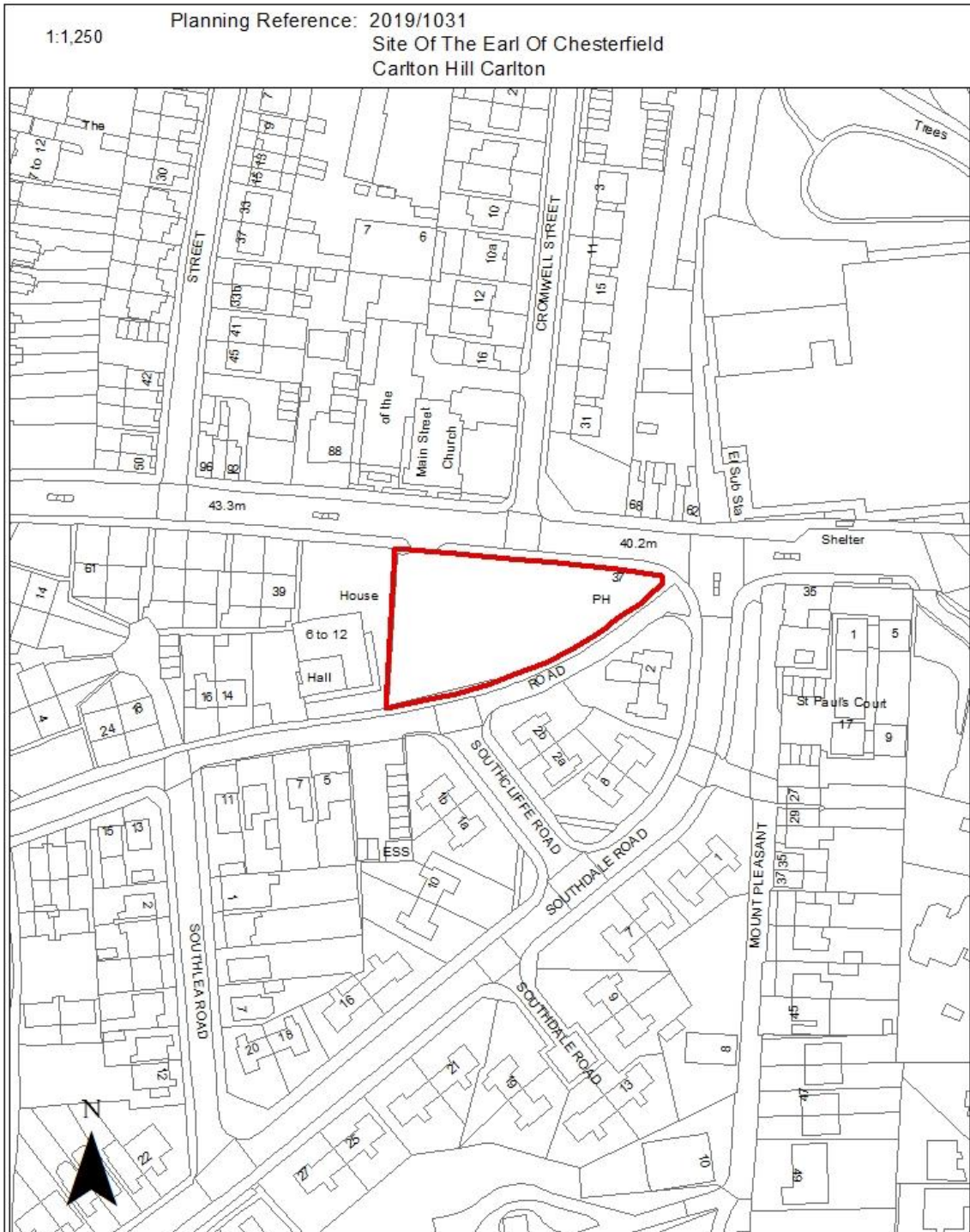


Planning Report for 2019/1031



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2019/1031
Location:	Site of The Earl Of Chesterfield Carlton Hill Carlton
Proposal:	Erection of 23 sheltered accommodation flats with one office.
Applicant:	Nottingham Community Housing Association
Agent:	Pelham Architects
Case Officer:	Nigel Byran

The application is referred to Planning Committee to comply with the Councils constitution as the development proposes more than 9 dwellings.

