

**REPORT OF DIRECTOR OF PLANNING AND TRANSPORT**

**Radford Mill Northern Site, Norton Street**

**1 SUMMARY**

Application No: 13/01505/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Nottingham Community Housing Association

Proposal: 67 dwellings comprising 18 houses & 49 flats with associated car parking and landscaping.

The application is brought to Committee because it is for a major development and is recommended for approval without full S106 obligations requirements being met.

To meet the Council's Performance Targets this application should be determined by 3rd October 2013.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** for the reasons set out in the report, subject to the conditions substantially in the form of those listed in the draft decision notice.

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

**3 BACKGROUND**

3.1 The site is broadly rectangular in shape and comprises 0.78 ha. It is bound on three sides by Garden Street, Denman Street Central and Norton Street. The boundary to the south of the site abuts the remaining part of Radford Mill, referred to as New Radford Mill. The site is presently fenced off and all buildings are now demolished except for the small Victorian warehouse fronting Garden Street which is to be retained. The site has a gradual fall from the north east down to the south west corner of approximately 4 metres.

3.2 To the east of the site are existing residential units which back onto Garden Street. To the west of the site are a mix of light industrial units on the Blooms Grove industrial estate, the John Carroll Leisure Centre and a Sikh Temple. To the North of the site is the redundant Globe PH with primary school beyond. Beyond New Radford Mill to the south of the site are the Radford Court industrial units facing onto Ilkeston Road.

**4 DETAILS OF THE PROPOSAL**

4.1 The development comprises sixty seven new dwellings and associated works in the form of a perimeter block. The scheme comprises 18 two and three storey semi-

detached dwellings to Denman Street Central and Garden Street respectively and 49 three and four storey flats to Norton Street. Eight properties would be constructed to meet lifetime homes standards (there would be 38 x one bed, 18 x two bed, 9 x three bed and 2 x four bed units). The majority of the dwellings would have in curtilage parking to the front whereas the flats would have access to a centrally enclosed landscaped car park. The dwellings would all be for affordable rent by the applicants, the Nottingham Community Housing Association (NCHA).

- 4.2 The properties would be constructed using traditional materials to reflect the local vernacular with red brick elevations and mock slate roofs. Panels of render, reconstituted stone and timber cladding would be used to articulate the elevations and add variety and interest to the properties.
- 4.3 The developer has committed to working with the Council's Employment & Skills team to deliver local employment and training opportunities during the construction of the development. These would be secured as part of the terms of the land ownership agreement with the City Council.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

Publicity was undertaken through the display of a site notice and publication of a press notice. The following adjoining occupiers were consulted. The overall expiry date for consultations was 17th August 2013. No comments were received.

### **Adjoining occupiers consulted:**

Radford Mill Southern Building and Day Nursery Garden Street.  
36 – 48 (evens) Leroy Wallace Avenue.  
59 – 65 (odds) Argyle Street.  
28 – 38 (evens) Wolsey Avenue.  
1-9 (consec) Hornbuckle Court.  
17, 20A - 23 Radford Mill.  
Raglan Forge.  
Units 4, 5, 5a, 6, 7, 8, 9, 11 and 14 Blooms Grove Industrial Estate.  
160 and 1-6 (consec) Radford Court Ilkeston Road.  
Inter-Varsity Press Norton Street, 65 Norton Street.

### **Additional consultation letters sent to:**

**Noise and Pollution Control:** Recommend the inclusion of conditions relating to contaminated land and gaseous emissions, an environmental noise assessment and a sound insulation scheme.

**Highways and Drainage:** No objection. Recommend conditions requiring the submission of details of surface water drainage, a construction management plan, off-site highway works have been provided prior to occupation and the construction of the on site parking, turning and servicing areas. Refer to the need for stopping up an area of public highway. The works proposed will necessitate the applicant to enter into a Section 278 agreement with regards to the works on the public highway.

