

NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday 18 September 2013

Time: 2.30pm

Place: Ground Floor Committee Room at Loxley House, Station Street

Councillors are requested to attend the above meeting on the date and at the time and place stated to transact the following business.



Deputy Chief Executive/Corporate Director for Resources

Constitutional Services Officer: Martin Parker Direct dial - 8764303

A G E N D A

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTERESTS

3 MINUTES

Last meeting held on 21 August 2013 (for confirmation)

To follow

**4 PLANNING APPLICATIONS - REPORTS OF DIRECTOR FOR
PLANNING AND TRANSPORT**

**(a) LAND TO SOUTH OF NOTTINGHAM BUSINESS PARK
WOODHOUSE WAY**

1

Proposed residential development of up to 300 dwellings, together with open spaces, vehicular accesses and service infrastructure

(b) LAND AT KINGSTHORPE CLOSE KILDARE ROAD

27

70 dwellings and associated works

- (c) **SITES AT HOBART CLOSE AND PITCAIRN CLOSE, THE MEADOWS** 43
33 new dwellings (Hobart Close) and 35 dwellings (Pitcairn Close)
- (d) **RADFORD MILL NORTHERN SITE NORTON STREET** 71
67 dwellings (18 houses/49 flats) associated car parking and landscaping
- (e) **ST THOMAS MORE ROMAN CATHOLIC CHURCH GLENWOOD AVENUE** 89
New church and 18 dwellings. Resubmission of planning application reference 13/00415/PFUL3
- (f) **GROVE FARM SPORTS GROUND LENTON LANE** 105
Two new sports pavilions/changing rooms following demolition of existing buildings and associated works. Formation of parking area and change of use of part of agricultural land to use as playing fields
- (g) **CALOR GAS LTD, ABBEYFIELD ROAD** 125
New car dealership including showroom, workshop and ancillary facilities

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE CONSTITUTIONAL SERVICES OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES.

PLANS RELATING TO ITEMS ON THE AGENDA WILL BE AVAILABLE FOR INSPECTION BY COUNCILLORS BETWEEN 1.00 PM AND 1.30 PM IN THE COMMITTEE ROOM GROUND FLOOR, LOXLEY HOUSE

Agenda, reports and minutes for all public meetings can be viewed online at:-
<http://open.nottinghamcity.gov.uk/comm/default.asp>

WARDS AFFECTED: Bilborough

PLANNING COMMITTEE
18 September 2013

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Land to the South of Nottingham Business Park, Woodhouse Way**1 SUMMARY**

Application No: 13/01703/POUT
Application by: Antony Aspbury Associates Ltd on behalf of Wilson Bowden Developments Limited
Proposal: Proposed residential development of up to 300 dwellings, together with open spaces, vehicular accesses and service infrastructure.

This application is brought to Planning Committee as officers are recommending that the application be granted, which represents a departure from the Development Plan.

To meet the Council's Performance Targets this application should be determined by 9 October 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in the report subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
 - (i) The provision of on-site affordable housing
 - (ii) A financial contribution towards education provision
 - (iii) A financial contribution towards improvements to public transport and sustainable transport measures
 - (iv) A financial contribution for off-site provision or improvement of open space or public realm
 - (v) The provision of on-site open space and the on-going management and maintenance of these areas
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions of the planning permission be delegated to the Director of Planning and Transport.

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

3 BACKGROUND

Site

- 3.1 The site comprises 13.5ha of open grassland to the south of Lawrence Drive and the Nottingham Business Park, on the west side of Woodhouse Way (A6002). The land forms part of the wider area consented as a business park but remains undeveloped. The site is largely featureless, characterised by its openness with the exception of a line of trees leading to a copse, which is located outside the application site but within the applicant's ownership. Vehicular access to the site is achieved via Lawrence Drive, with the existing roundabout that serves the business park, providing an access 'stub' to the land as part of the consented business park scheme. The site is relatively flat with a gentle downward slope from west to east, with the lowest point of the site being in the south east corner adjacent to Woodhouse Way. The level difference between the site and Woodhouse Way is more pronounced, with the site being on a higher level than the road to the east. There are sixteen mineshafts either within the application site or on nearby surrounding land. The application site and land to the north of Lawrence Drive forms an employment site allocation within the Local Plan comprising 24.61ha of land for B1 development.
- 3.2 Surrounding the site is the Nottingham Business Park to the north which comprises 19,956m² of Class B1(a) Office development, a hotel and additional allocated but undeveloped land, all of which are accessed via Lawrence Drive. To the south of the site is Stonepit Plantation, which is a Site of Importance for Nature Conservation (SINC) and beyond this open grassland and Strelley Village. On the east side of Woodhouse Way is a large residential estate and Strelley recreation ground, which sits to the north of the junction of the A6002 and Strelley Road. There is a public footpath which runs through the existing Business Park, across Lawrence Drive and connects to Woodhouse Way, running to the west of an existing swale which is situated to the south of the Woodhouse Way/Lawrence Drive roundabout. To the immediate west is open countryside where the land rises in height away from the site and beyond this is the M1 motorway. Access to the motorway is less than 2km from the site via Junction 26. The land on the west side of Woodhouse Way but excluding the business park and vast majority of the application site is within the Nottinghamshire Green Belt. The only part of the application site within the Green Belt is the south east corner, where the balancing pond is proposed. The proposed High Speed 2 rail route (HS2) runs to the west of the application site and converges onto the existing business park to the north.

Relevant Planning History

- 3.3 In 2000 planning permission was granted for 79,000m² (application reference: 97/02441/POUT) of employment floor space (B1 offices only) including on land that forms the application site. To date 19,956m² of office development has been built on the northern part of the site.
- 3.4 In April 2013 the applicant sought a screening opinion as to whether the proposal would require an Environmental Impact Assessment (EIA) (application reference: 13/00867/EASCR). It was determined having regard for Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that the proposal does not form EIA development.
- 3.5 Although not directly related to this site, Broxtowe Borough Council has recently considered an application on land to the north of the Business Park for residential

development (up to 620 dwellings including a supported living/retirement element), a care facility, a neighbourhood centre including uses A1-A5, a day nursery and/or healthcare centre and a primary school. This application was refused planning permission in August 2013 for various reasons including being inappropriate development within the Green Belt, that the site was not allocated for development, that the site includes land identified as the preferred route for Phase two of the High Speed railway network expansion and insufficient information to demonstrate that the scheme is acceptable in highway and ecological terms.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks outline planning permission for up to 300 dwellings together with open spaces, vehicular accesses and service infrastructure. Access forms part of the consideration of the application, proposed mainly via the existing Lawrence Drive access point and through the creation of a new vehicular route from Woodhouse Way. A third access point is also proposed off Lawrence Drive, designed to take a smaller proportion of the development traffic. All other matters are reserved for further consideration.
- 4.2 The application is supported by an indicative masterplan, informed by a Design and Access Statement and Design Code document, which seek to demonstrate how the development could be accommodated on the site and sets principles for the detailed design stage. It is envisaged that the development will bring forward a mix of 2-5 bedroom properties, including 20% affordable housing, that will be predominately two and two and a half storeys, with some limited three storey development. The masterplan includes several character areas informed by the highway hierarchy and architectural approach set out within the Design Code document. The proposals include open space within the development in the form of a Neighbourhood Equipped Play Area (NEAP) and other more informal open space landscape areas. A surface water attenuation pond is proposed at the south east extremity of the site. Outside of the application site, the land to south and west will be publicly accessible by pedestrians but landscaped and managed in a manner to reflect its open countryside character.
- 4.3 The application is accompanied with a suite of documents which include a planning statement; a transport assessment; an employment and land use study; a flood risk assessment; a noise assessment; a landscape and visual study; an ecological appraisal; an arboricultural assessment; a mineshaft investigation; a sustainability and energy statement and a statement of community involvement. As part of the development package the developer is to deliver local employment and training opportunities during the construction of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through the Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the below neighbouring/local properties have been directly consulted:

2-10 (evens only) Erith Close
16-48 (evens only) Edge Way
1-11 (odds only), 15-17 Lancaster Way
206-226 (evens only) Cranwell Road

21-49 (odds only) York Drive
1-8 Orchard Place
2, 2a and Unit F Horizons Place, Mellors Way
Units G1-G7 Ash Tree Court, Mellors Way
Units H1-H7 Ash Tree Court, Mellors Way
6&8 Lawrence Drive
The Belfry Hotel

- 5.2 Two letters of objection have been received to the application. One letter questions the requirement for additional housing and additionally objects on the following grounds; the site is inappropriate for development given its proximity to the Green Belt and Strelley Village, the site was given permission for business use and should remain so, highly unlikely proposal will improve local education facilities, questions whether the cumulative impact of the application in Broxtowe Borough Council's administrative boundary has been considered or impact of HS2, considers that highway network will not be able to cope with additional traffic and finally if approved would like to see specific highway improvements to surrounding area including direct access onto Woodhouse Way from residential estate to the east. The other letter of objection states that the proposal to build on the Green Belt would be very invasive and damaging to the natural environment.
- 5.3 One letter of support from Barratt Homes, as an occupier of one of the units on the Business Park has been received. The letter conveys that the scheme will make a significant contribution to the City's housing delivery in accordance with the requirements of the NPPF, and details that since the granting of planning permission for B1 development in 2000 the rate of uptake has been much slower than anticipated. The letter also advises that there is plentiful supply of B1 employment land on the northern part of Nottingham Business Park and across the City generally and that City Council will shortly be publishing its Preferred Options for the next stage of the Land and Planning Policies document, which may well include this site for housing.

