

REPORT OF CHIEF PLANNER

Site Of Trent Works, Wilford Crescent East

1 SUMMARY

Application No: 16/01986/PFUL3 for planning permission

Application by: Mr Mike Askey on behalf of Mr Alec Hamlin, Blueprint (General Partners) Limited

Proposal: Construction of 20 houses and 4 apartments, associated parking and external works

The application is brought to Committee because the application is a major development which has generated public interest that is contrary to officer recommendation. Also, officers may recommend that policy compliant S106 contributions be waived or reduced on the grounds of viability, depending on the awaited conclusions of the District Valuer.

To meet the Council's Performance Targets this application should have been determined by 9th December 2016, however an extension of time has been agreed.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

- a) Prior completion of a planning obligation which shall include;
 - (i) an off-site financial contribution towards public open space;
 - (ii) a financial contribution towards education

Subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the whole or part of the policy compliant section 106 contributions should be required.

- b) The indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions and the obligation to be delegated by the Chief Planner.

Power to determine the final details of the obligation to be delegated by the Chief Planner in consultation with the Committee Chair, Vice-Chair and opposition spokesperson.

- 2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

- 2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 This is a triangular shaped, cleared industrial site of 0.32 hectares located on the corner of Wilford Crescent East and Felton Road in the Meadows. The site formerly comprised a factory building, workshop and offices which have been demolished leaving a small office building on the Felton Road frontage (now converted to a dwelling).
- 3.2 To the north and west the site abuts residential properties fronting Wilford Crescent East and Collygate Road/Felton Road. To the south is the Embankment recreation ground and to the east are the Meadows Youth and Community Centre and the former Mundella Centre.
- 3.3 Planning permission was granted by Committee in 2004 for residential redevelopment of the site (ref. 03/00731/POUT). This was an outline application, with all matters reserved, to establish the principle of residential redevelopment.
- 3.4 A resolution to grant a further outline planning permission for residential development with all matters reserved, except access, was approved by Committee in December 2010 (09/02028/POUT), and a renewal request was subsequently approved in 2012 (11/04196/POUT). Both these planning permissions were granted subject to a Section 106 obligations for contributions towards public open space. The 2012 outline planning permission expired in December 2015.

4 DETAILS OF THE PROPOSAL

- 4.1 This application originally sought full planning permission for 25 residential units comprising of 21 houses and 4 apartments.
- 4.2 The proposed units consist of a terrace of three storey properties positioned along the frontages of the site with Felton Road and Wilford Crescent East. A four storey apartment building would be located at the corner of both roads opposite the former Mundella Centre. To the rear of the frontages it is proposed to create a small private cul-de-sac of 8 two storey units which would be accessed from Wilford Crescent East.
- 4.3 The development is contemporary in its design and is proposed to be constructed with brick facades to the houses, with the apartment building being a mix of brick, metal and timber cladding. The houses are all proposed to have pitched tiled roofs whilst the apartment building would be flat roofed.
- 4.4 Issues relating to flood risk and the scale of the development have resulted in the submission of revised plans. The finished floor levels of the development have been raised by approximately 650mm above surrounding street levels. The number of units has been reduced to 24 residential units, comprising of 20 houses and 4 apartments. Plot 8 at the centre of the site has been omitted. The increase in levels has resulted in stepped entrances to the units along Felton Road and Wilford Crescent East. To overcome the increase in levels, the 7 dwellings in the centre of

the site have been redesigned to be lower in height and have hipped roofs. Stepped terraces are now also proposed to access rear gardens. Plot 16 has been reduced to be 2 storeys in height.

- 4.5 Each of the dwellings fronting Felton Road and within the centre of the development are proposed to have at least one off-street parking space, whilst those on Wilford Crescent East are proposed to have access to 8 newly created on-street parking bays, which would form part of the existing residents parking permit scheme in the area. There is no proposed formal parking provision associated with the apartment development.
- 4.6 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities relating to construction jobs.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

97 neighbour notification letters were sent to neighbouring residents on Green Street, Felton Road, Collygate Road, Atlas Street, Pyatt Street, and Woodward Street. The application has also been advertised on site and in the local newspaper. The period for comment expired on 27.10.2016. In response 10 comments have been received which are summarised below:

- One of letter support which states that they are glad that the site is being developed, after being derelict for so long. They hope that the housing will be nice and make the area a better place to live.