**Biodiversity:** Recommend the inclusion of conditions requiring the development to incorporate recommendations within the ecology report. There are known badger records within the area, it is recommended that a background data search with the

local records centre be undertaken to obtain any records that may inform mitigation prior to determination of the application.

Ecological walkover assessments should take place if the development is not carried out within a year to ensure no habitats or species will be affected.

The landscaping areas of the development should focus on native species to enhance the overall biodiversity value of the site. Bird and bat boxes are also recommended to be incorporated into the development.

**Parks and Open Space:** The Open Space Toolkit Assessment that took place for this development recommends Section 106 open space contributions towards improvements to the Radford Recreation Ground and/ or the River Leen.

**Severn Trent Water:** No objection to proposal. It is recommended that foul and surface water drainage plans be submitted and approved prior to the commencement of development.

**Comment:** Matters relating to foul drainage are a *Building Regulations matter*.

**Arboricultural Officer:** Recommend that the existing mature street trees of high amenity value to the corner of Denman Street Central and Garden Street be retained and an Arboricultural Method Statement (AMS) be included as a condition.

## 6 **RELEVANT POLICIES AND GUIDANCE**

National Planning Policy Framework: complies

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking 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, encourage the effective use of land by reusing land that has been previously developed (brownfield land), and support the transition to a low carbon future.

The NPPF 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 and tenure and the range of housing to meet local needs.

Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. Paragraph 63 adds that great weight should be attributed to outstanding or innovative designs.

### **Nottingham Local Plan (November 2005):**

ST1 - Sustainable Communities - complies

H2 – Density - complies

H3 - Appropriate Housing Types – complies

H5 – Affordable Housing - complies

BE2 - Layout and Community Safety - complies

BE3 - Building Design - complies

BE4 - Sustainable Design – complies

E4 – Employment Land - complies

T3 - Car, Cycle and Servicing Parking - complies

NE5 – Trees - complies

R2 – Open Space in New Development – does not comply

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- i) Principle of development
- ii) Design considerations
- iii) Highways considerations
- iv) Impact on residential amenity

### **Issue i) Principle of the development (Policies ST1, E4, H2, H3 and NPPF)**

- 7.1 The site is not allocated in the Local Plan for any specific use but forms an existing employment site located adjacent to a primarily residential area. The land has recently been cleared having previously been occupied by redundant, dilapidated workshops and mill buildings. In terms of the loss of employment land, it is considered that there is a sufficient alternative supply of employment sites in the vicinity. The proposal is considered to represent a comprehensive redevelopment of this particular site which would benefit and serve a need in the local area. The proposal is considered to be compatible with and unlikely to inhibit the activities of any neighbouring occupiers or businesses.
- 7.2 The proposed houses and apartments would provide a sustainable mix of 1, 2, 3 and 4 bed homes. These would respond to the identified local need and would contribute to maintaining a sustainable community. Furthermore, eight of the dwellings would be built to Lifetime Homes Standard. The proposed density is considered to be commensurate with the surrounding residential area. The design and size of the properties fully comply with the Homes and Community Agency's standard that are required for funding.
- 7.3 The NPPF 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 the range of housing required to meet local needs. This development for a 100% affordable housing scheme is being facilitated by the Council as land owner.
- 7.4 The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. The development would also be located in a sustainable location, close to many local facilities and a range of transport options.

7.5 The proposal would therefore comply with the NPPF and policies ST1, H2 and H3 of the Local Plan.

**Issue ii) Design Considerations (Policies BE2, BE3 and NE5)**

7.6 The Local Plan and NPPF recognise the importance of design in making places better. The NPPF 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 The proposed perimeter layout is governed, to a large extent, by the existing road layout and the remaining buildings. It is well defined and would provide active frontages with surveillance on to the respective streets with secure private rear gardens to the houses.

7.8 The scale of the dwellings varies with three storey semi detached houses along Garden Street and three storey flats turning each corner to Denman Street Central, acting as 'bookends' to the two storey semi detached dwellings in between. The scheme then rises to a four storey block of flats along Norton Street which takes reference from the previous Radford Mill. The variety of building heights adds interest to the respective streetscenes and the scale of each element responds to the sites particular context which contains a range of building heights.