1.0 Site Description

- 1.1 The application site is currently vacant with The Earl of Chesterfield, a Public House, which was on the site having been demolished. The site is largely made up of hardstanding with an element of scrub on it and is closed off to the public by metal fencing. Located on the corner of Carlton Hill and Southcliffe Road, the site occupies a prominent position within the streetscape, particularly when heading west along Carlton Hill into Nottingham. There is a relatively gradual but quite significant change in levels heading through the site with the land rising when heading in a westerly direction (toward Nottingham).
- 1.2 In the immediate area there are a mixture of uses, although the predominant character of the area is residential properties. Properties on the opposite side of Southcliffe Road are bungalows with Carlton House, a block of flats, to the immediate western boundary. On the opposite side of Carlton Hill the uses are more varied and include a Church and shops, along with some residential properties too. The site is well located in terms of access to services being only a short walk from central Carlton, including the large Tesco, as well as having a bus stop outside the site.

2.0 Relevant Planning History

- 2.1 There have been a number of applications for alterations and adverts to the Public House when it was in situ. However, the most pertinent planning permission is 2016/0875 for the 'demolition of an existing pub building, replaced with a three storey mixed use building consisting of 3 x A1 (Shops)

or A5 (Hot Food Takeaway) retail units and 14 x 2-bed flats'. The application was considered at the Planning Committee of 19 April 2017 and the decision notice issued on the 5th June 2017, following completion of a Section 106 Legal agreement. The permission has lapsed but comprised a mixed use scheme that was relatively modern in design, was flat roofed and was spread over three-storeys that fronted Carlton Hill.

3.0 Proposed Development

- 3.1 Amended plans have been received from when the application was submitted originally and the scheme is now proposed to be a mixture of three-storey in scale, facing Carlton Hill, and two-storey in scale, facing Southcliffe Road. A total of 13 parking spaces are to be provided with vehicular access from Carlton Hill. A bin storage area is proposed relatively close to the site entrance and two small 'courtyard' areas of amenity space are proposed, one when entering the building from the car park and another close to Southcliffe Road.
- 3.2 A mixture of materials are proposed to break up the built form and would include panelling on the prominent front/corner aspect facing Carlton Hill with a mixture of red brick and render, vertically aligned, to break up the horizontal nature of the building when heading along Carlton Hill. The building also utilises the change in levels to break up the ridge line of the building, with Juliet balconies facing Carlton Hill.
- 3.3 The two-storey aspect to the rear facing Southcliffe Drive would have more conventional elevation treatments and would be constructed from a mixture of red brick and render, but no panelling.
- 3.4 The application is submitted by Nottingham Community Housing Association and is for the erection of some 23 social rented sheltered housing one bed two person flats; an office will be provided on the ground floor too. Whilst under the control of Housing Association there will no permanent on-site staff and they will be occupied by vulnerable adults with some support needs.

4.0 Consultations

- 4.1 A press notice was published, a site notice displayed and neighbour notification letters posted. As a result of consultation undertaken a total of 3 neighbour letters were received, all objecting to the application. A full re-consultation was also undertaken on amended plans showing wide ranging changes to the application. No further representations were received on the amended plans. A summary of the objections is drafted below;
- What does 'supported living' mean? The area is largely occupied by elderly people and it should be targeted at people of a similar age e.g. over 55's;
 - The scale of the built form is inappropriate;
 - Privacy of neighbouring properties will be compromised and overlooking will increase;