Additional consultation letters sent to:

- 5.4 **Highways & Drainage:** No objections to the granting of outline planning permission subject to the improvement of bus services to be secured through the Section 106 Agreement and conditions relating to a construction management statement, the implementation of the new junctions, detailed highway design and the approval of the residential travel packs. The comments advise that the 2000 planning permission for office use included a number of off-site highway improvements which have all been implemented despite the development not being carried out in full. Robust trip generation comparisons have been made between what has been consented and what is now proposed and there will be a net reduction in traffic flows arising from the development compared to that projected from the 2000 B1 office planning permission. The comments confirm that based on the feasibility designs presented the three access points are acceptable. The Drainage section are satisfied with the submitted FRA and consider it sufficient to support outline approval, however there are outstanding drainage management issues which will need resolving prior to reserved matters approval e.g. maintenance of SuDS features and the associated commuted sums.
- 5.5 **Environment Agency:** Objects on the grounds that the Flood Risk Assessment is inadequate. The comments specify the deficiencies in the FRA which specifically

relate to technical assumptions used in calculating the greenfield run-off rate. This matter is addressed in paragraph 7.19

- 5.6 **Natural England:** No objections to the development and consider that the proposed development is unlikely to affect bats and great crested newts. It is identified that the development may present opportunities for Green Infrastructure, biodiversity and landscaping enhancements. They also confirm that the site is in close proximity to the Robinettes Site of Special Scientific Interest (SSSI) but that they are satisfied this does not represent a constraint to development.
- 5.7 **Nottinghamshire Wildlife Trust:** Welcomes inclusion of a substantial area zoned as parkland and this will act as a development buffer to both Strelley Hall Park and Stonepit Plantation. Comments that a large residential development is likely to result in pressure on Stonepit Plantation and if access is promoted suggests that Section 106 monies are directed to carrying out essential infrastructure works to minimise the impact. The Trust make detailed comments in relation to the great crested newts surveys and the specific design of the balancing pond to ensure biodiversity gain. Finally they ask that the cumulative impacts of other nearby large developments are considered.
- 5.8 **Biodiversity and Green Space Officer:** No objections to the application and considers that information submitted through the surveys to be sufficient. Recommends conditions in relation to on-going monitoring of habitats, an ecological method statement, recommendations to be implemented in accordance with the ecology report, landscaping, wildlife habitat boxes/features, protection of existing woodland, trees and hedges, access arrangements to Stonepit plantation and details of lighting specification.
- 5.9 **Noise and Pollution Control:** No objections but recommends conditions in relation to noise, contaminated land and air quality.
- 5.10 **Tree Officer:** No objections and is encouraged by the layout and the proposals more widely. Careful consideration is required with regard to the position of driveways in relation to trees as this may subject them to damage and affect their longevity. Strongly endorses the precautionary approach from Nottingham Wildlife Trust about the impact on Stonepit Plantation through increased usage.
- 5.11 **Severn Trent Water:** No objection subject to a condition regarding drainage plans.
- 5.12 **Coal Authority:** The Coal Authority require clarification of investigations relating to a specific mineshaft and recommend the layout incorporates a 20m boundary around the mineshafts to provide 'No Build' zone.
- 5.13 **Broxtowe Borough Council:** No objection to the proposal though identifies that Nottinghamshire County Council as their highway authority will provide comments regarding highway matters under a separate cover.
- 5.14 **NCC Policy:** Comments that although the proposal is a departure from existing local plan policy, they accept the arguments relating to a lack of demand for B1 development on this site. The Aligned Core Strategy (ACS) is at the pre-examination meeting stage and so full weight would not be applied at present. However based on the figures within the ACS the Council possess a supply of housing amounting to 5.63 years, which is a total of 4,954 dwellings. This includes 275 dwellings being attributed to the application site. The provision of family

housing, particularly 4 and 5 bedroom dwellings and the improvement to the existing bus service is welcomed.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development 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, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraph 49 states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm can not be avoided, mitigated or as a last resort compensated, then permission should be refused.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Complies

H2 – Density. Complies

H3 – Appropriate Housing Types. Complies

H5 – Affordable Housing. Complies

E1 – Prestige Employment Sites. Does not comply

R2 – Open Space in New Development. Complies

R3 – Access to Open Space. Complies

BE1 – Design Context in the Public Realm. Complies

BE2 – Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

BE5 – Landscape Design. Complies

NE2 – Nature Conservation. Complies

NE3 – Conservation of Species. Complies

NE5 – Trees. Complies

NE8 – Green Belt. Complies

NE9 - Pollution Control. Complies

NE10 – Water Quality and Flood Protection. Complies

NE12 – Derelict or Contaminated Land. Complies

T2 – Planning Obligations and Conditions. Complies

T3 - Car, Cycle and Servicing Parking. Complies

Aligned Core Strategy Publication Version (2012)

Policy 2 – The Spatial Strategy.

Policy 4 – Employment Provision and Economic Development

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Access and Traffic Impact
- (iii) Ecological Impact of Development
- (iv) Layout and Design
- (v) Section 106 Matters

(i) Principle of Development (Policies ST1 and E1)

- 7.1 The site is allocated within the local plan for employment development in the form of B1 offices under Policy E1. To permit housing on this land therefore requires an overriding justification to depart from local plan policy that demonstrates why the site may no longer be best suited to office development and why a residential scheme is an appropriate alternative land use.
- 7.2 The application is supported by a report entitled 'Nottingham Business Park Review' produced for the applicant by Regeneris Consulting dated June 2013,

which specifically appraises the past and likely future performance of the Business Park, reviewing national and local trends as part of the process. As of June 2013, of the 79,000m² of B1 floor space consented in 2000, 19,956m² was occupied at the Business Park and this is the equivalent of a take up rate of 1810m² per annum since 2003. The level of take up has varied throughout this ten year period with a peak of 4000m² in 2006, to a low of 600m² in 2009. Average take up in the period up to and including 2007 was 2,700m² per annum and from 2008 onwards has dropped to 1,040m² per annum. The take up of floor space at Nottingham Business Park has been significantly lower than anticipated at the time that planning permission was granted and based on the take up rates of the last 7 years, it would take 40 years to complete the build out programme for the site. This is compared to a 10-15 year projection for completing the build programme when planning permission was granted.

- 7.3 The report examines the reasons behind this relatively slow build out rate and points to both national and local factors. Nationally the business park market was at its strongest in the late 1990s to early 2000s but vacancy rates have steadily risen since this time to an average of nearly 18% across the UK in 2010. This trend in part can be attributed to UK economic cycles but also evolving planning policy which has increasingly pressed for a town centre first policy, evident in the NPPF. More locally the evidence suggests that Nottingham has had an average take up of office space of approximately 28,000m² per annum over the last decade and that this is significantly smaller than other core cities. By comparison Liverpool, Leeds and Birmingham have an average take up of over 63,000m² per annum. In part this is explained by the boundary of Nottingham City being drawn comparatively tightly and the City experiencing leakage of demand for B1 office space to neighbouring districts, but overall Nottingham has a smaller office market than many of the other core cities. Of the 28,000m² of floor space that is taken up each year approximately 15,000m² of this has been new floor space and at an average delivery rate over a ten year period of just under 2000m², Nottingham Business Park represents just 15% of the total new stock coming onto the market. By comparison NG2 has delivered approximately 5,300m² per annum (a market share of 33%), the city centre a similar proportion and other out of centre locations including Nottingham Science Park and the University of Nottingham's Innovation Park approximately 20%. The report explains that proximity to the city centre has been important in this regard but also points that the concentration of highly skilled residents in the Nottingham area are predominately to the south and south west and this may have had a bearing on the performance of Nottingham Business Park in recent years.
- 7.4 The emerging Aligned Core Strategy was submitted to the Secretary of State on 7 June 2013 with the examination hearing sessions scheduled to commence in October 2013. The NPPF states in paragraph 216 that the more advanced the preparation of the emerging the plan, the greater the weight can be afforded. The level of weight attributed is also influenced by the extent of unresolved objections (the less significant the unresolved objections the more weight afforded) and the consistency with the NPPF. In terms of analysing the future needs of office development in the City, the Aligned Core Strategy contains a target of 253,000m² of such floor space up to the year 2028. This equates to approximately 15,000m² a year which is consistent with the delivery experienced over the last decade. It is considered that this figure can be attributed considerable weight as there is no significant objection to this aspect of the ACS. This conclusion is mindful of the stronger levels of objection to the overall housing figures, with objectors promoting that a higher provision of housing is required. In theory a higher level of housing

could lead to a higher requirement for office space but nevertheless the figures for office floor space in the ACS appear sound. The report submitted with the application projects that at least 335,000m² is likely to be supplied through the core strategy period, excluding any future provision at Nottingham Business Park, but including an assumption that the Boots Enterprise Zone will deliver circa 100,000m² and that there is approximately 200,000m² in the pipeline within the city centre. This is considered to be an accurate projection and the conclusions of this are that the release of the southern portion of the Nottingham Business Park site for housing would not compromise the supply of office space or employment growth within the City. Furthermore the northern part of the Business Park, which is not subject to this application, is capable of yielding a further 19,000m² of B1 accommodation. Based on recent take up rates over the last 2-3 years this could result in a further 19 years worth of supply, though this should be tempered by the prospect of the HS2 scheme which may reduce the amount of developable/existing floor space available. The report also comments that seeking alternative employment development in the form of B2 or B8 is not recommended. This is primarily based on the difficulties of developing these types of uses alongside prestige B1 office use in terms of controlling their appearance and how this impacts upon the objective of creating a high quality business park environment. In addition given the sites rural fringe location, it is considered that the development of larger scale industrial or warehouse premises would be likely to have a significantly more intrusive impact on the adjacent Green Belt.