7.9 The design of the scheme is contemporary but uses traditional materials such as red brick, render, timber cladding, reconstituted stone detailing and mock slate roofs which are in keeping with the area. The four storey element uses the industrial vernacular of its predecessor and neighbours to create a distinctive building. A particular characteristic is the angled projections to the roof line of the flats which form triangular and split gables also have the benefit of accommodating PV panels.

7.10 Areas of timber cladding, render and glazing are used to all the elevations to provide depth, articulation and interest to the scheme. The selected materials and certain design elements provide for a cohesive scheme. The proposals would therefore comply with policy BE3.

7.11 The majority of the houses would have in curtilage parking to the front elevations. An enclosed central parking court for the flats accessed off Norton Street and some on-street parking along Garden Street are also proposed.

7.12 The houses would have hard and soft landscaped front gardens enclosed with railings. Close boarded fencing is proposed for the rear gardens. The apartment blocks would have hard landscaping to their frontages enclosed with low level walls topped with metal railings.

7.13 Bin storage, including waste recycling provision would be incorporated to the rear of the houses and enclosed at ground floor level adjacent to the circulatory cores for the apartments.

7.14 Front gardens would be landscaped with dense planting and lawns. The rear parking to the flats would incorporate soft landscaped borders and a block paved access road. Street tree planting is also proposed along Norton Street. A number of mature street trees on the corner of Garden Street and Denman Street Central would be retained and appropriate protection is proposed.

7.15 The proposal would therefore comply with policies BE2, BE3 and the NPPF.

### **Issue iii) Highways Considerations (Policies BE2 and T3)**

7.16 Following amendments to the scheme, the proposed development would not have a significant impact upon the surrounding highway network in terms of traffic generation and access.

7.17 It is considered that there would be an adequate amount of car parking for the proposal with most dwellings having in-curtilage parking, there being an enclosed parking court for the flats and additional on street parking to Garden Street. There would also be an adequate amount of enclosed cycle storage which would be located within the centrally enclosed parking court.

7.18 Highways have raised no objections to the development subject to conditions and on this basis, the development complies with policies BE2 and T3.

### **Issue iv) Impact on Residential Amenity (Policy BE3)**

7.19 Given the distance of the existing nearest residential properties to the new development (25m) the proposal is unlikely to have a detrimental impact upon the amenities of nearby residents. Furthermore, the proposed layout has been carefully designed to ensure that there would be no adverse impact upon the amenities of nearby residents or the future occupants of the new development.

7.20 The proposed housing development is likely to have less impact upon adjacent residential occupiers than the previous industrial uses. The proposal would therefore comply with Policy BE3.

### **Other Matters (Policies H5 and R2)**

7.21 This development would deliver 100% affordable housing units scheme and therefore exceeds the requirement for a minimum of 20% affordable housing to be provided on the site in accordance with Policy H5. The mechanism for securing this will be by way of the land ownership agreement with the City Council

7.22 A financial appraisal has accompanied the application. This demonstrates that the overall development is unable to meet the other S106 requirement which would usually be expected for a development of this nature, namely a financial contribution towards off site open space. The findings of the appraisal have been assessed and are considered to be justified. Having regard to the issue of viability and the overall benefits of this development it is considered that a relaxation of the policy requirements is considered to be justified in this instance.

7.23 Conditions relating to the ecology survey and landscaping will be included. A background data search relating to badgers will be undertaken and any further comments reported to Committee.

## **8. SUSTAINABILITY / BIODIVERSITY (Policy BE4)**

8.1 The proposed development would be constructed using a fabric first approach to provide highly insulated buildings to reduce energy at source. The apartment block would also contain PV panels. These measures would ensure that the 10%

reduction in carbon emissions target would be met. The development would achieve Code For Sustainable Homes Level 4. The development would be in accordance with policy BE4.