- There is nothing in the area for young people;
 - Any access to the site should come from Carlton Hill only;
 - It is hoped that the occupiers will not be people with substance abuse issues;
 - How will the building be managed by the Housing Association?
- 4.2 Environment Agency – note that the site falls within flood zone 1 and is not at risk of flooding.
- 4.3 Lead Local Flood Authority – raise no objection to the application.
- 4.4 Severn Trent – raise no objection to the application subject a condition and a number of informatives.
- 4.5 Highway Authority (Nottinghamshire County Council (NCC)) – note that following submission of the updated drawing 2321/P 102 F ‘Proposed Site Plan’, they are content with the access proposed. It is noted that the parking provision is 5 below what would be expected for open market flats but with it being sheltered accommodation the provision should be acceptable.
- 4.6 NHS (primary care) – they will not be seeking a contribution toward health care provision.
- 4.7 NCC Education – noting that the accommodation is for one bedroom flats they would not seek any education contributions.
- 4.8 Scientific Officer (Air Quality) – request conditions with regard to electric vehicles charging points and also the submission of a Construction Emission Management Plan.
- 4.9 Environmental Health (contamination) – noting the previous use and demolition that has been undertaken on the site, they would expect conditions to be added to ensure that possible contamination is explored and the site suitably remediated for its end use.
- 4.10 Strategic Housing (affordable) – support the creation of 23 additional social rented affordable housing units.
- 4.11 Parks and Street Care - note that the site does not meet the threshold of 0.4 of a hectare whereby a contribution for on-site provision of open spaces would be required.

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework

2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 The National Planning Policy Framework (2019) sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a wide choice of high quality homes), 6 (building a strong and competitive economy), 9, (promoting sustainable transport) 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (conserving and enhancing the natural environment) are particularly pertinent.

6.3 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:

- Policy A – Presumption in favour of sustainable development
- Policy 1 – Climate change
- Policy 2 – The Spatial Strategy
- Policy 8 – Housing size, mix and Choice
- Policy 10 – Design and Enhancing Local Identity
- Policy 19 - Developer Contributions

6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:

- LPD 4 – Surface Water Management - sets out the approach to surface water management.
- LPD7 – Contaminated land - sets out the approach to land that is potentially contaminated.
- LPD11 – Air quality - states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.
- LPD32 – Amenity - planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD 35 – Safe, Accessible and Inclusive Development – planning permission will be granted for development that is permeable in form and inclusive to all members of the community
- LPD 36 – Affordable Housing – sets out the thresholds whereby affordable housing will be required on a scheme

- LPD37 – Housing type, size and tenure - states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
- LPD40 – Housing development on unallocated sites – planning permission will be granted for development on such sites provided the character of the area and residential amenity is respected and adequate parking is provided.
- LPD 48 – Local Labour Agreements – sets out the threshold where a local labour agreement is required.
- LPD 57 – Parking Standards – sets out parking standards for developments
- LPD 61 – Highway Safety - states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

6.5 Other Guidance

Parking Provision for Residential Developments – Appendix D of the adopted Local Planning Document Part 2 Local Plan sets out parking standards for residential uses. Furthermore, the Affordable Housing SPD is also relevant.

7.0 **Planning Considerations**

Principle of development

- 7.1 The application site falls within the main urban area of the Borough and there are no policy restrictions on the site. It has good access to services, including local shops and the public transport network. Furthermore, there is an acknowledged shortfall of affordable housing within the Borough and all of the 23 units would be under the control of a Registered Social Landlord. Therefore the principle of development is supported by policies LPD36 and LPD40, although there would be a need to ensure that the development would, amongst other criteria, respect the character of the area, residential amenity and highway safety, explored later in this report.

Impact on the character of the area

- 7.2 The character of the local area is mixed in terms of uses and scale of development in that there are bungalows, flats and commercial uses all adjacent to or opposite the application site. As a result the scale of buildings in the locality also vary. The proposed flats would be three-storey in scale facing Carlton Hill, where the built form on the opposite side of the road is of a similar scale. It is also noticeable that a development three-storey in scale has previously been approved on the site (ref: 2016/0875). One of the key elevations is considered to be the front aspect on the corner of Carlton Hill and Southcliffe Road in that it is a prominent corner in the streetscape. This elevation treatment would vary from the remainder of the building with a cementitious board panel system in grey and the building name, Earls Court,

on this prominent aspect. Stepping around the corner to Carlton Hill the elevation treatments will primarily be red brick and render vertically aligned with the recessed stairwell clad in the same panelling as the corner aspect. Whilst the building will be approximately 47m in length along Carlton Hill it will be broken up in terms of elevation treatment by the mixture of materials proposed, as well as by breaks in the ridge height of the building too. Therefore, whilst the building fronting Carlton Hill is relatively large it has been designed to respect the topography of the site, scale of the buildings in the area as well as provide elevation treatments that are considered to be sympathetic to the character of the area.