- 7.5 The content and findings of the report, as discussed above, are broadly accepted and supported. The evidence suggests that the loss of part of the Business Park is not critical to the overall supply of office floor space and given its past delivery rates, likely owing to the site's location, it is appropriate to consider other forms of development. In terms of housing the site is capable of bringing forward up to 300 dwellings, which would make a significant contribution to the Council's five year land supply, as required by the NPPF, as the site is available and would be largely and potentially entirely deliverable within this period. From analysing the housing figures, if this site were not to come forward for housing purposes the Council's housing supply would be only marginally above the required 5 year requirement (with a 5% buffer) and therefore given the amount of development that can be delivered, it is considered that the site is very important to the Council's housing land supply.
- 7.6 Whilst compliance with Policy E1 cannot be achieved through proposing an alternative land use to office development, it is considered that the material considerations of a sufficient office supply over the ACS plan period, coupled with the requirement to maintain a five year housing land supply, results in the principle of the proposed residential development being considered acceptable. The site will also deliver the requirements of Policy ST1a in that it will make a valuable contribution to the provision of a balanced mix of housing size, type and affordability, with a significant emphasis on family housing. The balancing pond is the only part of the development within the Green Belt and it considered a drainage basin is appropriate development within the Green Belt that would pose no harm its openness and by its nature would preserve the character of the rural buffer to the proposed development.
- (ii) Access and Traffic Impact (Policy BE2)**
- 7.7 The application is an outline proposal which seeks to establish the principle of the land use but also includes consideration of access issues, with all other matters reserved. It is proposed to primarily access the site from two main points; a new

signalised junction off Woodhouse Way and extending the arm of the existing roundabout on Lawrence Drive to the south. In addition a third access point has been included on the Masterplan which allows vehicles to enter the site earlier off Lawrence Drive but with the internal layout designed to encourage a lesser number of vehicles using this access option. Highways are satisfied that the traffic created by this development is acceptable and will represent a net decrease on that projected to be created if the development permitted by the Business Park planning permission of 2000 was fully built out. In terms of cumulative impact the nearby application within Broxtowe's administrative boundary has been refused on grounds of principle and it has not therefore been necessary to raise this matter with the applicant.

- 7.8 Highways are satisfied that the designs for all three proposed junctions will ensure safe access and egress into the site, from and to the highway network. It is recommended that conditions are imposed to secure the delivery of the junction designs as indicatively proposed and these will be linked to the phasing of the development which will also need to be established by condition.

(iii) Ecological Impact of the Development (Paragraph 118 of the NPPF and Policies NE2, NE3 and NE5 of the Local Plan).

- 7.9 The submitted ecological appraisal has identified that no evidence of Great Crested Newts has been found from ponds within 250m of the site and suitable terrestrial habitat for this species and other herpetofauna, such as smooth newts and reptiles, is to be retained as part of the proposals. In terms of bats the veteran and mature trees are recognised as having features that provide suitable habitat for roosting bats whilst the hedgerows and field margin habitats could provide suitable foraging areas. The woodland edge, hedgerows, scrub and field margins, have the potential to support foraging bats, but are unlikely to provide significant movement corridors on site due to the lack of connectivity with other areas of woodland. These features will however be retained and buffered from the development and any effects are therefore considered unlikely. The retention of such areas means that any adverse impact on nesting birds will be minimised and, where necessary, recommendations are included within the ecological appraisal regarding the removal of any habitat outside of the bird breeding season. None of the ecological consultees, namely Natural England, Nottinghamshire Wildlife Trust or the Council's Biodiversity Officer offer any objections to the application and it is considered that the ecological impact of the development, on a site which is comparatively biodiversity poor, is satisfactory.
- 7.10 The proposed development offers opportunity for biodiversity enhancement in accordance with the aims of the NPPF through the creation of the open space/landscape areas which will increase habitat area and can be secured via condition as part of the landscaping proposals. A further opportunity to enhance access to Stonepit Plantation exists as part of the development proposals, though an appropriate balance needs to be struck in this regard to ensure that increased footfall is managed to limit any adverse impacts. The Stonepit Plantation is outside of the application site and not within the ownership of the applicant, (this is owned by Nottinghamshire Wildlife Trust) but details of any specific proposals to increase access will be again be controlled by condition and will involve close liaison with the Trust.

(iv) Layout and Design (Paragraph 56-64 of the NPPF and Policies ST1, H2, H3, R3, BE1, BE2, BE3, BE5, NE5 and NE9)

- 7.11 Matters relating to layout and appearance of the development are reserved for future consideration but nevertheless the application is required to demonstrate that the site is capable of delivering the amount and form of development proposed. The masterplan shows that the site can be developed in a considered and successful manner and would provide a range of house types, including a significant proportion of family houses which accords to the objectives of Policies ST1 and H3. The layout and supporting Design Code document demonstrate the potential to achieve areas of character and identity with houses addressing streets, open spaces and key corners. The integration of existing and proposed open space is key in the design philosophy with the scheme designed to address natural features such as the tree copse and other retained trees, and surrounding open countryside. The density of the scheme is approximately 30 dwellings per hectare, which is comparatively low but allows a high proportion of larger family housing and respects the position of the site on the urban/rural edge.
- 7.12 The road hierarchy is well considered with great emphasis on providing characterful streets through the position of buildings and hard and soft landscaping. The masterplan responds to its location on the urban/rural edge and is respectful to the neighbouring Green Belt in terms of the location of dwellings and the use of natural boundary features such as hedges in appropriate locations. Within the development the application demonstrates that a good degree of permeability could be achieved with connecting streets and routes proposed in favour of cul-de-sacs and private drives. The Design Code has been amended to give assurances that the character areas will not only be defined by space afforded to dwellings and their relationship with the street, but through a variety of architectural styles from traditional to a more contemporary approach. Boundary treatments will largely be brick walls with some railings to give a strong sense of enclosure and defensible space, though exceptions are considered acceptable where the character dictates otherwise, particularly for properties on the rural fringe to the west of the site. Any subsequent reserved matters applications will be pursued on the basis of the design approach established by the masterplan and Design Code document and this will be secured via condition.
- 7.13 It is recognised that the challenge in developing this site is to as far as possible integrate the development to the existing residential area to the east. This is difficult due to the dividing nature of Woodhouse Way, which acts as a physical barrier and is a busy route for access to the City and the M1. The size of the development although comparatively large at 300 dwellings, would not in itself be likely to be support significant local facilities such as retail provision within the scheme. Future residents will largely therefore need to rely on existing local services and to aid connectivity the proposed junction on Woodhouse Way will provide a crossing point allowing access from the development site to the east side of Woodhouse Way. This crossing is in addition to the existing crossing further north and detailed discussions have been undertaken to ensure all junction/crossing designs maximise use by pedestrians. In addition the development proposals include a range of measures to be secured through the Section 106 Agreement. These are discussed in more detail later within the report but include a contribution to upgrade the existing bus operation which currently serves the Business Park, with the masterplan making provision for a route through the site to allow residents regular and convenient access to public transport.

7.14 It is considered that the masterplan demonstrates that the development should provide an attractive living environment with excellent access to outdoor recreation space. Noise and Pollution Control are satisfied that subject to conditions relating to sound insulation, the impact of traffic noise from the M1 and Woodhouse Way will be satisfactorily mitigated.

v) Section 106 Matters (Policies H5, R2 and T2)

7.15 The proposed development attracts a number of developer contributions which will be secured through a Section 106 obligation. It is proposed that 20% of the housing will be affordable units on site and so this has the potential to deliver up to 60 affordable dwellings. The exact size mix and tenure of the affordable units will be established through the reserved matters application but will broadly reflect the housing mix of the site as a whole on a proportionate basis. It is proposed to construct a minimum of eight bungalows as part of the affordable mix, to increase the variety of the housing offer.

7.16 In terms of education the local primary schools are currently already experiencing capacity issues and consequently a development of the size proposed is going to increase pressure for school places. On the assumption that the development provides 300 dwellings it is anticipated, using the Council's established formula that this will derive a requirement for 54 places and a total contribution of £618,570. As the exact number of dwellings is not currently known this figure could alter but the applicant has agreed to an education contribution on a formula basis and this will mitigate the impact of the additional primary school places required as a result of the development. The secondary school system currently has sufficient capacity to accommodate children from the development and on this basis a contribution to secondary education places is not justified against the tests under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

7.17 A public transport contribution of £288,258 has been negotiated to upgrade the existing bus service. The current Worklink 3 (W3) service is one way and runs from the City to the Business Park in the morning peak period (arriving at 0725, 0745, 0815 and 0845 hours), and returns in the evening peak period (departing from NBP at 1531, 1601, 1645, 1715, 1745 and 1815 hours). As part of the development proposals, funding will be provided to improve the W3 so that it runs on a two way basis in the peak periods, at an approximate frequency of one bus every 30 minutes. The W3 will also be extended to run on a two-way basis throughout the day (i.e. the inter-peak between 0900 and 1600 hours), at a frequency of one bus per hour. The improved W3 will be diverted through the site and will be a benefit to both new residents of the development and existing bus users of the W3 route. This contribution will also provide a temporary bus stop during construction, new bus stops within the development and a westbound bus stop on Lawrence Drive. In addition and not included in the contribution figure quoted above, the applicant has committed to issuing homeowner packs to each household which will include authorisation letters for two free six month kangaroo passes. These passes enable access to bus, tram and train services within the Greater Nottingham area. This will encourage use of public transport and together with the contribution towards to improving the bus service represents a significant benefit that is commensurate to the development proposed.

