

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

Fairham House, Green Lane

1 SUMMARY

Application No: 18/01120/PRES4 for reserved matters approval

Application by: Cedar House Investments Ltd

Proposal: Application for approval of reserved matters in relation to the layout, appearance and landscaping for the 24 apartments and associated works approved under planning permission 16/02648/PFUL3

The application is brought to Committee because it relates to the reserved matters of an outline application that was previously considered at Planning Committee.

To meet the Council's Performance Targets this application should be determined by 23rd October 2018.

2 RECOMMENDATIONS

GRANT RESERVED MATTERS APPROVAL subject to the indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration.

3 BACKGROUND & THE SITE

- 3.1 The site has an area of 0.35ha and sits at the north west corner of the larger Clifton Triangle development site. The site is triangular in shape, bounded by Green Lane to the south west, Langstrath Road to the north east and the rear service area of the adjacent retail development to the south east, recently constructed under permission 16/02648/PFUL3.
- 3.2 The site consisted of open grassed areas with mature trees to the perimeter. Some trees have been removed in accordance with the tree removal proposals approved by the 16/02648/PFUL3 permission. Subsequent to the planning approval a number of trees in the North West corner of the site have been subject to a Tree Preservation Order.
- 3.3 During the construction of the retail park, spoil from the site clearance has been used to form a level platform on this part of the site and is currently being used to accommodate the contractor's compound. This material would be re-graded to form a level platform for the residential development, also approved under this previous permission.

- 3.4 Green Lane is a wide street, with generous green verges and tree planting to each side. It is a primary route connecting the surrounding residential areas to the local centre on Southchurch Drive and the A453. Langstrath Road is a secondary route serving housing immediately to the north of the site.
- 3.5 The surrounding built context is mixed. The wider context is predominately one of low-rise sub-urban terraced and semi-detached housing, however the immediate context on the Clifton Triangle site consists of the large commercial units of the retail park (part of the original application), which in turn are an extension of the of the more urban buildings to be found at the adjacent local centre on Southchurch Drive.
- 3.6 The planning approval granted under 16/02648/PFUL3 was a hybrid permission which included outline planning permission for 24 apartments with associated car parking and other works, along with full planning permission (now implemented) for a foodstore (Lidl), four non-retail units and a café/ restaurant, associated parking, alteration to the site access and other works, following the demolition of Fairham House.
- 3.7 The outline approval for the residential building established the number of dwellings, the access, scale and indicative location of the building. Details of layout, appearance and landscaping were reserved for future approval.
- 3.8. The planning permission was subject to numerous planning conditions and a Section 106 Agreement to secure contribution towards off-site open space improvements, education and a commitment to local employment and training.

4 DETAILS OF THE PROPOSAL

- 4.1 The current application is for the approval of outstanding reserved matters for the development relating to the layout, appearance (elevations and material finishes) and the site's landscaping/external works.
- 4.2 Following negotiations, the applicant has submitted revised drawings to address officers' comments seeking to improve the design and appearance of the building.
- 4.3 The scheme consists of 24 x two bed apartments for market rent.
- 4.4 The site layout is similar to that indicated in the outline planning application with the building oriented along and fronting Green Lane, with parking arranged along the south east boundary. The frontage is set back by 3m from the back of pavement, in line with the frontage of the adjacent retail buildings. The building is arranged in two adjoining, mirrored blocks of 12 apartments, 4 per floor, each arranged around a stair core and lobby.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

53 neighbouring properties have been notified in writing of the proposal. The application has also been publicised through site notice. No public representations have been received.

Additional consultation letters sent to:

Highway Authority: No objection subject to conditions relating to the provision of a construction management plan, implementation of the proposed car parking and cycle parking, and provision of the highway and pedestrian access.

Environmental Health and Safer Places: No objection subject to adherence of the conditions attached to outline planning permission.

Drainage Officer: No objection.

Tree Officer: No objection subject to condition relating to the protection of the existing trees.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application.

Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes where it is needed and that land with permission is developed without delay. Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles. Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places.