- 7.3 The entrance to the building would be from the car park to the western edge of the application site and lead into the two-storey part of the building. It is considered that this aspect of the site has been sensitively designed in terms of scale to act as a bridge between the bungalows on Southcliffe Road and the larger development on Carlton Hill. In the two-storey building the elevation treatments would be more conventional in terms of window layout and no Juliet balconies are proposed. Internal to the site are proposed to be two modest courtyard areas that will act as informal outside space.
- 7.4 Having regard to the above it is considered that the layout and elevation treatment of the site as amended would respect the character of the area in a prominent location. The scale of the built form has been designed sympathetically and, as result, it is considered that the application complies with policy 10 of the ACS and LPD40.

Impact on residential amenity

- 7.5 As noted above, the scale of the development is considered to react to the scale of built form that surrounds it. The three-storey element of the buildings would be adjacent to Carlton Hill, where buildings are typically taller, and the two-storey element would be adjacent to existing residential buildings that are more modest in scale. Along two sides of the development the site is bound by highway so there is a gap between the proposed building and properties on the opposite side of the road. To the west, where Carlton House is immediately adjacent to the application site, the car parking is proposed to be located and Carlton House is on higher land so there is adequate separation distances to ensure that there would be no significant overlooking or overbearing impact resulting from the development proposed. Having regard to the above, it is considered that the development has been sensitively designed so as to ensure that there would be no significant detrimental impact on residential amenity and the application is deemed to comply with policy LPD32.

Highway safety and parking

- 7.6 Vehicular access to the site would be from Carlton Hill toward the western edge of the site. No wider highway works are proposed beyond the dropped kerb and alterations to the pavement, including tactile paving, to create the vehicular access. Visibility along this stretch of Carlton Hill is good and the proposed access is not considered to be detrimental to highway safety and

the Highway Authority, Nottinghamshire County Council, raise no objection to the application subject to the imposition of conditions.

- 7.7 In respect of parking provision, a total of 13 car parking spaces are to be provided. Guidance within the Local Planning Document 'appendix D – requirement for parking provision in residential development identifies that a total of 18 spaces should be provided. However, it is recognised within the 'parking provision for residential development SPD' that there is the ability for the Local Planning Authority and Highway Authority to negotiate a departure to the guidance. If the highway authority does not object to the parking provision provided this would be acceptable, as is the case here. Furthermore, it is apparent that the site is within a short walking distances of services, including a large supermarket, and that there is a bus stop outside of the site. Taking all these factors into account it is considered that, whilst there is a shortfall in provision, this would be acceptable in this instance and is not likely to lead to a proliferation of on-street parking in the area. In addition, it is noted that no cycle parking has been identified but such provision is considered necessary and can be secured via a condition. As a result the application is deemed to comply with both policies LPD57 and LPD61, with the shortfall in on-site parking acceptable in this instance.

Affordable housing

- 7.8 Policy LPD36 identifies that there is a shortage of affordable housing within the Borough and the thresholds whereby affordable housing can be secured on open market developments, which is 20% in Carlton. However, the current application is submitted by a registered social landlord for social rented sheltered housing and the applicant proposes to submit a unilateral undertaking to secure 100% provision. While the policy requirement is to provide a mix of social rent and intermediate sale, the latter would not be appropriate within the context of the proposed sheltered housing development. Having regard to the nature of the development, it is considered that the proposed obligation meets with the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010.
- 7.9 Concern has been expressed about the degree of support required by the occupants of the flats; however, the applicant has identified that there will be no on-site full time member of staff, rather an office will be available during the day for management of the building. Furthermore, there is nothing to indicate that the use of the building will be anything other a conventional C3 use (dwellinghouse) and it is not intended to be a hostel or other non-residential use. The applicants have not indicated that the occupiers will be age restricted e.g. over 55's, and such a restriction is not considered necessary. Having regard to the above it is considered that the application is supported by policy LPD36 (affordable housing), the Affordable Housing SPD and guidance within the NPPF, subject to the applicant provided the required planning obligation to secure the provision of affordable housing

