

Report of Director of Planning and Transport

The Bakersfield Public House, Oakdale Road, Nottingham

1 Summary

Application No: 23/01444/PFUL3 for planning permission

Application by: Hockley Developments

Proposal: Erection of 13 houses and eight one-bed (Class C3) supported living apartments following demolition of existing public house.

The application is brought to Committee because planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies on viability grounds.

To meet the Council's Performance Targets this application should have been determined by 29th February 2024. An extension of time has been agreed with the applicant until 30th September 2024.

2 RECOMMENDATIONS

2.1 To GRANT PLANNING PERMISSION subject to: -

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

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

3 SITE AND SURROUNDINGS

3.1 The proposed site covers the entire premises of The Bakersfield Public House on Oakdale Road, otherwise situated within a primarily residential area of largely two storey houses. To the north (rear) of the site is a playground and to the east is a medical centre. To the west and south, across Oakdale Road, are dwellinghouses.

3.2 The Bakersfield PH is a two storey building with single storey flank elements and a brick and tile finish. The site is enclosed on the Oakdale Road frontage with a low brick wall and in front of this is a bus stop. Two vehicular accesses serve a large customer parking area to the front and sides of the building.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the demolition of the existing pub and erection of 13 houses and 8 x 1 bed supported living apartments.
- 4.2 The proposed houses comprise a mixture of semi-detached (x10) and detached family dwellings (x3) with parking provided either to the front or side of the properties. The houses are two storeys in height with an additional bedroom accommodation within the roof space. All houses are to be provided with an Electric Vehicle Charging Point (EVCP) and dedicated bin store.
- 4.3 The proposed assisted living apartment building would be two storeys in height and front Oakdale Road, with three parking spaces and associated cycle parking, bin storage and landscaped areas.
- 4.4 The development is to be accessed by a newly adopted road in a similar position to the existing property's western most vehicular access.
- 4.5 The proposal has been subject to a number of design changes since the original submission.

6 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

49 Neighbouring properties were notified by letter, a site notice posted and press notice published. The latest consultation period ended on 21.06.2024.

4 representations of objection have been received, raising the following concerns:

Comments received during 1st consultation:

- The anticipated rise in social activities such as family gatherings and potential noise disturbance, especially during the summer months, could significantly impact the neighbour's peace and tranquillity.
- Living within close proximity to a substantial number of additional properties would exacerbate the neighbour's anxiety. Impact of the development on the existing residents, especially those who are vulnerable due to age and health issues, needs to be considered.
- Whilst supportive of the development of houses on the site of The Bakersfield Public House, they are concerned about the parking and increased cars. Request plenty of parking to accommodate the new properties so that cars do not overflow onto an already difficult road for parking.
- Very much against the idea of opening up the fence to allow access through to the park area as they feel this to be detrimental to the neighbouring residents and would increase anti-social activities within the area.

- Opening up another exit/entrance to the park would also be to the detriment of child safety. At the moment young parents can take little ones into the park, close the gate and they can play safely. With two exits this cannot happen.

Comments received during 2nd Consultation:

- While welcome the reduction in the number of properties along their boundary in the revised scheme, still believe the revision does not go far enough. The new proposal is still excessive and imposes an undue burden on living conditions.
- The revised plans suggest replacing the existing fence or wall on the neighbour's boundary with bushes, which is entirely unacceptable. The integrity and security of the boundary must be maintained as it currently stands, with a proper fence or wall.
- Development is too intensive. Loss of light and privacy for the neighbouring surgery whose grounds would be overlooked/overshadowed. It will restrict road access for parking for the neighbourhood.

Ward Councillors: The absence of an entrance into the park is a lost opportunity to increase surveillance of the park which is often where anti-social and criminal behaviour (drugs) takes place because of its hidden nature. A pathway through the park would have meant more people walking through and it becoming a less desirable place for these unwanted activities.