Aligned Core Strategy (September 2014):

Policy 1 – Climate Change

Policy 10 – Design and Enhancing Local Environment

Nottingham Local Plan (November 2005):

NE5 – Trees

NE6 – Trees Protected by TPOs

NE9 - Pollution

T3 – Car, Cycle and Servicing Parking

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Layout and appearance
- ii) Landscaping and trees
- iii) Impact on residential amenity
- iv) Highway considerations

Issue (i) Layout and appearance (Policy 10 of the ACS)

- 7.1 The site layout is similar to that indicated in the outline application and responds to site context as described above.
- 7.2 Configured as two adjoining, mirrored blocks, the stair core for each has a prominent glazed frontage to Green Lane, with a double height lobby alongside the staircase. Each core also has a recessed pedestrian entrance at the rear, providing direct access from the car-park. This entrance area additionally provides a discrete space for incoming services and meter enclosures.
- 7.3 The car-parking would be arranged along the south east boundary behind the adjacent retail building and also incorporates disabled parking, cycle storage and a bin store positioned adjacent to the building, linked by a path that runs along the rear of the building. Each of the ground floor apartments is provided with a small, enclosed 'front garden' space. A larger communal garden is provide to the north east of the building, containing the retained trees around the perimeter of the site. This is accessed directly from the apartments' rear entrances and is enclosed with exiting perimeter railings.
- 7.4 The building would be 3 storeys as approved as part of the outline permission, with a height of 9m. In order to reduce the perceived mass of the building, the main elevation is broken down into discrete parts, so that it appears as four large 'houses'. This is achieved by creating a setback in plan and a set-down in the roof-line at the stair cores and by creating a small recess where the two central blocks meet, which accommodates a rainwater downpipe. A similar effect would also be achieved to the rear and sides, where the orientation of the blocks and the recessed entrances again break down the mass of the building.
- 7.5 The apartment layouts are the same at each floor. However in order to avoid a highly repetitive fenestration pattern the window openings are given a different treatment on each floor. This creates an elevation with a distinct base, middle and top, which reinforces the perception of the building being four elements rather than a single block.
- 7.6 There is a vertical emphasis to the openings, complemented by additional detailing such as the protruding bays at first floor and the recessed brickwork with Juliet balconies at second floor. The amended proposals also incorporate more fenestration to the rear elevation, to make it feel less like a secondary aspect of the building. This would also improve its appearance when viewed from the properties on Longstrath Road.
- 7.7 The external elevations are proposed to be constructed predominantly in a single brick finish; a high quality buff brick with a high degree of texture and variation in colour. This would then be complemented by a number of detailed material treatments such as:
- reconstituted stone copings and dental string course detail to the roof parapet
 - recessed brick panels in a darker buff brick with Juliet balconies at 2nd floor level
 - protruding bays at 1st floor formed in bronze anodised aluminium
 - Recessed channel for the central rainwater downpipe

- Generous glazed frontages and bronze anodised aluminium canopies to the stair core entrances

7.8 It is considered that the layout of the proposed development would create strong active frontages with good surveillance of both adjacent streets, legible entrances, a sympathetically located car park that does not dominate the site, some private external space for the groundfloor flats and secure, attractive landscaped grounds that accommodate the site's retained trees. Although the proposed scheme is clearly of a more contemporary style than its surroundings, the elevation treatment is based on traditional/classical proportions and detailing, which would allow it to sit comfortably as a balance between the neighbouring retail park and the surrounding suburban housing. The scheme therefore complies with policy 10 of the ACS.

Issue (ii) Landscaping and trees (Policies NE5 and NE6 of the Local Plan and Policy 10 of the ACS)

- 7.9 There are number of good quality, mature trees on the site which would be retained. In addition there are existing mature trees within the grass verges along either side of Green Lane. These would provide a generous green setting for the building, complemented by the planting scheme for development. Planting would also be used to create a green screen along the south east boundary.
- 7.10 The grassed areas around the existing trees would be retained as informal amenity space for use by the tenants. Access to this area is provided via steps in the landscaped bank to the rear of the building. Private external spaces are to be created to the frontage of each ground floor apartment. These would be paved areas, with hedge planting to their external edges.
- 7.11 Overall the amount and type of landscaping is considered to be appropriate to the local context and would help to soften the scheme and provide screening in some instances. A condition is recommended to protect the existing trees within the site. The proposal therefore complies with policy NE5 and NE6 of the Local Plan and policy 10 of the ACS.

Issue (iii) Impact on residential amenity (Policy NE9 of the Local Plan and Policy 10 of the ACS)

- 7.12 There are residential properties surrounding the site. The proposal would not have an adverse impact on the amenities of the occupiers of residential property in terms of loss of light, privacy or overlooking. In regard to outlook, the majority of trees to the north and east boundary would be retained, helping to screen the development. The layout and scale have already been approved at the outline application stage.
- 7.13 In terms of noise, at the outline application stage, Environmental Health requested that an environmental noise assessment and sound insulation scheme be required by condition. This requirement was added to the outline permission and will need to be discharged in due course. This would safeguard the amenity of the occupants of the existing and proposed residential dwellings. The proposal therefore complies with policy NE9 of the local plan and policy 10 of the ACS.