**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 – providing a high quality sustainable residential Development.

Safer Nottingham – Maximising community safety with well designed and secure properties and streets that facilitate good natural surveillance.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

The proposed housing development would significantly enhance casual surveillance of the respective streets.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 13/01505/PFUL3 - link to online case file:  
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01505/PFUL3>

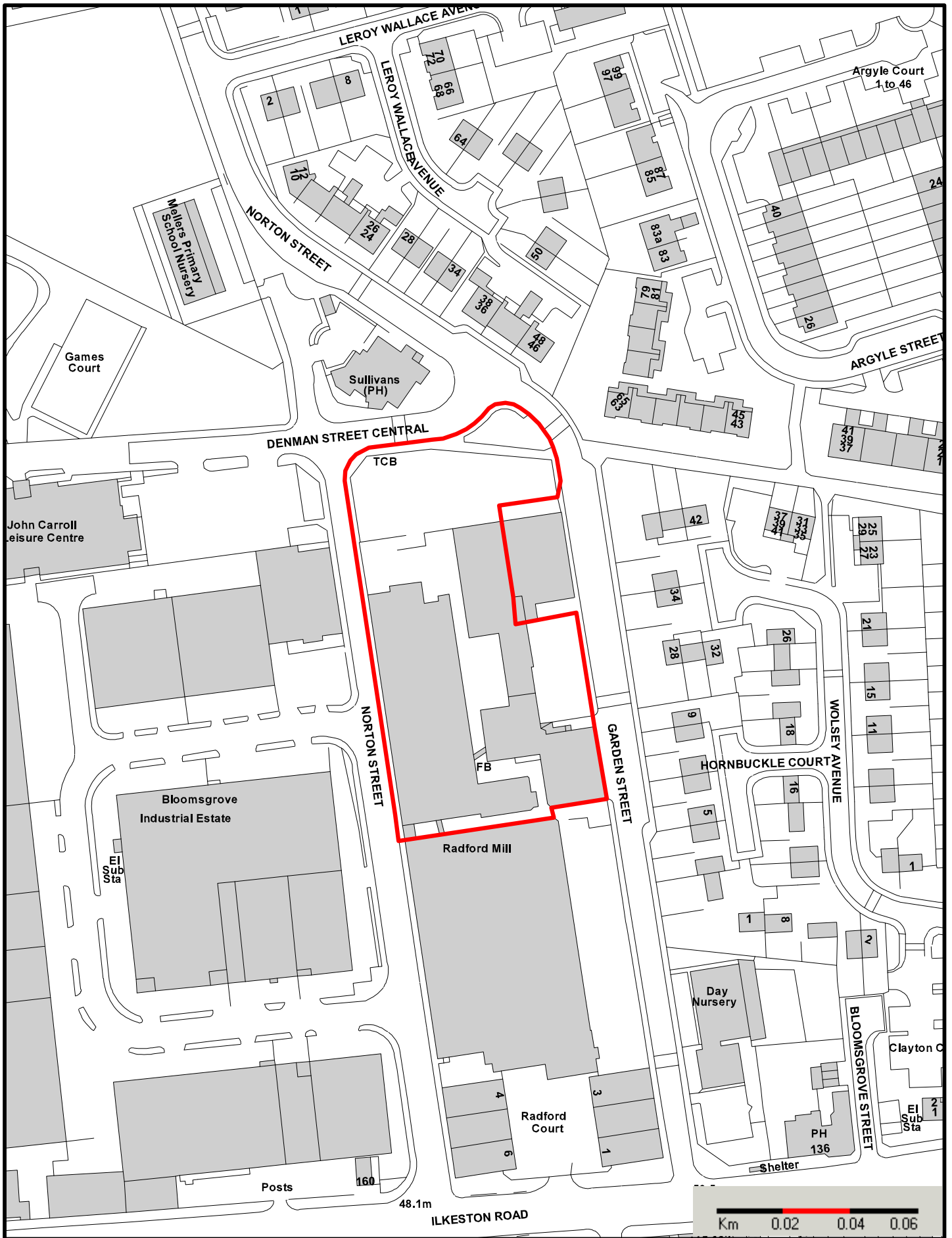
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