- Another resident welcomes the development but has reservations with regards to the number of properties that could potentially be built. They are struggling with parking on the street and are concerned that additional properties would cause more parking congestion. If the plans do go ahead they feel strongly that the residents should not be provided with parking permits that allow them to park on Woodward Street. In their opinion future residents should be provided with sufficient parking places within the new build (see below for further parking concerns).

-Residents main concerns relate to increased traffic, on street parking and that existing parking permit holders would be prevented from parking on Woodward Street or Green Street outside their homes. Criticism is made of the submitted 'On Street Parking and Capacity Assessment', for only being carried out twice and not in the evenings, when parking demand is at its greatest. Two residents have cited several occasions in the evenings when no parking is available on Woodward Street and people have had to park away from their homes. They consider that residents all have cars, despite good public transport links in the area. Instead of using what is seen as old census data (2011), it is considered that a door to door survey of the area should have been carried out. They comment that the parking on all streets needs to be marked out because more cars could be accommodated if cars were better parked. They suggest that the parking at the sports facilities be put into a permit scheme for the new housing or these developments be permitted to park solely on Turney Street and Pyatt Street, which are usually empty because of the bus depot. They also suggest that there is a need for permit parking on Sundays. They therefore disagree that there is sufficient on-street parking for the

developments of Trent Works and the Mundella Centre when both could have two cars per dwelling. They would like to see additional parking spaces added where there are either none or where non-residents can park up to two hours without a permit ie, outside the Mundella Centre.

- The other principle concern relates to the scale of the development. The height of the apartments, at four storeys, and houses, at three storeys along Felton Road and Wilford Crescent East, is not considered to be in keeping with neighbouring properties, from a visual perspective and also in terms of an overbearing impact. In addition, the proposed height of the new buildings would have a significant deleterious effect on the long views looking back towards the city from the Victoria Embankment. It is felt that the development should enhance the character the street rather than dominate it. It is suggested that the proposed apartment building should be no more than three storeys in height and the houses should not be set at a higher level.

- Concern that the scale of part of the development, at three and four storeys would cause loss of privacy to neighbouring properties and provide sightlines into their rear gardens.

- Concern that the scale of part of the development would result in loss of light and overshadowing of the properties on Collygate Road.

- Concern that the development has inappropriate floor level heights, which would increase flood risk in the surrounding streets. This is due to the properties being raised on a pedestal above the height of existing properties in the area. They consider that that the raised height of the dwellings would also exacerbate the overall scale of the development with existing neighbouring properties. It is suggested that this pedestal be removed.

- Assurance that an independent assessment of the development by the City Council and the Planning Committee will take place given the Council's vested interest in the applicant, Blueprint.

- This part of the Meadows suffers from regular disruption due to events on the Embankment. They feel that construction work should be respectful to residents, in terms of construction noise and access.

Nottingham Civic Society welcomes the new townscape this redbrick development would bring to this part of the Meadows which still retains its Victorian and Edwardian character in the surrounding streets. They consider that the dwellings have been thoughtfully designed to deliver a bespoke if high density layout. They consider it a pity that central heating flue chimney stacks have not been incorporated into the design to enliven the roofscapes, reflecting the character of neighbouring Victorian streets.

A further neighbour consultation was carried out upon receipt of the revised plans (expiry date 18.01.17). Four additional comments were received which are summarised below:

- Two residents welcome the development.
- Two residents are still concerned that the parking issue has not been resolved and that the survey of parking in the area has not been carried out at the correct

time of day or for an extended period.

- Disappointment that the revised plans have further increased the height of the development to take into account flood risk. The development continues to pose additional flood risk to existing properties and creates a scale of development which is out of keeping with the surrounding area, for the reasons set out above.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection. Require conditions to address potential contamination, the submission of a noise assessment and sound insulation scheme, and vehicle charging points.