Issue (iv) Highway considerations (Policy T3 of the Local Plan)

- 7.14 The outline planning consent established that the development would not have a negative impact upon the surrounding highway network and highway safety.

- 7.15 The proposal would provide a car park of 25 spaces along with two disabled bays, accessed off Green Lane. Given the close proximity to the tram, bus routes and cycle route, the site is located within an accessible location. Therefore, the level of parking proposed is considered acceptable for the development. Implementation of the parking layout, access and surfacing can be secured through a planning condition.
- 7.16 The application also proposes the provision of a cycle store comprising of 12 stands provided within a cycle shelter. This is an acceptable level of provision. This requirement was added to the outline permission and will need to be discharged in due course.
- 7.17 The other conditions requested by the Highway Officer are already part of the original planning permission and do not need to be repeated at the reserve matter stage.
- 7.18 The proposal therefore complies with policy T3 of the Local Plan.

8 SUSTAINABILITY (Policy 1 of the ACS)

- 8.1 The buildings are to incorporate a range of energy reduction techniques including a fabric first approach, high performance glazing, minimising solar gain and making good use of natural daylight.
- 8.2 The applicant states that the proposal would meet the requirements of the Building Regulation and that the building has been designed in line with the energy hierarchy, ensuring the building is energy efficient and that its demand for resources are reduced. The development is therefore capable of complying with policy 1 of the ACS.

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

1. Application No: 18/01120/PRES4 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

16 Published documents referred to in compiling this report

National Planning Policy Framework (July 2018)
Aligned Core Strategies (September 2014)
Nottingham Local Plan (November 2005)

Contact Officer:

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- Notes
- Application Site (Reserved Matters)
 - Application Site (16/02648_PFUL3)

PLANNING ISSUE

Date
06.06.18

Scale
1: 1000 @ A1

Revision
/

Drawing No.
01-010

Drawing Title
Location Plan

Project
Clifton Triangle_Residential

Studio 10
Ayr Street Workshops
Ayr Street
Nottingham
NG7 4FX

LettsWheelerArchitects

Telephone
0115 911 0734
mail@
lettswheeler.com

www.lettswheeler.com

My Ref: 18/01120/PRES4 (PP-07026025)

Your Ref:

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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR APPROVAL OF RESERVED MATTERS**

Application No: 18/01120/PRES4 (PP-07026025)
Application by: Cedar House Investments Ltd
Location: Site Of Fairham House , Green Lane, Nottingham
Proposal: Application for approval of reserved matters in relation to the layout, appearance and landscaping for the 24 apartments and associated works approved under planning permission 16/02648/PFUL3

Nottingham City Council as Local Planning Authority hereby **APPROVES** the reserved matters described in the above application subject to the following conditions:-

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

1. The tree protection measures detailed in the approved Arboricultural Method Statement and in the tree protection plan (drawing ref: RFM-XX-00-DR-L-0002) shall be put in place prior to the commencement of any work on site including demolition, vehicle movement and ground preparation. The protection is to be retained for the duration of all site works including hard surface installation.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

2. The development shall not be commenced until details of the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

Pre-occupation conditions

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

3. The development shall not be brought into use until the highway access and associated pedestrian crossing onto Green Lane have been provided as shown for indicative purposes only on the approved drawing 01-011 Rev B dated 06.06.18. The access shall have a gradient not exceeding 1 in 20 for the first 5m from the rear of the highway boundary, in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy T3 of the Local Plan and Policy 10 and 14 of the Aligned Core Strategy.

4. The residential element of the development permitted by planning permission 16/02648/PFUL3 shall not be brought into use until the car park and bin store have been provided, in accordance with the approved drawing 01-011 Rev B dated 06.06.18.

Reason: In the interests of visual amenity highway safety in accordance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
- Drawing reference 01-012 revision C, received 25 September 2018
 - Drawing reference 01-013 revision C, received 25 September 2018
 - Drawing reference 01-014 revision C, received 25 September 2018
 - Drawing reference 01-016 revision A, received 25 September 2018
 - Drawing reference 01-018 revision A, received 25 September 2018
 - Drawing reference 01-019 revision A, received 27 September 2018
 - Drawing reference 01-020 revision B, received 27 September 2018
 - Drawing reference RFM-XX-00-DR-L-0002 dated 15 June 2018

Reason: To determine the scope of this permission.

Informatives

1. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

3. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

4. 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.

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

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: 18/01120/PRES4 (PP-07026025)

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.



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DRAFT ONLY

Not for issue