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**Nottingham**  
City Council



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Date of decision:

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

Application No: 13/01505/PFUL3 (PP-02713507)  
Application by: Nottingham Community Housing Association  
Location: Radford Mill Northern Site, Norton Street, Nottingham  
Proposal: 67 dwellings comprising 18 houses & 49 flats with associated car parking and landscaping.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

**Time limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Pre-commencement conditions**

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

2. 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. The development shall not be carried out other than in accordance with the approved details.

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



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**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

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3. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:

- a) details of the means of enclosure for the site boundaries and the individual plots;
- b) details of the hard landscaping.

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

*Reason: To ensure that the appearance of the development will be satisfactory, in the interests of sustainable development in accordance with Policies BE3 and BE4 of the Local Plan.*

4. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority;

- a) a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs;
- b) details of new street tree planting, including details of location, species, size and planting troughs.

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

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE5 of the Local Plan.*

5. Prior to the commencement of development, details of an environmental noise assessment and sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority. The environmental noise assessment shall be carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority and shall be suitable and sufficient and shall 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.

The submission shall include 1/3rd octave band analysis, and state all assumptions made (e.g. glazing and façade areas) and be designed to achieve the following internal noise levels:

i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.

ii. Not more than 45dB LAmax (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

iii. Not more than 55dB LA eq (1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

Where noticeable low frequency noise is present, the submission shall also be designed to achieve the following internal noise levels:

i. Not exceeding NR30 for living rooms between the hours of 07.00 and 23.00.

ii. Not exceeding NR25 for bedrooms between the hours of 23.00 and 07.00.

The sound insulation scheme and any complementary acoustical ventilation, once approved by the Local Planning Authority, shall be installed prior to occupation of the units.

*Reason: To ensure a satisfactory standard of residential accommodation is provided and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.*

6. The development shall not be commenced until a detailed scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed. In particular the scheme shall include:

i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation;

ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found;

iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;

iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

*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.*



7. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site has been submitted to and approved in writing by the Local Planning Authority. This shall include:-
- i) details of an investigation and assessment of the gaseous emissions on the site;
  - ii) proposals for ensuring the safe removal of gas;
  - iii) proposals for preventing the lateral migration of gas; and
  - iv) any other remedial measures shown in the assessment to be necessary.

*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.*

8. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

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

9. The development shall not be commenced until an energy statement, which shall calculate and indicate the carbon emissions of the proposed development and show how those emissions will be reduced by a minimum of 10% through renewable or low carbon sources, has been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: In order to ensure that these measures are incorporated into the approved development, in the interests of the sustainable development of the site and in accordance with Policy BE4 of the Local Plan.*

10. The development shall not commence until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The proposals should seek to demonstrate a 30% reduction in peak run-off rate.

Reason: To reduce the risk of flooding in the interest of sustainable development in accordance with Policy BE4 of the Nottingham Local Plan.

11. The development shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policies BE2 and NE9 of the Local Plan.

12 The development shall not be commenced until details of the hard surfacing, which shall comprise porous or permeable materials, for those parts of the site which would not be soft landscaped have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of sustainable development in accordance with policy BE4.

**Pre-occupation conditions**

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

13. Pursuant to condition 6 above, no part of the development hereby permitted shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by 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.*

14. Pursuant to condition 07 above, no building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

*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.*

15. The approved landscaping scheme, including the street trees, shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE5 of the Local Plan.*

16 No part of the development hereby permitted shall be brought into use until the on site parking, turning and servicing areas are provided and surfaced in a bound material with the parking bays clearly delineated. This area shall be maintained in the bound material for the life of the development and shall not be used for any other purpose other than the parking, turning, loading and unloading of vehicles.

Reason: To ensure that adequate parking provision is made to reduce the possibility of overspill parking on to the adjoining public highway and in the interests of Highway Safety in accordance with Policy BE2.