7.18 An open space contribution has been secured based on the formula within the Council's Open Space Supplementary Policy Guidance. The final amount is dependant on the mix of the size of the dwellings, with the number of bedrooms the

defining factor in the amount required per dwelling. Based on an indicative mix the figure calculated is £372,000 which will in part be spent on site but will also include off-site improvements within the local area including Strelley Recreation Ground and Broxtowe Country Park. The Section 106 obligation will also secure the management of the on-site open space which will be the responsibility of a management company at the expense of the developer.

Other Issues

- 7.19 The site is situated within Flood Zone 1, an area of least flood risk, but given the scale of the development the application is accompanied with a Flood Risk Assessment. The Environment Agency at present has an objection to the application on a very specific technical ground regarding the calculation of greenfield run-off rates. The applicant is currently working on satisfying the EA's concerns in this regard and any further comments from the EA will be reported at the meeting. However, the principle of the development of this site for residential purposes is considered acceptable in flood risk terms and therefore subject to the removal of the technical objection from the EA and the inclusion of related conditions it is considered that flooding issues have been satisfactorily addressed in compliance with Policy NE10 of the Local Plan.
- 7.20 The Coal Authority are broadly satisfied with the information supplied though have recommended that a condition be attached that imposes a 'No Build' zone of 20m to any mineshaft. The applicant has provided information to the Coal Authority to support their stance that a 10m exclusion zone is satisfactory and the masterplan has been designed on this basis. A further response from the Coal Authority is awaited but the applicant has advised that a condition to require details to ensure land stability within the distance range of 10-20m, in addition to a complete exclusion of build within 10m of a mineshaft would be acceptable. This appears a proportionate response to the issue, which in any event could be further explored at the reserved matters stage where precise details of layout would be determined. Noise and Pollution Control recommend a contaminated land condition and subject this and the mineshaft exclusion condition, compliance with Policy NE12 is achieved.
- 7.21 HS2 has been consulted on the application and their comments are awaited. The proposed HS2 route does not intrude into the development site and even at its closest distance is still approximately 200m to the west of any housing with the Business Park between the two. It is therefore considered that the proposed development will not affect the delivery of the broader strategic transport aims of the HS2 proposals.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 An Energy Statement has been submitted with the application which identifies that development will principally take a fabric first approach to achieving the required minimum 10% carbon emissions reduction,. The proposals for achieving this include:

- Higher levels of insulation
- Higher performance of windows and doors
- Reduced air infiltration rates
- Enhanced thermal bridging performance
- Maximisation of passive solar and metabolic gains

100% energy efficient lighting (25% higher than required by Building Regulations).

- 8.2 However, in addition the applicant has undertaken to commit to 25% of the properties on the site incorporating Solar PV hot water systems. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord 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: would provide high quality and sustainable residential development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction of the development.

Safer Nottingham: would help provide a safer and more attractive neighbourhood.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application file reference: 13/01703/POUT
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01703&action=Search>
2. Comments from NCC Highway dated 28 August 2013
3. Comments from Natural England dated 26 July 2013
4. Comments from Severn Trent Ltd dated 29 July 2013
5. Comments from Broxtowe Borough Council dated 21 August 2013
6. Comments from Nottinghamshire Wildlife Trust dated 14 August 2013
7. Comments from the Coal Authority dated 9 August 2013
8. Comments from Tree Officer dated 29 August 2013

9. Comments from Environment Agency dated 27 August 2013
10. Comments from Biodiversity Officer dated 29 August 2013
11. Comments from local residents/businesses dated 09 and 12 (x2) August 2013

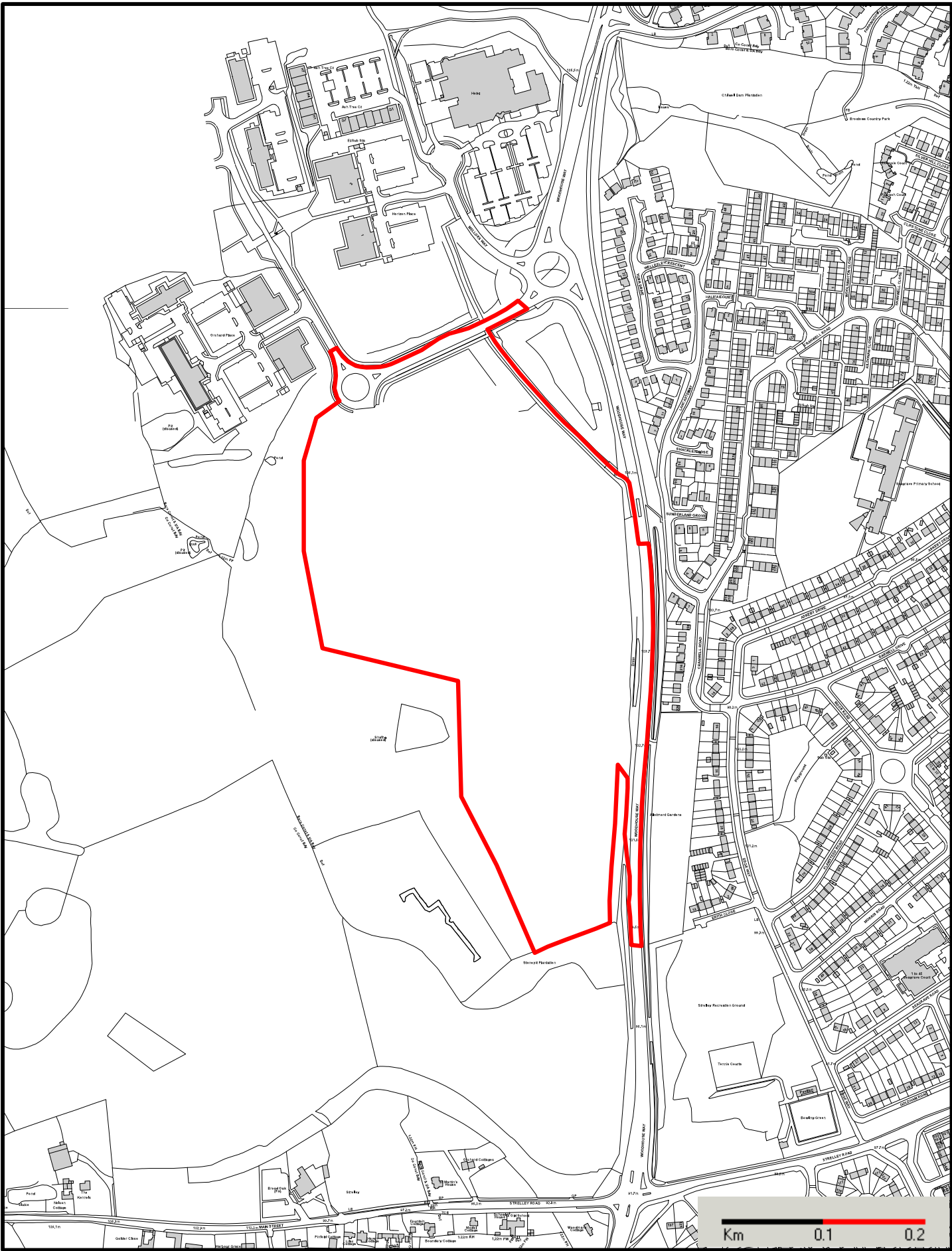
17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005).
2. National Planning Policy Framework.

Contact Officer:

Mr Mark Bassett, Case Officer, Development Management.

Email: mark.bassett@nottinghamcity.gov.uk. Telephone: 0115 8764193



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Nottingham
City Council

My Ref: 13/01703/POUT

Your Ref:

Contact: Mr Mark Bassett

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
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Tel: 0115 8764447
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Antony Aspbury Associates Ltd
FAO Mr Mike Downes
20 Park Lane Business Centre
Park Lane
Basford
Nottingham
NG6 0DW

Date of decision:

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

Application No: 13/01703/POUT
Application by: Wilson Bowden Developments Ltd
Location: Land To South Of Nottingham Business Park, Woodhouse Way, Nottingham
Proposal: Proposed residential development of up to 300 dwellings, together with open spaces, vehicular accesses and service infrastructure.

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

Time limit

1. Application for the approval of any reserved matters (the layout, scale, appearance and landscaping of the site) shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

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



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DRAFT ONLY
Not for issue

Continued...

2. The development shall not be commenced until a phasing plan for the entire development has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include reference to the different phases of housing and the provision of access points, the roads, the surface water drainage scheme, the public open space and other areas of public realm/amenity land. Thereafter the development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policies R2, BE1, BE2, BE3 and BE5 of the Local Plan.

3. Notwithstanding the noise report submitted, an 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. The noise assessment 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). The results of the noise assessment and proposals for sound insulation measures and any complementary acoustical ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The approved sound insulation scheme shall 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 L_{Amax} (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.
- iii. Not more than 55dB LAeq (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 noise assessment shall be undertaken with regard to BS 7445:2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

The sound insulation measures and any complementary acoustical ventilation scheme shall be installed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy NE9 of the Local Plan.



4. Prior to the commencement of the development an air quality screening assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall assess the effect of existing air quality on the future receptors within the development and the impact on air quality of the development itself. The assessment shall identify any mitigation measures which may be required and the approved mitigation measures shall be implemented prior to the first occupation of the development.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy NE9 of the Local Plan.