A few neighbours have worries concerning the proposed development. It says the housing is to be created for vulnerable adults which could mean a number of needs, but not knowing what exactly vulnerable adults means it's hard not to become concerned for young children and neighbours. This area feels like a quite safe area full of families. As you can imagine housing a large number of vulnerable adults can create its own risks to the neighbouring families.

Nottingham Civic Society: Has reservations about the density of the proposed housing layout replacing the former pub in Bakersfield. The pedestrian entrance to Parkdale Playground is not wide enough for a public route, the occupiers of Plot 8 would seek to screen their front curtilage for privacy, resulting in a narrow, enclosed corridor entrance which will become a community safety hazard. Removing one of the dwellings from plots 9-13 would enable a suitably landscaped approach to be created which would act as a focus for the new development's design.

The apartment block has been squeezed onto a site which is much too small for it – insufficient curtilage space has been left around the building to allow for any outlook from the kitchen windows on the side elevations. The occupiers of the supported living accommodation deserve more generous outdoor amenity space than the small, enclosed yard on the north side of their building. The area occupied by Plot 14 should be absorbed into the apartment

building curtilage allowing for a generous landscaped approach from Oakdale Road, with active overlooking from apartments with windows facing south and west.

The overall streetscape design is dominated by hard surfacing to accommodate car parking. The very narrow planted buffers (resembling little more than pot plants) between the paired dwellings would soon be overrun by manoeuvring vehicles and removed for convenience. The resulting streetscape is overwhelmingly hard, visually unappealing and unsustainable in terms of permeable drainage. As a result, the development does not represent sustainable development without a reduction in the number of dwellings on site. At present, the scheme fails to deliver new housing in accordance with the Council's own Design Quality Framework.

Additional consultation letters sent to:

Highways: No objection subject to conditions relating to:- a construction traffic management plan, details of highway design, provision of vehicular and cycle parking.

Drainage: No objection subject to conditions relating to a sustainable drainage strategy or statement.

Parks/Greenspace Team: There would be a very narrow access into the open space that would end up being gated. Natural surveillance would not be improved. There would be no footpath into or through the site so usability by or for local residents would be diminished. Given the current access issues (the site is currently locked nightly) this is unlikely to improve the situation and may well mean additional costs potentially involved in locking both entrances. At this moment in time, they are against the proposal given the nature of the above.

Biodiversity Officer: No objection. Details of planting and biodiversity enhancement measures such as hedgehog friendly fencing and bat and bird boxes need to be secured through condition.

Nottinghamshire Police: After further consultation with stakeholders and a review of the development plan, it is recommended that the footpath which leads from the cul-de-sac, past plot 9 and onto the open space area is removed.

Carbon Neutral Policy Team: Not sufficient information to carry out a full carbon impact review. Demolition and new build will result in significant emissions through the embodied carbon of the materials. Although recognise that it has been assessed that there is a greater overall value in the construction of new buildings on the site. Would welcome environmental consideration both in minimalising energy use and employment of sustainable materials. Specific details of the energy efficiency measure to be undertaken at each property type are not provided here. Would like to see low carbon heating and/or renewable energy generation (solar PV) included to exceed the

constructor's minimum EPC rating of B.

From the information available, our overall impression is that this proposal will on balance have a minor additional carbon impact, and it is for this reason we offer a neutral stance to this proposal.

7 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2023)

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.

Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

Making effective use of land: Paragraphs 123-127 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving well-designed places: Paragraphs 131-141 are focused on achieving the creation of high quality buildings and places. Paragraph 131 notes that the creation of high quality, beautiful buildings, and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 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); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (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 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 EE4: Local Employment and Training Opportunities
Policy HO1: Housing Mix
Policy HO3: Affordable Housing
Policy HO4: Specialist and Adaptable Housing
Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy LS4: Public Houses outside the City Centre and/or designated as an Asset of Community Value
Policy TR1: Parking and Travel Planning

Supplementary Planning Documents (SPDs)

Biodiversity SPD (2020)

8 APPRAISAL

Main Issues

- (i) Loss of Public House
- (ii) Principle of the Development
- (iii) Layout, Scale and Design
- (iv) Impact on the Amenities of Surrounding Residents and Future Occupants
- (v) Highway Considerations including Pedestrian Link to Playground
- (vi) Flood Risk and Drainage
- (vii) Other Matters, including Planning Obligations
- (viii) Sustainability and Biodiversity

(i) Loss of Public House (LAPP Policy LS4)

- 8.1 The proposal would result in the demolition of a public house which is currently vacant. Policy LS4 of the LAPP states that outside the City Centre, as shown on the Policies Map, or where a public house has been designated as an Asset of Community Value, planning permission (where necessary) will only be granted for redevelopment and/or change of use where:
- a) an alternative public house which meets similar needs to at least the same extent of the facility to be lost, is already available and is situated in the same locality;
 - b) it can be demonstrated that the proposal does not constitute the loss of a

service of particular value to the local community;
c) its loss does not result in a detrimental impact on the character and vitality of an area;
d) it has been clearly demonstrated that use as a public house is no longer economically viable, options for diversification have been appropriately explored and the site has been appropriately marketed.

- 8.2 There is a section within the design and access statement which has assessed the loss of the property against each of criteria set out within policy LS4 of the LAPP. The assessment identifies that there are other public houses in the immediate area which continue to operate and therefore provide alternative facilities to this property. There are 6 such premises within 15 minutes walk of the application site, including The Elewes Arms which is located on Oakdale Road and is a 14-minute walk (3-minute drive) from The Bakersfield. Reference is also made to other retail and F&B premises that serve the local community.
- 8.3 The tenant landlord for the 5 years prior to the closure of the pub has described how custom declined rapidly and resulted in the business at the end seeing a loss of £4000 per month, exacerbated by high energy costs. The premises were in need of significant refurbishment, but the owners (Admiral Taverns Ltd) and landlord were not willing to make such an investment given the poor trade. When the owners eventually decided to put the premises on the market there was no interest for continued use as a public house, particularly given the currently inefficient use of this large site and the potential for a higher density residential development. It is also noted that there have been no representations objecting to the loss of the pub.
- 8.4 Considering the above factors and the fact that this public house has not been designated as an Asset of Community Value, it is concluded that the proposed demolition would be in accordance with policy LS4 of the LAPP.

(ii) Principle of the Family Homes and Assisted Housing (Policy 8 of the ACS, Policies HO1, HO3 and HO4 of the LAPP)

- 8.5 ACS Policy 8 and LAPP Policy HO1 recognise that a general mix of housing tenures, types and sizes is desirable in order to create sustainable, inclusive and mixed communities. Policy HO1 of the LAPP states that outside of the City Centre where sites are capable and suitable of accommodating family housing, and in line with Policy 8 of the ACS, the City Council will encourage development of sites for family housing, including larger family housing (within use class C3), as opposed to other forms of residential accommodation. Whilst Policy HO1 has a particular emphasis on the provision of family housing, it also recognises that there may be instances where alternative provision could meet other aims of the City Council.
- 8.6 The proposed development with the mix of family and assisted living housing is considered to accord with the aims and objectives of these policies. All of family housing is provided with adequately proportioned gardens and each unit has dedicated parking spaces.