Other matters

- 7.9 The application site falls within floodzone 1 and is not identified as a site at risk of flooding. It has been indicated on the submitted application forms that both foul and surface water will connect into the existing foul network. Allowing surface water to discharge into the foul network is typically only allowed when all other possible sources of disposal have been fully explored and, to this end, it is recommended that the condition highlighted by Severn Trent, along with an informative, be added to any decision notice.
- 7.10 Given the previous use of the site and fact that demolition of the building has already occurred there is the potential for some contamination. A condition is required to ensure that possible contamination is fully explored and the site is fit for the end user. Furthermore, details of an electric vehicle charging point is required to be approved.
- 7.11 On the submitted drawings a degree of planting is proposed, which would enhance the character of the area and help to green the environment. No planting schedule has been produced so final details of both hard and soft landscaping would need to be approved via condition.
- 7.12 Whilst the application is a major, for a development of 10 or more dwellings, no financial contributions are required for the application. The Education Authority have noted that as the scheme is for one bedroom flats the units will not be occupied by families and will not increase pressure for school places. The Primary Health Care Trust have indicated that they will not be seeking a contribution and with the site being less than 0.4 of a hectare no contribution toward public open space is required, with it noted that two courtyard areas are proposed within the site. However, there would be a need for a legal agreement with respect of the affordable housing and the application is deemed to comply with ACS policy 19.
- 7.13 The development comprises more than 10 residential units and therefore a Local Labour Agreement is required to meet with the requirements of LPD Policy 48. This obligation would need to be secured by way of a S106 Planning obligation which shall be completed prior to the determination of the planning application. It is considered that the obligation meets with the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010.

8.0 Conclusion

- 8.1 The principle of development is supported in that the site falls within the main urban of the Borough, has excellent access to services and is currently a vacant site. A large number of affordable dwellings would be provided to address an acknowledged shortfall of provision. The design, scale and layout of the built form is considered to respect the character of the area and it is not considered that residential amenity would be compromised through a dominating or overlooking impact. Furthermore, highway safety would not be compromised and parking provision would be acceptable in this instance.

8.2 The application is, therefore, deemed to comply with policies A, 1, 2, 8, 10 and 19 of the Aligned Core Strategy; policies 3,, 5,, 11, 32, 35, 36,, 39, 40, 48, 57 and 61 of Local Plan Document and guidance contained within the NPPF

9.0 Recommendation: Grant Planning Permission: Subject to the owner enters into a Section 106 planning obligation with the Borough Council as Local Planning Authority to secure 100% affordable housing and a local labour agreement, and subject to the conditions listed for the reasons set out in the report.

Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.

2. This permission shall be read in accordance with the application form and following list of approved drawings:

2321/P 100A – location plan
2321/P 102F – Proposed site plan
2321/P 210C – Ground floor layout
2321/P 211C – First floor layout
2321/P 212B – Second floor layout
2321/P 213C – Elevations

The development shall thereafter be undertaken in accordance with these plans/details.

3. Prior to above ground works commencing, samples of the materials to be used on the external elevations of the building shall be submitted to and approved in writing by the Local Planning Authority . The development shall thereafter be constructed in accordance with the details as approved.

4. Prior to above ground works commencing, a scheme of landscaping showing the location, species and size of specimens to be planted shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

5. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing no. 2321/P 102 F. The parking, turning and servicing areas shall be maintained in such bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.

6. No part of the development hereby permitted shall be brought into use until all redundant dropped kerbs on Carlton Hill and Southcliffe Road have been reinstated as footway with full height kerbs.

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

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

Submission of Remediation Scheme

Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

8. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

10. Prior to the occupation of the building(s) hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of one (1) Electric Vehicle Recharging Point. The Electric Vehicle Recharging Point shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Point shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development.

11. Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved

in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP.

12. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

13. Prior to above ground works commencing, details of a cycle storage rack shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the flats being occupied and shall be retained as such thereafter.

Reasons

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

2. For the avoidance of doubt.

3. To ensure that the character of the area is respected and to comply with policy A of the ACS and guidance within the NPPF.

4. To ensure that the character of the area is respected and planting is secured and to comply with policy ACS 10.

5. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and to comply with policies LPD57 and LPD61.

6. In the interest of highway safety and to comply with policy LPD61.

7. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.

8. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.

9. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.

10. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

11. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into

consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

12. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with policies LPD3, LPD4 and LPD5.

13. To provide sustainable transport options and to comply with policy LPD57