5. 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. The scheme 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 and ground and surface waters 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, which shall include a risk assessment relating to ground and surface waters, both on and off the site;
- (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; and
- (iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

Thereafter the remediation works shall be implemented in accordance with the approved scheme unless otherwise agreed 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 Local Plan.

6. The development shall not be commenced until a detailed surface water drainage scheme, based on SUDS principles and including a timetable for its implementation a has been submitted to and approved in writing by the Local Planning Authority. Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development in accordance with Policies BE4 and NE10 of the Local Plan.

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

Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.

8. Notwithstanding the submitted Sustainability and Energy Statement the development shall not be commenced until a scheme for 10% of the development's energy supply (interpreted through carbon emissions) to be provided by way of a renewable or low carbon energy supply, has been submitted to and approved in writing by the Local Planning Authority, including a timetable for the implementation of the scheme. Thereafter the renewable/low carbon energy scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development and in accordance with Policy BE4 of the Local Plan.

9. No development shall take place until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction; and,
- f) a scheme for recycling/ disposing of waste resulting from construction works.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to reduce the possibility of detritus being deposited on the highway.

10. The development hereby permitted shall not be commenced until an Arboricultural Method Statement prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations', 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. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure the protection of trees during the construction period and in accordance with the aims of Policy NE5 of the Local Plan.



11. The development of each phase shall not be commenced until details of the external materials of the buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

12. The development of each phase, shall not be commenced until details of the means of enclosure for the site and individual dwellings within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed 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.

13. The development of each phase shall not be commenced until details of all hard surface treatments within that phase, including the roads, foot/cycle paths and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed 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.

14. Prior to the commencement of development an ecological enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of additional habitat creation, proposed access arrangements to Stonepit Plantation, a timetable for implementation and any associated management arrangements. The ecological enhancement and management plan shall be carried out in accordance with the approved details.

Reason: In the interests of ecological enhancement and in accordance with the aims of Policy NE2 of the Local Plan.

15. The development of each phase shall not be commenced until details of the finished floor levels of each dwelling and all roads within that phase, including street-scene cross sections, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and 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)



16. Prior to the occupation of the first dwelling a landscaping and planting scheme for the public open space and other areas of public realm/amenity land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a focus on the use of native species) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping and planting scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.

17. No dwelling shall be occupied within a phase approved under condition 2 until a detailed landscaping and planting scheme for that particular phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a focus on the use of native species) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes. Thereafter the approved landscaping and planting scheme, insofar as it relates to each dwelling within the phase, shall be carried out in the first planting and seeding seasons following the occupation of the dwelling. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance and ecology of the development in accordance with Policies BE5 and NE5 of the Local Plan.

18. Each dwelling shall not be occupied until the means of enclosure have been erected in accordance with details to approved under conditions 12 and the parking provision (surfaced in accordance with the details approved in relation to condition 13) has been made available for use.

Reason: In the interests of the appearance of the development in accordance with Policies BE3 and T3 of the Local Plan.

19. No dwelling 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 Local Plan.

Regulatory/ongoing conditions

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

20. The reserved matters application(s) shall be submitted in accordance with the approved revised Design Code dated XXXX unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policies R2, BE1, BE2, BE3, BE5 and T3 of the Local Plan.

21. The three access points approved, including the signal controlled junction and associated pedestrian and cyclist improvements at Woodhouse Way, shall be constructed in accordance with the phasing details approved pursuant to condition 2 and in accordance with the following indicative drawings unless a variation is first submitted to and approved in writing by the Local Planning Authority:

BWB Consulting Limited WBP_474_001_P6 - Woodhouse Way
BWB Consulting Limited WBP_474_003_P1 Lawrence Drive Roundabout
BWB Consulting Limited WBP_474_004_P1 Lawrence Drive secondary access

Reason: In the interests of highway safety and in accordance with the aims of Policy BE2 of the Local Plan.

22. No buildings shall be erected within 10m of a mineshaft, as identified on the indicative masterplan and within the mineshaft investigation report.

Reason: In the interests of land stability and safety and in accordance with the aims of Policy NE12 of the Local Plan.

23. Any buildings between 10-20m of a mineshaft as identified on the indicative masterplan and within the mineshaft investigation report, shall not commence until detailed drawings to ensure the stability of the building in relation to the mineshaft have been submitted to and approved by the Local Planning Authority, in consultation with the Coal Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of land stability and safety and in accordance with the aims of Policy NE12 of the Local Plan

24. The trees identified for retention on FPCR plan no: 1848-A-03A within the Arboricultural Assessment shall be retained unless their removal has been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance and ecology of the development in accordance with Policies BE5 and NE5 of the Local Plan.

25. The travel plan shall be implemented in accordance with the approved details and the monitoring reports shall be submitted to the Local Planning Authority in accordance with the details outlined in section 8.2.

Reason: To promote sustainable travel and in accordance with the aims of Policy T2 of the Local Plan.

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 10 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. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

4. The air quality assessment shall include a prediction of the nitrogen dioxide and particulate pollutant concentrations likely to arise at the site.

The reference point for pollutant concentration limits is the Air Quality Strategy for England, Scotland, Wales and Northern Ireland Vol. 1 July 2007 and the Air Quality Objectives stated therein i.e.

NO₂ - annual mean no greater than 40 µg/m³

NO₂ - 1 hour mean 200 µg/m³ not to be exceeded more than 18 times a year

Particles, PM₁₀ - annual mean no greater than 40 µg/m³

Particles, PM₁₀ -24 Hour mean 50 µg/m³ not to be exceeded more than 35 times a year

5. 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. All works to the existing public highway will need to be carried out under a Section 278 Agreement. All costs associated with the highway improvements must be borne by the developer. The applicant should contact in the first instance Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293 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 may occur.

6. The developer should contact the Highway Authority as early as possible with regard to the issue of a Section 37 agreement under the Highways Act 1980 in relation to the adoption of Lawrence Drive. Please contact Mr Chris Capewell on 0115 876 5277 or Mrs Liz Hiskens on 0115 876 5293.

7. 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.

8. 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 Mr Phil Harkins on 0115 876 5241.

9. 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 Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

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: 13/01703/POUT

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

REPORT OF DIRECTOR FOR PLANNING AND TRANSPORT

Land at Kingsthorpe Close, Kildare Road

1 SUMMARY

Application No: 13/01367/PFUL3 for planning permission

Application by: Bm3 Architecture Ltd on behalf of Keepmoat Homes Ltd

Proposal: 70 dwellings and associated works.

The application is brought to Committee because it is a major application and officers are recommending the approval of the application without the full S106 planning obligations in relation to affordable housing, as required by adopted planning policies.

To meet the Council's Performance Targets this application should be determined by 1st October 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this 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 for Planning and Transport

3 BACKGROUND

- 3.1 The site is a linear piece of land which runs from Kildare Road to the south, along Kingsthorpe Close and northwards toward Astley Drive. Access is from Kildare Road, with a second access from Dooland Drive, to the east.
- 3.2 The site was formerly developed with five main blocks of flats and two smaller blocks, approximately 130 properties, and built around the 1970's. The larger blocks were 5 storeys in height. The housing was social housing owned by the City council. The properties were demolished in 2011 and the site cleared. The site left by the properties south of Dooland Drive has been enclosed by railings. The site north of Dooland Drive has not been enclosed but access to vehicles has been restricted by the introduction of bollards to the access road.
- 3.3 The site rises from the south of Kildare Road to a plateau along the remainder of the site. The properties to the west of the site, along Astley Drive, are in an elevated position, as are those properties, albeit to a lesser extent, to the east of the site from Dooland Drive northwards. Those to the west of Kildare Road are at a similar level to the site. The Wells Road, which runs in a north south direction, is at a much lower level once past Dooland Drive, heading south towards the junction with Kildare Road.

- 3.4 Informal Planning Guidance was approved by Portfolio Holder in July 2012. The guidance sought to replace the poor quality housing, which attracted high levels of anti-social behaviour, with a high quality residential scheme consisting of family housing and a new playground to serve the development.

4 DETAILS OF THE PROPOSAL

- 4.1 Development of 70 dwellings and associated works. The dwellings would consist of 66 two storey and 4 three storey properties, and a mix of detached, semi-detached and terraces. Most properties would have in curtilage parking.
- 4.2 The existing playground would be removed and a new playground provided to the east of Kildare Road.
- 4.3 11 of the properties would be affordable housing. Twenty of the dwellings would have solar photo voltaic panels which would attain 10% of energy from renewable sources on site. Additionally, the dwellings would be built to a minimum Buildings for Life Silver Standard and Code for Sustainable Homes level 3.
- 4.4 There remain some single and two storey dwellings, mostly contained to Dooland Drive, the southern part of Kingsthorpe Close and to the east of Kildare Road. These will be retained.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

1, 1A, 2, 3, 3A, 4, 5 and 5A Kildare Road

6 to 16 inclusive Kildare Road

19 to 43 (odds) Kildare Road

Flat ground floor 17 Kildare Road

Flat first floor 17 Kildare Road

Kingsthorpe View Nursing Home Kildare Road

1 to 24 inclusive Heaton Close

1 to 8 inclusive Dooland Drive

1 to 10 inclusive, 10A, 11 and 15 to 57 (odds) Astley Drive

16 to 20 Kingsthorpe Close

431 to 459, then 479 to 511 (odds) The Wells Road

268 to 278 (evens) and 280-282 The Wells Road

75, 77, 79, 96, 98 and 100 Pendle Crescent

A site notice and press notice have been published. Overall expiry date for

consultations 14th August 2013.