- 8.7 There has been a query from a ward councillor about the level of information provided with the application regarding the specific nature of the supported living use. The applicant has explained that this element of the proposed development would provide housing for vulnerable adults and is supported by the Council's Commissioning and Procurement Team. The apartments would be let to citizens who are eligible for support from Adult Social Care and who would have been assessed as being able to live independently in the community with an appropriate package of support. This support would be delivered through a 24-hour on-site staff presence, which would be delivered by a specialist provider who would be commissioned by the Council. The level of support given to individuals would be reviewed by the Adult Social Care Team. Each occupant would be party to a tenancy agreement and would be expected to adhere to the terms of that agreement.
- 8.8 Commissioning and Market Development Team of the Council has confirmed that this site is appropriate for the intended tenant profile. They have also confirmed there are no similar residential establishments of this nature in the immediate area, and hence no concerns of over-concentration for local residents. The character of the local community is not believed to be materially impacted by the proposed development.
- 8.9 In conclusion, it is considered that the proposed scheme would provide a balanced mix and size of house types to meet the future needs of the local community. The proposal is therefore considered to be in accordance with policy 8 of the ACS and policies HO1, HO3 and HO4 of the LAPP.

(iii) Layout, Scale and Design (Policy 10 of the ACS, Policies DE1 and DE2 and of the LAPP)

- 8.10 The scheme has been the subject of extensive negotiation with the applicant both prior to and since the submission of the application, resulting in a number of amendments to the layout and buildings.
- 8.11 The comments of the Civic Society regarding the original scheme are noted and amendments sought to address these. The number of plots has been reduced from 14 to 13 and the soft landscaping treatment across all of the properties increased with larger front gardens. The revised scheme has also removed the front 'wing' of the apartment block and replaced this with landscaping, thereby softening the appearance of the frontage.
- 8.12 Whilst it is felt that the revised layout is appropriate in relation to the site and its surroundings, there remain some outstanding detailed design issues, particularly relating to treatment of the road, that officers would wish to negotiate further. It is therefore recommended that these be addressed by condition.
- 8.13 The largely traditional design of the proposed dwellings would sit comfortably within the surrounding context of the site. The properties fronting Oakdale Road would be forward facing and in-keeping with the street scene.

- 8.14 The material palette is taken from the characteristics of the existing dwellings along Oakdale Road. The majority of properties are a mix of white render on the first floor and red brick to the ground floor, with the corners of the front elevations having a Quoin brick detail. All of the windows have a dark blue brick soldier course to their heads. The apartment block has a similar elevational treatment to the houses, including the disposition of material finishes, and a fully hipped roof.
- 8.15 There remain some outstanding detailed design issues relating to the apartment block and house type no. 4 that officers would wish to negotiate further, and it is therefore recommended that these be addressed by condition.
- 8.16 Subject to resolution of the further design details as set out above, and the precise details of the external materials and landscaping being secured by condition, it is considered that the development would be a positive addition to the site and wider area, in accord with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

(iv) Impact on the Amenities of Surrounding Residents and Future Occupants (Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 8.17 The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and the separation distances between properties are adequate. The layout would ensure that there is no significant degree of overlooking or the loss of light for the future occupants. All proposed dwellings meet the Nationally Described Space Standards and would be provided with appropriate sound insulation measures.
- 8.18 The representations expressing concerns from neighbours are noted. As set out above, the density of the scheme has been reduced and is now considered to be compatible with the site. The revised layout has also resulted in an increase in the distance between the proposed houses and the neighbouring property to the west, considered adequate to maintain residential amenity of the neighbouring property. Moreover, an amended plan has been submitted to address concern regarding boundary treatment, the revised scheme showing a fence along the western boundary. With regards the medical centre, it is the case that this building is positioned relatively close to the eastern site boundary with some windows benefitting from an outlook over the current pub's car park. However, this outlook over neighbouring land cannot be safeguarded in planning terms. The apartment building sits alongside this boundary and its eastern elevation has been designed largely without windows, thereby avoiding any overlooking issues. There are two small secondary windows on the ground floor that can be conditioned to be obscurely glazed. Whilst it is recognised that the apartment building would result in a degree of overshadowing to some windows in the medical centre and impinge outlook, it is not felt that this relationship is sufficient to justify a refusal of the application.

- 8.19 The proposal therefore complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP in this regard.

