

7. Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management via [highway.approvals@nottinghamcity.gov.uk](mailto:highway.approvals@nottinghamcity.gov.uk) to instigate the process. For TRO advice and further information the applicant is advised to contact: [traffic.management@nottinghamcity.gov.uk](mailto:traffic.management@nottinghamcity.gov.uk).

8. Residents parking scheme - The new parts of highway will require a 20mph speed order to ensure consistency with neighbouring streets - we generally look to charge £8,000 for a speed order and would expect the developer to install all associated speed limit signing.

9. A Traffic Regulation Order will also be required for the Permit scheme and will be a maximum of £15,000, this will include all required signing and lining. This is to incorporate the necessary changes to Brook Street. (Please note that the plans seem to indicate specified parking places, but this will not be the case on the highway).

10. No Entry restrictions are already in place, so potentially no further moving restrictions will be needed. The developer will need to ensure the installation of any signs/lines for these locations.

11. The parking restrictions will not be enforced by NCC until the completion of the TRO, the allocation of permits and the completion of the necessary legal agreements recording that the highway has entered the maintenance period for adoption. Until this time, NCC are legally unable to carry out any enforcement. As such, any phased completion of construction works may impact on the finalisation and enforcement process.

12. The applicant WANTS a residents parking scheme to be implemented but this does not allow for any allocated parking due to on street being for any member of the public unless in a scheme. The applicant has proposed 35 NEW parking spaces but if these are in the public highway they are not under the applicant's control or management. As such NONE of the houses have any allocated car parking. This is ONLY acceptable in this location subject to the following:

a. Cycle parking at each residence with details of cycle parking provision that is lit, secure and covered - this needs to be shown on the submission



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- b. Cycle parking provision of parking within the 'square' for visitors
- c. Good 2m width pedestrian footways with good lighting and an ability to support mobility impaired and vulnerable road user groups
- d. Travel Plan packs for each dwelling with submission of what this will contain to promote sustainable transport
- e. A consideration for an on street, car share scheme
- f. A consideration for any on street electric vehicle charging points (EVCP) - discussions as to potential sites with [rasita.chudasama@nottinghamcity.gov.uk](mailto:rasita.chudasama@nottinghamcity.gov.uk)

#### CYCLE PARKING

13. If the applicant requires information on cycle parking including stands and cycle maps please contact the email address requesting support: [CyclingTeam@nottinghamcity.gov.uk](mailto:CyclingTeam@nottinghamcity.gov.uk). All associated costs for cycle storage and promotional material at the applicant's expense.

#### SUSTAINABLE TRANSPORT

14. For details of the Travel Plan and packs the applicant is to contact Tim Bellenger [tim.bellenger@nottinghamcity.gov.uk](mailto:tim.bellenger@nottinghamcity.gov.uk)

#### PARKING

15. Electric Vehicle Charging Points (EVCP) - the applicant is to consider provision for on street rapid EVCP as These are to have infrastructure that is safe and secure for use in a public car park.

16. The applicant is to IMPLEMENT on street, car parking management plan with either a RESIDENTS PARKING PERMIT SCHEME or with TRO's. This is to control car parking allocation of space. The on street parking spaces are NOT ALLOCATED to residents and will be available as public facility spaces.

#### WASTE COLLECTION & BIN STORE

17. Bins left unattended on our highway are fined and should not block any footway or carriageway. Bin store locations may require a kerbside collection point to store individual dwelling bins. Waste operatives should not need to enter onto private property to carry out refuse collection. The applicant is to contact Jason Martyn [Jason.Martyn@nottinghamcity.gov.uk](mailto:Jason.Martyn@nottinghamcity.gov.uk) in the first instance to liaise on an acceptable waste management strategy and collection agreement.

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: 23/01379/PFUL3 (PP-12344961)

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](mailto: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.



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