Highways: No objections. Amendments to the Traffic Regulation Order in the area are required to be agreed by condition, together with conditions relating to the provision of a bin store to serve units in the centre of the site, and parking for both cars and cycles.

Environment Agency: No objections subject to compliance with the revised Flood Risk assessment (FRA).

Drainage: No objections subject to compliance with revised FRA.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraphs 100 to 104 sets out a sequential approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking the account of climate change.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 – Density.

E4 - Previously Used Employment Sites.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

Aligned Core Strategy (September 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.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development**
- (ii) Density, layout and design considerations;**
- (iii) Highway considerations;**
- (iv) Impact on residential amenity;**
- (v) Flood Risk;**
- (vi) Whether to waive or reduce planning obligations.**

i) Principle of the development (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, E4, and H2 of the Local Plan)

- 7.1 The principle of the loss of employment land and its replacement with residential development has been established by a number of outline planning permissions, the most recent of which expired in December 2015.
- 7.2 The site is within a Primarily Residential Area and the proposed residential use would be more compatible with the adjacent residential properties on Wilford Crescent East, Collygate Road and Felton Road. The proposal would provide an opportunity to enhance the built environment and assist in the regeneration of the surrounding area.

- 7.3 The NPPF, Aligned Core Strategy and Local Plan policies supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. It is considered that the proposed range of house types would contribute towards the City Council's strategic objectives to create sustainable balanced communities and a varied mix of housing options.
- 7.4 The proposal would provide 24 new dwellings comprising a mix of 8x2 bedroom and 12x3 bedroom houses, and an apartment building containing 1x1 bedroom and 3x2 bedroom apartments. The size and layout of the units are considered to be generous and would provide a high quality scheme with a good degree of amenity in terms of space and outlook. All the houses have been provided with access to private rear gardens or patios. Some houses and apartments fronting Felton Road have been designed with south or west facing terraces. Additionally, the development is located in a sustainable location, close to local facilities, and would have direct access to leisure and recreation facilities on the Victoria Embankment to the south.
- 7.5 The proposal therefore accords with NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2, and H5 of the Local Plan.

(ii) Density, layout and design considerations (NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan)

- 7.6 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.7 This is a high density development which makes maximum use of this awkward shaped site, to create a distinctive high quality scheme. Three storey dwellings are proposed to provide a strong built frontage to both Felton Road and Wilford Crescent East. A four storey apartment building then provides a link between the two frontages and acts as a visual anchor for the scheme, at a point where the public highway is very wide and poorly 'enclosed'. Combined with its simple but well-articulated elevational treatment, the increased height of the apartment building makes a feature of this prominent corner. Where the site shares a much closer relationship with existing properties, the height of development has been lowered to two storeys terraced and semi-detached properties.
- 7.8 Considerable work has been carried out to ensure that the scale and density of the development respects that of surrounding residential properties and sits comfortably within the street scene. This has been particularly important given the need to raise the floor levels of the whole development by 650mm to overcome the flood risk objection from the Environment Agency. The frontage along Felton Road has been designed to step down in height towards existing properties, and along Wilford Crescent East the new dwellings are of a similar height to existing three storey terraced properties on the street. It is acknowledged that the apartment building would be taller than the Mundella building opposite, however the width of the road and junction is considered to create sufficient space for both buildings to sit comfortably opposite one another. The scale is largely compatible with its surroundings and the small four storey element is not considered to conflict with long views from the Victoria Embankment.

- 7.9 The scheme has also been designed to provide active frontages, surveillance over the street and also secure private rear gardens. The new family dwellings would be two and three storeys in height and a mixture of semi-detached and short terraces, to reflect the context of the surrounding residential properties, yet also creating their own distinctive character. Bin stores are primarily proposed to be located in rear gardens but where this is not possible they are accommodated in front gardens, in purpose designed stores.
- 7.10 The design aesthetic of the development is contemporary and simple in form. Their elevational treatment, together with the palette of materials, would create a clear and cohesive architectural language. The final details of the materials would be dealt with by condition.
- 7.11 The central part of the site has been designed to create small enclosed courtyard of terraced and semi-detached dwellings. The private street has been narrowed to create a sense of enclosure and entry into a quiet residential space. New street trees are proposed to mark its entrance, whilst brick planters provide an added level of privacy and protection to the front of the dwellings. Details of hard surfacing and landscaping would be dealt with by condition.
- 7.12 Overall the scale/density, layout and design of the buildings are considered to be a positive and well considered response to the site and its context, in accord with the NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan.