Three letters of objection have been received. Points raised include:

- impact on wooded area
- what type of tenants and are the houses private, housing association or council
- overlooking and proximity of dwellings to existing dwellings (relating to numbers 7 and 8 Dooland Drive)
- access whilst the houses are being built, mud on the roads, noise from development.

Additional consultation letters sent to:

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

Highways: No objections, subject to details of a construction method statement and other road improvements, prior to commencement.

Arboricultural Officer: No objections subject to a condition relating to tree protection.

Biodiversity and Greenspace Policy Officer: No objections. Some landscaping is proposed, within the curtilage of the dwellings where applicable. Bat and bird boxes are proposed and a plan to show locations of these has been agreed. The new play area would be maintained by the city council and a payment towards this has been agreed as part of the land sale.

Severn Trent Water: No objections subject to details of drainage to be agreed prior to commencement of development.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

H2 – Density

H3 - Appropriate Housing Types

H5 – Affordable Housing

BE2 - Layout and Community Safety

BE3 - Building Design

BE4 - Sustainable Design

R2 - Open Space in New Development

T3 - Car, Cycle and Servicing Parking

NE5 – Trees

National Planning Policy Framework (2012)

Open Space SPG

Affordable Housing and Developer Contributions SPG

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, H2, H3 and R2)

- 7.1 The site lies within a primarily residential area as identified in the 'saved' Local Plan and as such the principle of residential development is acceptable. The proposed housing would be on previously developed land and is in a sustainable location, being close to a well served public transport route and to schools. The proposal accords with Policies ST1 and H2, and the National Planning Policy Framework, which encourages the effective use of land by reusing land that has been previously developed.
- 7.2 The proposed dwellings would provide a mix of 1, 2, 3 and 4 bed homes. These would suit a range of tenures and would contribute to maintaining a sustainable community. Four of the dwellings would be built to Lifetime Homes Standard. The proposal therefore accords with Policies H2 and H3.
- 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 and tenure and the range of housing to meet local needs and affordable housing if required. The proposal includes seven units for rent and four units for shared ownership. This is less than the usual requirement of 20%, at 16%, due to ground conditions/construction costs, which are higher than typical on this site. As such the lower figure is considered acceptable given the viability of the scheme. The requirements of policies H2 and H3 are therefore satisfied.
- 7.4 The proposed development would provide a new play area and open space to replace that lost in the re-development. Open space is to be provided on site, and a payment towards maintenance secured as part of the sale of the land. As such the proposal accords with Policy R2.

Issue ii) Design considerations (Policies BE2 and BE3)

- 7.5 Policies BE2 and BE3 of the Local Plan and the NPPF recognises the importance of high quality 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.
- 7.6 The proposed layout is largely dictated by the existing road layout and the

remaining dwellings. It is well defined and would provide active frontages with surveillance on to the streets and with secure private rear gardens. The scale of the dwellings is appropriate for the intended tenure.

- 7.7 The architectural treatment of the dwellings is considered to provide variety and interest with a mix of brick, tile and Eternit panelling. Other features include canopies above the entrance doors.
- 7.8 Most dwellings would have in curtilage parking to the front and sides with landscaped front gardens. The boundary enclosures would be railings to the front gardens and close boarded fencing to the rear gardens. The proposed enclosures would contribute to the appearance of the street scene whilst providing security to each plot.

Issue iii) highways considerations (Policies BE2 and T3)

- 7.9 As a redevelopment of a former housing development, the scheme would not have a significant impact upon the surrounding highway network in terms of traffic generation and access, since approximately 130 dwellings have been demolished which are proposed to be replaced by 70 dwellings.
- 7.10 It is considered that there would be an adequate amount of car parking for future residents and their visitors, with most dwellings having in-curtilage parking, and additional visitor parking to the west side of Kingsthorpe Drive. Where the existing properties do not have in curtilage parking, it is anticipated that these properties, namely 2 to 12 Kildare Road and 16 to 20 Kingsthorpe Close, would park outside their respective properties as per the existing situation.
- 7.11 Raised areas on the highway would be introduced, close to the play area and at the junction of Kingsthorpe Drive and Dooland Drive, as a speed reduction feature. A turning head would be provided at the north end of the site. A highways agreement would need to be entered into to ensure that any alterations/improvements to the public highway would be carried out satisfactorily. Concerns from nearby residents regarding noise and disturbance during construction have been raised. A condition requiring a construction method statement to be submitted and agreed before the commencement of the development should address these concerns.

Issue iv) impact on residential amenity (Policy BE3)

- 7.12 The proposed layout has been designed to ensure that there would be no adverse impact upon the amenities of nearby existing residents and the future occupants of the new development. It is noted particularly that the outlook for the existing occupants of Dooland Drive, which was formerly toward large multi storey blocks of flats, would be improved significantly. In regard to 8 Dooland Drive, a 1.8m high fence and changes to the side window overlooking that property would ensure that overlooking would be minimised. In regard to 7 Dooland Drive, the rear elevation would face the side elevation of a two storey property (plot 26). That property previously faced a five storey block of flats and it is therefore considered that the outlook for the occupiers of this property would be an improvement following this development. Sensitive boundary treatments would further enhance privacy for occupiers.
- 7.13 The residential amenity of the future occupiers would be safeguarded by conditions

relating to sound insulation.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The dwellings would be built to Level 3 of the Code for Sustainable Homes. Twenty of the dwellings would have solar photo voltaic panels attached.
- 8.2 The existing area of mature trees to the west would be retained and as such there would be no loss to the existing wooded area. Landscaping to the play area is proposed, and trees would be planted within the shared parking area to the upper west side of Kingsthorpe Close. All other planting would be within the curtilage of each dwelling.
- 8.3 Bird and bat boxes would be provided within individual plots which would enhance the biodiversity of the area. A condition to ensure that drainage on the site would be sustainable is to be imposed.

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: requirement to provide a high quality and sustainable residential development.

Safer Nottingham: designing a development that that contributes to safer and more attractive neighbourhoods.

14 CRIME AND DISORDER ACT IMPLICATIONS

All the public areas such as streets and the open space would have a good level of overlooking, which would help to minimise anti-social behaviour.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/01367/PFUL3 - link to online case file:

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01367/PFUL3>

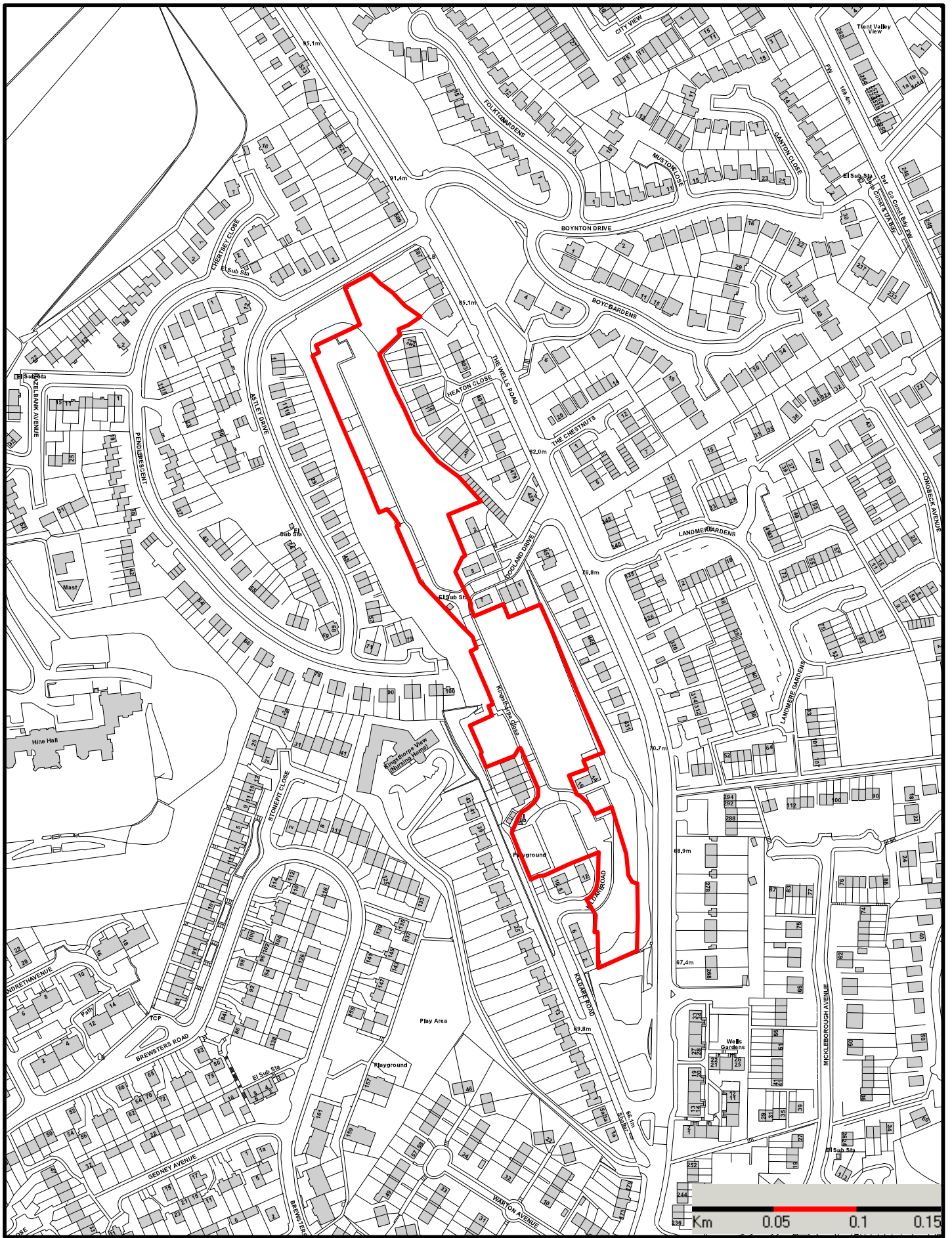
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
National Planning Policy Framework (2012)

Contact Officer:

Mrs S. Davis, Case Officer, Development Management.