(v) Highway Considerations including Pedestrian Link to Playground
(Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 8.20 Some concern has been raised about the level of traffic and on-street parking that would arise from the proposed development. The revised layout shows that each dwelling would have at least one car parking space within their curtilage and the proposed assisted living apartment would have 3 parking spaces to the front of the site. This is considered to be a sufficient level of parking provision to serve the development. The applicant has confirmed that an Electric Vehicle Charging Point (EVCP) would be provided for each dwelling, which can be secured via condition.
- 8.21 The surrounding area is well served by local facilities and site also benefits from a bus stop immediately adjacent. Highways are satisfied with the updates that have been made to the layout but still require further detailed design amendments to the internal road, which can be secured through condition.
- 8.22 A ward councillor has raised concern that the absence of an entrance into the adjacent playground is a lost opportunity to provide increased activity/surveillance and to address existing anti-social and criminal behaviour associated with this area. However, Nottinghamshire Police, one of the local residents and the Parks/Greenspace team of the Council do not support this view and consider that current problems may be exacerbated. It would also potentially increase management responsibility should this additional access require gating. Given the concerns raised, it is not considered appropriate for this to be pursued.
- 8.23 Overall, it is considered that the level of traffic generated by the proposed development would have no materially detrimental impact on the safe operation of the local highway. Subject to the recommended conditions, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

(vi) Flood Risk and Drainage (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 8.24 The Environment Agency's Flood Map shows the site lies within Flood Zone 1 (low risk of flooding). Subject to the imposition of suitable conditions suggested by the Drainage team relating to the drainage strategy for the site, the proposal accords with policy 1 of the ACS and policy CC3 of the LAPP.

(vii) OTHER MATTERS

Contamination (Policy IN2 of the LAPP)

- 8.25 Standard conditions are required to deal with the risks associated with ground, groundwater and ground gas contamination of the site. Policy IN2 of the LAPP

is therefore satisfied.

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

- 8.26 A policy compliant planning obligation for the proposed development would be expected to provide the following contributions:
- Off-site Affordable Housing - £228,171
 - Off-site Public Open Space - £57,580.36
- 8.27 The applicant has submitted a viability appraisal with the application which has been independently reviewed by an assessor appointed by the Council. The independent assessor has concluded that the scheme is not viable to pay any S106 contribution. Policy 19 of the ACS and policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. These policies are therefore complied with on this basis.
- 8.28 It has however been agreed with the applicant to include a review mechanism whereby if there is no substantial commencement of development within 24 months of the permission being issued, then there would be a further viability appraisal carried out. Any contribution arising from this, if less than policy compliant, would be allocated proportionally towards Affordable Housing and Public Open Space.

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

- 8.29 The proposal would deliver biodiversity enhancements to a site that is currently devoid of habitats or features of ecological value. The enhancement proposals include soft landscaping and the installation of bat and bird boxes, which are supported by the Council's Ecologist. Overall, the proposed development would result in a biodiversity net gain. The proposals are therefore in accordance with policies 1 and 17 of the ACS, policies CC1 and EN6 of the LAPP and the Biodiversity SPD.
- 8.30 The following energy efficiency and sustainability measures are to be incorporated into the scheme:

Buildings

- **Betterment (%) above Building Regulations** - The percentage is to be determined after the Design Stage SAP10 Part L 2021 Compliance EPCs produced for all properties. The buildings will be better than current building regulation, but the percentage is to be calculated.
- **Renewable / low carbon energy** - PV or/and heat pumps will be used on this scheme. The exact quantities are to be determined by the Design Stage SAP10 Part L 2021 Compliance EPCs and applicant's

requirements.

Photo Voltaic panels - PV or/and heat pumps will be used on this scheme. The exact quantities are to be determined by the Design Stage SAP10 Part L 2021 Compliance EPCs and applicant's requirements.