(iii) Highway considerations (Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.13 The proposed scheme has an under-provision of parking, with 11 dwellings not having off-street parking. It is however proposed to create two new on street parking bays adjoining the Trent Works site on Wilford Crescent East, which would accommodate 8 cars (to be included in the existing residents parking permit scheme in the area). This would result in a net addition of 3 available on-street parking spaces once the reduction in on-street parking spaces on Felton Road is taken into account, after the creation of access to off-street parking provision for the new dwellings fronting Felton Road.
- 7.14 The majority of existing terraced houses on surrounding streets don't have off-street parking and to manage parking pressures, the area is subject to a residents parking scheme. To assess the capacity of the current scheme to provide additional resident and visitor parking permits, for both developments, the applicant has carried out an On Street Parking Capacity Assessment. A series of parking surveys were carried in the area, the scope of which, in terms of the number and timing of the surveys, was agreed with Highways. The Assessment concluded that even at the busiest periods of the survey, there was available capacity for all residents to apply for a visitor parking permit and for those without access to private off-street spaces, to apply for a residents parking permit in addition to a visitor permit.
- 7.15 Highways, in review of the Assessment, consider that there has been an overestimation of the number of potential on street parking spaces available. Highways have therefore requested, by condition, that the Traffic Regulation Orders in the area be reviewed and amended before consideration is given to allowing any permits to the residents of both developments, other than within the 8 spaces created on Wilford Crescent East. It should be noted that the eligibility of residents

to be included within the residents parking scheme is a separate matter controlled by Highways, and that it may not be possible to provide resident parking permits for all residents of the proposed developments.

7.16 However, it is also recognised that both sites are located in a highly sustainable location with access to good public transport links to the city centre and surrounding areas, and good cycle and pedestrian links. Secure cycle parking would be provided for each residential unit.

7.17 On this basis Highways consider the two developments would be acceptable, subject to the conditions outlined above.

(iv) Impact on residential amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)

7.18 The proposed layout has been designed to take into account the existing residential properties which abut the site and ensure that there would be no adverse impact upon the amenities of existing residents or future occupants of the new development, in terms of light, outlook and privacy.

7.19 The closest residential properties to the site are those located on Felton Road, Collygate Road and Wilford Crescent East. In response to the requirements of the Environment Agency to raise finished floor levels across the site, further revisions have been made to the layout and design of the proposed two storey dwellings at the centre of the site, to ensure that any adverse impact on the amenities of these neighbouring properties is minimised. Revisions include:

- The removal of plot 8 from the scheme and the creation of a pair of semi-detached properties (plots 9 and 10). These are of a narrower footprint which has reduced their ridge height by approximately 425mm. A hipped roof is also proposed to further reduce overall massing. This created a better relationship with properties on Wilford Crescent East and Collygate Road and has resulted in larger rear gardens and two off street parking spaces to serve the dwellings.
- The other central row of 5 terraced dwellings (Plots 11-15) have been re-designed with lowered eaves and ridge heights, to create a lower, shallow hipped roof. The overall reduction in their massing would again reduce the impact for neighbouring properties on Collygate Road and Felton Road. Windows at first floor level in the rear elevation of the dwellings are now proposed to be sloping and vertical roof lights, to avoid loss of privacy to neighbouring properties on Felton Road.

7.20 Finally, the footprint of Plot 16 has been reduced in size on all floors and the roof terrace at 2nd floor level has been omitted. This has improved the spacing between the apartment building and plot 16, which in turn has eased its relationship with the new dwellings fronting Felton Road and reduced potential overlooking issues to an acceptable level. It has also allowed the rear garden of plot 16 to be increased in size.