Email: sue.davis@nottinghamcity.gov.uk. Telephone: 0115 8764046



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Nottingham
City Council

My Ref: 13/01367/PFUL3 (PP-02679111)
Your Ref:
Contact: Mrs S. Davis
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Bm3 Architecture Ltd
Mr Zahid Khan
28 Pickford Street
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Birmingham
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B5 5qh

Date of decision:

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

Application No: 13/01367/PFUL3 (PP-02679111)
Application by: Keepmoat Homes Ltd
Location: Land At Kingsthorpe Close, Kildare Road, Nottingham
Proposal: 70 dwellings and associated works.

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

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>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.</i>
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 a detailed scheme for dealing with the gaseous emissions on the site have been submitted to and approved in writing by the Local Planning Authority, which 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: To protect users against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas to comply with Policy NE12 of the Nottingham Local Plan.

3. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which 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 have been submitted to and approved in writing by the Local Planning Authority. 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: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy NE12 of the Nottingham Local Plan.

4. The development hereby permitted shall not be begun until details of sustainable urban drainage plans for the disposal of surface water and foul sewage as outlined in the FRA have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.

5. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

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

6. The development shall not be commenced until details of all external materials including cladding, bricks and tiles have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

7. The development shall not be commenced until an environmental noise assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment 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, 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 L_{Amax} (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

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

- i. Not exceeding NR 30 for living rooms between the hours of 07.00 and 23.00
- ii. Not exceeding NR 25 bedrooms between the hours of 23.00 and 07.00.

The noise assessment shall be undertaken with regard to BS 7445:1991 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

Reason: To safeguard the health and residential amenity of the occupants of the proposed dwellings to comply with Policy NE9 of the Nottingham Local Plan.

8. The development shall not be commenced until details of a sound insulation scheme, including the glazed areas of the property and any complementary acoustical ventilation, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the health and residential amenity of the occupants of the proposed dwellings to comply with Policy NE9 of the Nottingham Local Plan.



9. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the LPA. The approved statement shall be adhered to throughout the construction period and shall provide for:
- a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) Wheel washing facilities.
 - e) Measures to control the emission of dust and dirt during construction.

Reason: In the interests of highway safety in accordance with Policy BE2 of the Nottingham Local Plan.

10. The development hereby permitted shall not be begun until details of a management and maintenance plan for the landscaped areas have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

11. The dwellings shall not be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.

12. Those dwellings shown to have photo voltaic panels shall not be occupied until the agreed method of renewable energy technology have been installed and are operational in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development to comply with Policy BE4 of the Nottingham Local Plan.

13. No dwelling shall be occupied until the boundary enclosures associated with that dwelling have been erected in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

14. No dwelling shall be occupied until the associated car parking space(s) have been completed.

Reason: In the interests of highway safety to comply with Policy BE2 of the Nottingham Local Plan.



15. No dwelling shall be occupied until the sound insulation scheme including glazing and any complementary acoustical ventilation has been fully installed in accordance with the details approved.

Reason: To safeguard the health and residential amenity of the occupants of the proposed dwellings to comply with Policy NE9 of the Nottingham Local Plan.

16. No dwelling 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 public health and safety to comply with Policy NE12 of the Nottingham Local Plan.

17. 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: To protect users against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas, to comply with Policy NE12 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

18. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of each dwelling 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 is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.

19. Existing trees on the site, shown to be retained on the approved plan, shall be protected until the completion of the development as follows:

a)

No equipment, machinery or materials shall be brought onto the site in connection with the development unless all trees shown on the approved plan to be retained have been protected with fencing in the positions shown on a plan to be submitted and approved by the Local Planning Authority. The fencing shall be in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations and shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

b)

No work or storage of materials (including the removal or deposit of top soil), or excavations, shall be carried out within the fenced area(s) without the prior written permission of the Local Planning Authority.

c)

Poisonous or noxious materials e.g. oil, bitumen, cement shall not be stored or discharged, and no concrete mixing shall take place within 10 metres of any tree shown on the approved

plan to be retained.

Reason: In order to protect the future health of the trees to comply with Policy NE6 of the Nottingham Local Plan.

Standard condition- scope of permission

S1. The development shall be carried out in complete accordance with the details described in the following drawings/documents:

Location Plan reference D99 revision A, received 18 June 2013

Planning Layout reference D100 revision W, received 3 September 2013

General reference D01 revision E, received 3 September 2013

General reference D02 revision E, received 3 September 2013

General reference D101 revision C, received 3 September 2013

General reference D102 revision D, received 3 September 2013

General reference D103 revision D, received 3 September 2013

General reference D104 revision D, received 3 September 2013

General reference D105 revision D, received 3 September 2013

General reference D106 revision D, received 3 September 2013

General reference D108 revision D, received 3 September 2013

General reference D109 revision B, received 3 September 2013

General reference D110 revision C, received 3 September 2013

General reference D111 revision B, received 18 June 2013

General reference D112 revision A, received 18 June 2013

Elevations reference D150 revision C, received 3 September 2013

Elevations reference D151 revision B, received 3 September 2013

Elevations reference D152 revision B, received 3 September 2013

Other reference D200 revision A, received 3 September 2013

Other reference D201 revision B, received 3 September 2013

Other reference D202 revision B, received 3 September 2013

Other reference D204 revision A, received 3 September 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. 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.



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Continued...

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 gaseous emissions 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. Arboricultural Method Statement (AMS)

It is important to make sure that all the measures set out in the approved AMS, and in particular the arrangements for the ongoing supervision of work on site, are followed. All contractors must be made aware of their responsibilities under the AMS.

You are advised that any failure to comply with the AMS could have significant implications for the development, including construction work having to stop until any outstanding issues are addressed.

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: 13/01367/PFUL3 (PP-02679111)

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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REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Sites at Hobart Close and Pitcairn Close, The Meadows

1 SUMMARY

Application No: 13/01718/PFUL3 and 13/01719/PFUL3 for planning permission

Application by: Marsh:Grochowski on behalf of William Davis Limited

Proposals: 33 new dwellings (Hobart Close) and 35 dwellings (Pitcairn Close).

These applications are brought to Committee because they are major applications and are recommended for approval without full S106 obligations requirements being met.

To meet the Council's Performance Targets these applications should be determined by 18th October 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for both applications for the reasons set out in this report, subject to the conditions substantially in the form 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 applications relate to the sites of 80, now demolished, "Cross Wall" flats which were located on Pitcairn Close and Hobart Close, and a row of 25 garages to the west of Pitcairn Close. The central block of houses located between Pitcairn Close and Hobart Close and the culs de sac serving these have been retained. Four further flats and a block of five garages on the west side of Wilford Crescent West have also been demolished and this site is the subject of a separate planning application.
- 3.2 The application sites are located within an entirely residential area on the southern edge of the Meadows. To the south of the Hobart Close site is the Victoria Embankment and the cleared site of the Toll Bridge Inn. To the east it is bounded by Wilford Crescent West with two storey semi detached housing opposite. To the west and north there are further similar residential properties separated from the site by the retained section of Hobart Close. The Pitcairn Close site is also located to the west of Wilford Crescent West and is bounded to the northeast and south by two storey houses. To the west are three storey flats and houses which are located on Oxbow Close.

3.3 The sites are now completely cleared of dwellings but a large number of trees have been retained. There are also a number of public footpaths running through the site connecting both to Oxbow Close and the Victoria Embankment.

4 DETAILS OF THE PROPOSAL

4.1 Two planning applications seeking full planning permission have been submitted. 13/01718/PFUL3 is for the erection of 33 dwellings on the cleared site on Hobart Close and 13/01719/PFUL3 is for the erection of 37 dwellings on the cleared site on Pitcairn Close.

4.2 13/01718/PFUL3 Hobart Close: The proposal is for a scheme of 33 dwellings comprising a mix of 2 and 3 storey semi detached and terraced properties. These are configured in the form of perimeter blocks facing the retained Hobart Close which is to be slightly reconfigured, and a new access way on the southern edge of the site. The Hobart site is primarily to be housing for sale with four shared ownership properties.

4.3 The design of the houses has taken reference of the Green Street development, located further to the east in the Meadows and will be of a contemporary design. The proposed materials will reflect this and comprise a palette of brick and render.

4.4 The majority of the properties will have one parking space within plot and it is also proposed to create a small off street car parking area adjacent to the small area of open space to the north of Hobart Close.

4.5 There are a number of existing trees on the site, some of which will need to be removed as part of the redevelopment. Trees will also be retained where practicable and some replacement tree planting is proposed.

4.6 It is proposed to retain the existing pedestrian connections from Hobart Close to the footpaths along the northern side of the Victoria Embankment.

4.7 Each property will have provision for bin storage at the front of the property and also in the rear garden where a shed for bike storage etc will be provided. The need to accommodate the pedestrian access to the rear garden, together with the primarily terraced nature of the properties, has resulted in the layout incorporating rear alleyways.