- **SUDs / water re-cycling** - Permeable pavements to larger parking areas, Geo-cellular storage, HydroBrake to restrict flows to 2 l/s, Betterment of between 96% and 98%.
- **Reduced water consumption** - The development will aim to reduce water consumption through a range of water efficiency measures such as dual flush WCs, water meters, low flow fittings; and where appropriate, water efficient equipment. Through the use of these measures, new units will target a water consumption rate of 110 litres/ person/day in line with Policy CC1 of the LAPP.

Transport

- **Number of parking spaces** - 1 per plot, 3x Parking bays for Assisted Living Apartment Block
- **Number of EVCPs** - 100% of any allocated spaces
- **Number of cycle parking spaces** - 8

Waste

- **Re-cycling facilities** – 1 per plot & per flat = 240L

8.31 Given that the scheme has yet to be designed to a sufficiently detailed stage, further details of the proposed sustainability strategy are to be required by condition. The proposal is therefore in accordance with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

9 Financial Implications

As discussed in the planning obligation section of this report there will be no financial contributions from this development, which is in accordance with adopted development plan policies.

10 Legal Implications

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

11 Equality and Diversity Implications

The proposed development has been designed to be compliant with current

building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a brownfield site with a sustainable residential development, including family dwellings

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active frontages that would contribute to a safer and more attractive neighbourhood.

14 Crime and Disorder Act implications

The development would enhance 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: 23/01444/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZKMA0LYLJ900>

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)