7.21 The development therefore accords with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan in this regard.

(v) Flood Risk (Policy 1 of the Aligned Core Strategy 1 and Local Plan Policy NE10)

- 7.22 The NPPF states that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Authorities should apply a sequential, risk-based approach to the location of development. The site has previously been sequentially tested and is considered acceptable for residential development with appropriate flood mitigation measures.
- 7.23 The River Trent is located approximately 300m to the south of the site and as such the application has been accompanied by a Flood Risk assessment (FRA). The Environment Agency (EA) originally objected to the FRA on the grounds that it failed to ensure that the development would be kept safe for its lifetime. The new 1 in 100 year plus climate change breach flood level is 25.66m AOD and the EA therefore strongly recommended that finished floor levels (FFL) should be raised to meet this modelled floor level. This equates to an increase of approximately 650mm in FLL across the site.
- 7.24 A revised FRA was subsequently submitted which revised the FFL to meet the modelled level plus climate change, and has incorporated flood resistant construction techniques to provide further protection. On the basis of the revised FRA and subject to a flood excavation plan for the development, the EA now considers the development to be acceptable in terms of flood risk.
- 7.25 The proposal therefore accords with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

vi) Whether to waive or reduce planning obligations (Policy ST1 and Policy R2 of the Local Plan)

- 7.26 In order to comply with the requirements of the Supplementary Planning Guidance, the developer is required to enter into a section 106 obligation to secure the following financial contributions:

- | | |
|---------------------|-------------|
| • Public Open Space | £29,364.54 |
| • Education | £109,857.00 |

The total commuted sum contribution is therefore £139,221.54.

- 7.27 In terms of education, the local primary and secondary schools are already experiencing capacity issues and consequently the development is going to increase pressure for school places. The figure above is derived from the Council's established formula for calculating the number of children arising from a residential development, having regard to the number and type of units being proposed, and the cost associated with providing their education. The contribution if required will be used towards expanding the capacity of Welbeck Primary School and Nottingham Emmanuel Secondary School, both of which serve the area within which the site is located.
- 7.28 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. If this required, it is believed that this would be directed towards improvements at the Victoria Embankment Memorial

Gardens, which are part of the nearest and largest area of public open space readily accessible to the residents of this development.

- 7.29 However, the applicant has submitted a viability appraisal in support of its assertion that the proposed development would not be viable based upon the provision of the full range of S106 developer contributions that the scheme would otherwise be required to meet. The appraisal has been reviewed by the District Valuer and negotiations regarding this matter are on-going. An update will be provided at Committee.
- 7.30 In both cases, it is considered that Section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Other Matters (Policy 10 of the Aligned Core Strategy and Policies NE9 and NE12 of the Local Plan)

- 7.31 A remediation strategy to deal with ground contamination and a noise assessment and insulation scheme to protect future occupiers of the site would be secured by condition. The proposals are therefore in accordance with Policy NE12.
- 7.32 In response to the consultation response regarding the Council's interest in the applicant company, it can be confirmed that the determination of this planning application by the City Council as Local Planning Authority will be made solely in light of its compliance with the National Planning Policy Framework and Development Plan policies for the City as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

8. SUSTAINABILITY / BIODIVERSITY

The development has been designed to meet a 10% reduction in carbon emissions (beyond Building Regulations Part L 2013). This is mainly achieved by a 'fabric first approach' involving well insulated walls, floors and roofs to provide a high 'u' value. Furthermore, the houses are orientated to make use of solar gain and shading methods, natural ventilation and daylight.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 16/01986/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCK0OYLYFLY00>
2. Environmental Health and safer Places comments 05.01.17.
3. Comments from a resident of Woodward Street 16.09.16.
4. Comments from a resident of Woodward Street 17.09.16.
5. Comments from a resident of Collygate Road 19.09.16
6. Comments from a resident of Collygate Road 19.09.16.
7. Comments from a resident of Woodward Street 03.10.16.
8. 2 Comments from a resident of Woodward Street 04.10.16 and 18.01.17.
9. Comments from a resident of Woodward Street 03.10.16.
10. 4 Comments from a resident of Victoria Embankment 06.10.16, 11.10.16, 17.10.16 and 10.01.17.
11. Comments from Nottingham Civic Society 16.10.16.
12. Comments from a resident of Pyatt Street 09.01.17.
13. Comments from a resident of Pyatt Street 10.01.17.
14. Drainage comments 11.01.17.
15. Highways comments 11.01.17.
16. Environment Agency comments 05.10.16 and 26.01.17.
17. Education comments 24.10.17.