17 No development shall be brought into use until the off-site highway works have been provided along Garden Street, Denman Street Central and Norton Street as shown for indicative purposes only on the attached plan (Pelham Architects drawing number 2197/S 101E) to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority.



Reason: To ensure the development is constructed to adoptable standards and in the interests of Highway Safety in accordance with Policy BE2.

- 18 No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the parking of cycles. The cycle stands shall be secure, lit and undercover and should be maintained for the life of the development.

Reason: To promote sustainable travel in accordance with Policy T3.

### **Regulatory/ongoing conditions**

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

19. The development shall be carried out in accordance with the recommendations of the EMEC Report 'Protected Species Survey' (June 2013), in particular those set out at in section 4.

*Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan.*

20. Notwithstanding the provisions of any Town & Country Planning General or Special Development Order for the time being in force relating to 'permitted development,' the dwellings shall not be enlarged and no ancillary buildings shall be erected without the prior express permission of the Local Planning Authority.

*Reason: To ensure that the appearance of the development will be satisfactory and to protect the amenities of the occupants of nearby property in accordance with Policy BE3 of the Local Plan.*

- 21 All gates, doors and windows on the street frontages shall open inwards only.

Reason: In the interests of pedestrian safety in accordance with Policy BE2.

22. The development will require the stopping up of the public highway and no part of that development hereby permitted (or any temporary works or structures) shall obstruct the public highway until the areas of public highway thereon, shown on plan (Pelham Architects drawing number 2197/S 103) have been formally stopped up.

Reason: In the interests of Highway Safety in accordance with Policy BE2.

### **Standard condition- scope of permission**

- S1. 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 4 July 2013.

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

### **Informatives**

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

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

other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. BS8233 gives an approximate relationship between NR & dBA as  $NR = dBA - 6$ . This is specifically an approximation 'in the absence of strong low frequency noise'. Therefore it is appropriate and reasonable to assess internal noise levels, where low frequency noise is noticeable, using the NR curves specified.

4. 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 strongly recommended 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 will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

5. The applicant is advised that should development not take place within a year it is recommend that an ecological walkover assessment takes place to ensure no habitats or species will be affected by the development or provide constraints. If development takes place within a year, as a precautionary measure it is suggested the developer seeks advice from the ecologist to establish whether an assessment is necessary. For example, should any vegetation grow within the area, this should be checked for nesting birds prior to development.

6. The Arboricultural Method Statement to be submitted shall be prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations'. It may include the following elements as appropriate:

- Protective fencing for retained trees
- Schedule of tree work
- Method of working within identified root protection areas
- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

All works to the existing public highway will need to be carried out under a Section 278 Agreement and must be introduced prior to first occupation of the Academy. All costs must be borne by the developer. The applicant should contact Liz Hiskens in the Highway Programmes Section on 0115 8765293 to instigate the Section 278 Agreement process. The scheme will go through a full Road Safety Audit as part of the Section 278 and as such minor amendments to the agreed road layout as shown on the site plan may occur.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with our standards. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit

mud on the public highway and as such you should undertake every effort to prevent it occurring.

Prior to any works commencing on site 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. Please contact them on 0115 8765238.

We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree which is in line with the 6Cs Regional Design Guide. For further information regarding the collection of commuted sums the applicant should contact Liz Hiskens in the Highway Programmes Section on 0115 8765293.

The proposed development appears to require the stopping up public highway. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public highway and an unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up the public highway will be required. This is a separate legal process and the applicant will need to contact the Department for Transport at their earliest convenience to discuss this matter further. Their contact details as follows:

The National Transport Casework Team  
Department for Transport  
2nd Floor  
Lancaster House  
Hampshire Court  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7YH  
(T) 0191 226 5216.

It is strongly recommended that the applicant liaise with our Rights of Way Officer, John Lee who can be contacted on 0115 876 5246.

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: 13/01505/PFUL3 (PP-02713507)

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](http://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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