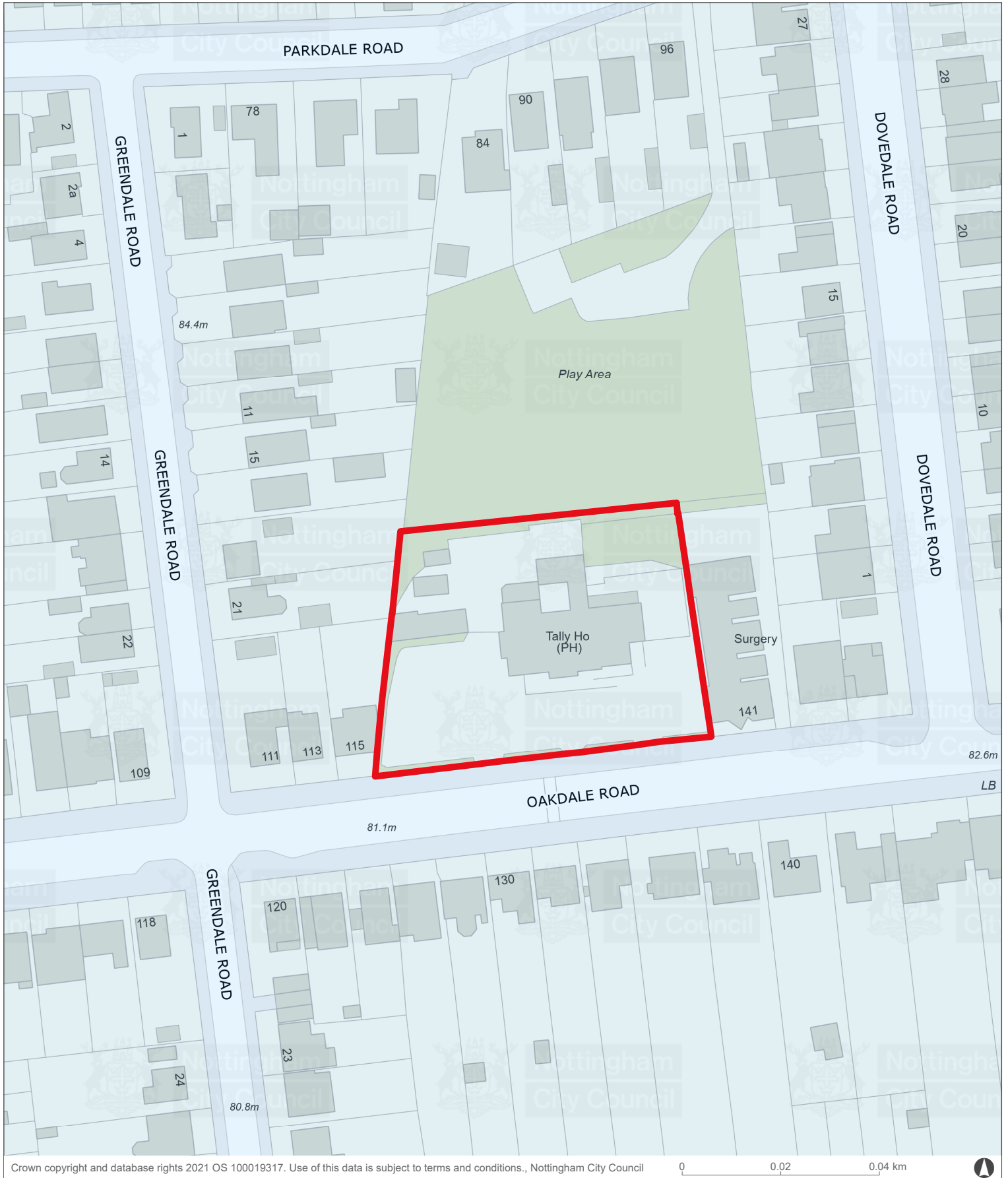
Biodiversity (2020) SPD

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0 0.02 0.04 km



Key



City Boundary

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Description

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City Council

My Ref: 23/01444/PFUL3 (PP-1237780)
Your Ref:
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Date of decision:

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

Application No: 23/01444/PFUL3 (PP-1237780)
Application by: Hockley Developments
Location: The Bakersfield Public House , Oakdale Road, Nottingham
Proposal: Erection of 13 houses and eight one-bed (Class C3) supported living apartments following demolition of existing public house.

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 Traffic Management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading and offloading, during the construction period. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR1 of the LAPP.



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3. Prior to the commencement of development, and notwithstanding the approved drawings, the following shall be submitted to and approved in writing by the Local Planning Authority:

a) Details of the road and footpath design and configuration including street trees, traffic calming features and surface materials.

b) Details of existing and proposed levels, shown in the form of sections illustrating the relationship between existing and proposed dwellings, for the plots adjacent to the site boundary.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the development and the amenities of existing neighbouring residents, in accord with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

4. No part of the development shall commence until details of the proposed new vehicular access has been submitted to and agreed in writing by the Local Planning Authority. Details shall be provided of the layout geometry, signing, lining, a swept path analysis and visibility splays. The vehicular accesses shall be constructed in accordance with the approved details.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy, and Policies DE1, IN2 and TR1 of the LAPP

5. Prior to the commencement of above ground development and notwithstanding the approved drawings, the following shall be submitted to and approved in writing by the Local Planning Authority:

a) Details of the external materials of the approved dwellings including their facing, roofing (including edges and parapets) and hardsurfacing materials.

b) Details of the window frames and reveal depths, doors, rain water goods and meter boxes/ventilation louvres (if any).

c) Details of all means of boundary enclosure, including of the public realm.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the development, in accord with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

6. Notwithstanding the submitted application documentation, prior to the commencement of the development, details of the sustainability measures to be incorporated into the development 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.

7. No development shall take place until a sustainable drainage strategy containing the following (as a minimum) have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details, prior to the use of the building commencing.

- Site plan & impermeable area

- Topographic survey of the site



- Details on the existing surface water drainage arrangements for the site
- Basic ground investigation to show potential viability of infiltration
- Existing & proposed rates and volumes of surface water run-off generated by the site
- Appropriate evidence to support how the site will drain
- Details of how the surface water run-off will be managed
- Drainage plan showing the layout of the proposed drainage (both foul and surface water),
- Calculations to support design

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, in order to accord with policies CC1 and CC3 of the LAPP.