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)

Contact Officer:

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Key

 City Boundary

Description

No description provided

My Ref: 16/01986/PFUL3 (PP-05403844)
Your Ref:
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Date of decision:

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

Application No: 16/01986/PFUL3 (PP-05403844)
Application by: Mr Alec Hamlin
Location: Site Of Trent Works, Wilford Crescent East, Nottingham
Proposal: Construction of 20 houses and 4 apartments, associated parking and external works

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)



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Not for issue

Continued...

2. No development or site preparation works shall be carried out on the site until details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period for the development and shall provide for:
- a) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
 - b) The parking of vehicles of site operatives and visitors;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) Wheel washing facilities, if necessary;
 - f) Measures to control the emission of dust and dirt during construction;
 - g) Site security;
 - h) Measures to prevent the deposit of debris on the highway and;
 - j) A timetable for its implementation.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

3. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with ground contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan, based on the Geo-Environmental Investigation report MA10200/J1460/D1/1 by Millward dated 2016 and by Geo-Environmental Investigation dated May 2012, referenced N12133/V1, 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 shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.



4. The development shall not commence until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any local events, transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 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).

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

5. Notwithstanding the submitted plans, above ground development shall not commence until full details of external materials for the buildings have been submitted to and approved in writing by the Local Planning Authority The details shall include:

- a) Material samples;
- b) Large scale elevation and cross sections;
- c) Details of windows and reveals;

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

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

6. The hard surfacing of all external areas shall not be commenced until details of the materials to be used have been submitted to and agreed in writing with the Local Planning Authority.

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

Reason: In the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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



7. Notwithstanding the submitted plans, the development shall not be occupied until boundary treatments and enclosures to the site and plot boundaries have been erected in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.

8. The development shall not be occupied until a landscaping scheme for the site, including details of the street trees, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.

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

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.

10. Prior to first occupation of the 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 protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

11. Prior to the first occupation of any of the dwellings hereby approved, all parking spaces shall be provided in accordance with the approved plans.

Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.



12. Prior to the first occupation of any of the dwellings hereby approved, an application and draft designs for amendments to the Traffic Regulation Order in the area shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue implementation of the proposed amendments, prior to first occupation of the dwellings.

Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.

13. Prior to the first occupation of any of the dwellings, details of a bin collection area to serve plots 9-15 and cycle storage for the whole development shall be submitted to and approved in writing with the Local Planning Authority.

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

Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

14. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Do. Ref. MA10200 - R01A Flood Risk Assessment and Appendices, produced by Millward, received 16/12/2016) and the following mitigation measures detailed within the FRA:

- a) Finished floor levels shall be set no lower than 25.66m above Ordnance Datum (AOD);
- b) Flood resistant design and construction techniques shall be incorporated to at least 300mm above FFL as detailed in the 'Water Exclusion Strategy' section (page 11) of the agreed FRA;
- c) Identification and provision of safe route(s) into and out of the site shall be provided to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation of the proposed dwellings.

Reason: In the interests of flood protection in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Nottingham Local Plan.

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 9 September 2016.

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.



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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. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

4. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.



The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

5. Highways

1. Developers wishing to have the completed roads on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)) whereby, following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling. The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers.

The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance.

2. Planning consent is not consent to work on the highway. To carry out the off site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 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 as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

3. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

4. It is necessary to introduce/amend a Traffic Regulation Order/s as part of this development. This is a separate legal process and the Order/s 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 on 0115 876 5293 to instigate the process.

5. The applicant should note that unless the existing Traffic Regulation Order can be amended to provide additional spaces for residents that the new dwellings will not be eligible for residents parking permits in the area, other than in those spaces created by the development on Wilford Crescent East. Those dwellings within the private road and those with off street spaces will not be eligible for these permits.

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.

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RIGHTS OF APPEAL

Application No: 16/01986/PFUL3 (PP-05403844)

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

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

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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