Pre-occupation conditions

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

8. The development shall not be brought into use until details of the measures to enhance the ecological value of the site, including installation of bird and bat boxes (to be incorporated into the design of the building) and hedgehog friendly fencing have been submitted to and approved in writing by the Local Planning Authority.

The measures shall be implemented in accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of conserving protected species and the ecology of the development in accordance with Policy 17 of the ACS and Policy EN6 of the LAPP.

9. Prior to first occupation of the development, Verification Reports shall be compiled and submitted which shall include the data referred to in the Verification Plan (referred to below), to demonstrate that the Remediation Strategy (referred to below) to deal with ground, groundwater, ground gas and radon gas contamination of the site has been fully implemented and completed.

The Remediation Strategy shall include the following components to deal with the risks associated with ground, groundwater, ground gas and radon gas contamination of the site:

- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater, ground gas and radon gas contamination at the site.
- b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

The Remediation Strategy and associated Verification Reports shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.



10. Prior to first occupation of the development the cumulative impact of any environmental noise and / or vibration (see Informative) affecting the development shall be designed to achieve the following internal noise levels throughout the development as set out below, while maintaining the minimum ventilation standards to meet the current building regulations.

The sound insulation and ventilation scheme shall 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,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation and ventilation scheme required to mitigate environmental noise and / or vibration shall be implemented and be fully operational prior to the occupation of the development and shall continue to be maintained and operated while to development continues to be occupied unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the sound insulation scheme approved to safeguard residential amenity and to deal with noise associated with the operation of the building has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

11. Prior to first occupation of the development, a landscaping scheme (both hard and soft landscaping, including surfacing and gates/means of enclosure), shall be submitted to and approved in writing by the Local Planning Authority. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. The landscaping scheme shall also include proposals for the on-going management and maintenance of the external areas of the site.

The hard landscaping and gates/means of enclosure shall be installed prior to first occupation of the development. The soft landscaping scheme shall be provided within the first planting season following the completion of the development. Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority. Management and maintenance of the landscaping shall at all times be in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE1 and EN6 of the LAPP.

12. No part of the development shall be occupied until provision is made within the site curtilage for 8 no. cycles, alongside separate provision for scooters, in accordance with details submitted to and approved in writing by the Local Planning Authority. Cycle and scooter parking provision shall be conveniently located near to the main entrance, shall be covered and secure, and the Cycle parking shall be Sheffield stands or wall mounted. That area shall not thereafter be used for any other purpose than the parking of cycles and scooters.

Reason: To promote sustainable travel in accordance with Policy TR1 of LAPP

13. No dwelling shall be occupied until the following have been carried out in accordance with the

approved details:

- a) the parking space/s including cycle parking for the dwelling/apartment have been provided and surfaced;
- b) the means of enclosure for the dwelling has been installed;
- c) the on-plot hard surfacing for the dwelling has been installed;
- d) the Electric Vehicle Charging Point for the dwelling has been installed.

Reason: In the interests of the living conditions of future and neighbouring occupiers, and of promoting sustainable transport, in accordance with Policies 1 and 10 of the ACS and Policies CC1, DE1 and DE2 of the LAPP.

Regulatory/ongoing conditions

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

14. No external lighting shall be installed other than in accordance with the details of a scheme that have first been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be sensitive to bats and should be designed to negate impact on adjacent residential properties.

External lighting shall only be implemented in accordance with the approved scheme.

Reason: In the interest of ensuring that the development of the site has regard to protected species and neighbouring properties, in accordance with Policies EN6, DE1 and DE2 of the LAPP.

15. The two ground floor windows to the east facing elevation of the proposed assisted living flat shall be obscure glazed and shall remain so in perpetuity unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard residential amenity of the neighbouring property to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

16. 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 30 November 2023.

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.

RIGHTS OF APPEAL

Application No: 23/01444/PFUL3 (PP-12377780)

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

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

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,



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

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.

DRAFT ONLY
Not for issue