4.8 It is proposed that all the dwellings will achieve the Code for Sustainable Homes Level 4 and 29 dwellings will achieve the AECB Silver Standard. Overall, the outcome is that by using a combination of energy efficient measures and technologies that there will be a total carbon reduction of 17%

4.9 13/01719/PFUL3 Pitcairn Close: The proposal is for 35 dwellings comprising a mix of 2 and 3 storey semi detached and detached properties. These will be configured in the form of perimeter blocks facing the retained Pitcairn Close and a new street to the north of this. The Pitcairn site is to be a combination of rented, shared equity and shared ownership properties.

4.10 The development will essentially be in the same form and character as Hobart Close as described in paras 4.2- 4.7. As proposed at Hobart Close most houses will have an in plot parking space and to make adequate provision for the dwellings

where this cannot be achieved, it is proposed to provide some lay-by parking on the street.

- 4.11 It is proposed that all the dwellings will achieve the Code for Sustainable Homes Level 4 and 7 dwellings will achieve the AECB Silver Standard. Overall, the outcome is that by using a combination of energy efficient measures and technologies that there will be a total carbon reduction of 12%. Furthermore, the majority of the houses will meet the Lifetime Homes Standard.
- 4.12 The developer has committed to work with the Council's Employment and 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

Adjoining occupiers consulted:

The proposals have been advertised on site and in the press and nearby occupiers notified. The applicant's also held two public consultation events for existing nearby residents prior to the planning applications being submitted.

The following properties have been notified of the planning applications:

13/01718/PFUL3 Hobart Close:

270 - 276 (evens) and 318- 324 (evens) Bathley Street
107 -145 Wilford Crescent West
2- 12 (evens) and 14 - 24 (evens) Hobart Close
29 and 31 Pitcairn Close
2 -16 (evens) Sandays Close

13/01719/PFUL3 Pitcairn Close:

87 – 121 (odds), 98, 100,102 Wilford Crescent West,
1-23 Pitcairn Close
1- 37 (odds) Oxbow Close

In response one email has been received from a resident of Wilford Crescent West raising the following points on the Hobart Close application: Concerned about disruption during the construction period, the impact upon car parking for existing residents, a loss of light and the density of the development. Would prefer the development not to happen and for the land to remain as open space.

Additional consultation letters sent to:

Noise and Pollution Control: No objection. Require conditions to address potential contamination.

Highways and Drainage: No objection. Recommend conditions requiring the submission of details of surface water drainage, a construction management plan and the construction of the on site parking, turning and servicing areas. Refer to the need for stopping up public rights of way and areas of public highway.

Housing Strategy: No objection to the proposed redevelopment of Pitcairn Close or Hobart Close. Supports the proposed housing type and tenure mix.

Severn Trent Water: No objection subject to the inclusion of a condition requiring the submission of details of the disposal of surface water and foul sewage.
Comment: Foul sewage disposal is a matter addressed under the Building Regulations.

Force Architectural Liaison Officer: Unable to support the applications. Has a major concern about the alleyways which serve a number of houses making potential unlawful access to the rear of these homes very easy. The Meadows has a history of high crime, especially property crime, and in many areas the high levels of permeability have allowed much of this criminal activity to occur within areas that have little or no natural surveillance, such as rear access alleyways. Advises that in the past numerous solutions have been explored including gating, footpath closures and redevelopment but they have still had issues with burglaries where natural surveillance is limited. Considers that gating is not the solution as the layout indicates a number of homes will use these alleyways which will therefore be less secure. Also concerned about the absence of visibility of the alleyways which would conceal potential criminals. Recognises that residents will need access to the rear garden area, but alleyways of this size and length are not recommended.

Arboricultural Officer: Requires an arboricultural method statement to be submitted which should include a full schedule of pruning to the retained trees. Proposing to serve a TPO as soon as planning permission granted to ensure the retained trees are adequately protected

OPUN Design Review: The applications were considered by the OPUN Design Review Service at the request of the developer. In summary the Panel appreciated the thorough site analysis which was considered to demonstrate a good understanding of the site context, resulting in a considered and robust layout with strong perimeter blocks and frontages. The approach to sustainability combining both Code for Sustainable Homes Level 4 and Passivhaus silver standard was also welcomed.

Main issues identified:

- Exploring alternatives to the proposed passageways within the development to ensure that they are safe, overlooked and attractive places that are well integrated into the development;
- Strengthening of the architecture of the development, with greater attention to detail and perhaps the use of colour and material to provide subtle variation between the sites to promote identity;
- Reconsidering the proposed timber fence boundary treatment to the sites to provide a more robust, attractive solution that ensures good natural surveillance;
- Ensuring that the development works with the existing mature trees on the site;
- Create stronger connection between the Pitcairn site and existing properties to the west by strengthening the existing pedestrian route to the site and introducing a stronger architectural corner/gateway element;
- Pitcairn Rationalising the properties to allow adequate space for the existing trees and reconsidering the positioning of the “tower” block.
- Hobart Consideration should be given to future proofing links to, and the incorporation of, the open space on Hobart Close; strengthening the corner

of the site adjacent the pumping station and the “tower” block to Bathley Street .

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development 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 these applications is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, to encourage the effective use of land by reusing land that has been previously developed (brownfield land), and by supporting the transition to a low carbon future.
- 6.3 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.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities – complies.

H2 – Density – complies.

H3 - Appropriate Housing Types – complies.

H5 - Affordable Housing – complies

R2 - Open Space in New Development – does not comply.

BE1 - Design in new development – complies

BE2 - Layout and Community Safety –partly complies.

BE3 - Building Design -complies.

BE4 - Sustainable Design – complies.

BE5 - Landscape Design – complies.

NE5 – Trees – complies

NE12 - Derelict and Contaminated Land – complies.

NE14 - Renewable Energy – complies.

T3 - Car, Cycle and Servicing Parking – complies.

T12- Public rights of way - complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development and the appropriateness of mix of house types and tenure;
- (ii) Layout and design considerations;
- (iii) Highway considerations;
- (iv) Impact on residential amenity;
- (v) Section 106 matters.

(i) Principle of the development and the appropriateness of mix of house types and tenure (Policies ST1, BE4, H2, H3 and H5)

- 7.1 The applications propose replacement dwellings on cleared sites within an existing residential area and are therefore acceptable in principle.
- 7.2 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 range of housing to meet local needs, including affordable housing if required. It is therefore considered that these two housing schemes, which have been developed with the support of Housing Strategy and would provide 39 affordable dwellings, would contribute towards meeting local housing needs and would be in keeping with the NPPF and the City Council's strategic objectives to create sustainable balanced communities. Additionally, the development sites are located in a sustainable location, close to local facilities and a range of transport options, and the houses are to be designed with the intention of meeting the Code for Sustainable Homes Level 4. The proposal therefore accords with Policies ST1, BE4, H2, H3 and H5 of the Local Plan.

(ii) Layout and design considerations (Policies BE1, BE2, BE3, BE5, NE5 and T3)

- 7.3 The proposed layout for the redeveloped sites shows a 'perimeter block' form of development with continuous street frontages to provide a clear definition between public and private space throughout. The schemes have been designed to provide active frontages and surveillance of the streets and also to create secure private rear gardens. The dwellings are two and three storeys in height and comprise a mixture of short terraces and semi detached "tower" units at the street corners, which would help to create a distinctive character and attractive streetscene.
- 7.4 Due to the number of terraced properties within both the Pitcairn and Hobart schemes it has proved necessary to include alleyways to provide access to the rear gardens. This aspect of the layout has generated adverse comment from both the

Force Architectural Liaison Officer and the OPUN Design Review Panel who have both identified concerns relating to the absence of natural surveillance and potential for criminal activity. This has been the subject of detailed design consideration and various options have been considered, including some of the dwellings not having access to the rear garden other than through the house. However, in order for the development to meet the Code for Sustainable Homes Level 4 there is a requirement that bike and bin storage is easily accessible and the reality is that this would need to be by means of the rear alleyways. The length of the alleyways has now been reduced as far as practically possible and it is proposed to erect a lockable gate at each of the entrance points. It is also proposed that the boundary fences enclosing the access paths would be hit and miss timber fences, thereby providing better surveillance from the gardens and the houses. It is acknowledged that the extent of alleyways within the two schemes is less than ideal but no practical alternative has been found. On balance, and having regard to the improved measures referred to above, this element of the scheme is accepted as being necessary.

- 7.5 The design of the scheme is contemporary and the elevational treatment of the dwellings, together with the palette of materials, would create a clear and straightforward architectural language. Full details of the materials will be required by condition.
- 7.6 Overall the layout and design of the buildings considered to be appropriate and would therefore accord with Policies BE1, BE2, BE3, BE5 and T3 of the Local Plan.

(iii) Highway considerations (Policies BE1, BE2 and T3)

- 7.7 The schemes have been designed to create 'perimeter' block layouts, with pedestrian and vehicular access being from the front of each new property. All materials used on the highway are proposed to comply with the City Council's "Streetscape Design Manual for Neighbourhoods". Car parking would be provided either on plot at the front or side of the dwellings or on street and the overall level of provision is considered to be acceptable given the proximity of the development to bus services and NET Phase 2. It is therefore considered that the development satisfies the requirements of Policies BE1, BE2 and T3 of the Local Plan.

(iv) Impact on residential amenity (Policy BE3)

- 7.8 The comments of the resident of Wilford Crescent West are noted. However, the proposed layout has been designed to ensure that there would be no adverse impact upon the amenities of nearby existing residents or future occupants of the new development, in terms of light, outlook and privacy. The development would therefore comply with Policy BE3 of the Local Plan.

(v) Section 106 matters (Policies H5 and R2)

- 7.9 The overall scheme delivers 39 affordable dwellings out of a total of 70 and therefore more than satisfies 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.
- 7.10 A financial appraisal has been submitted alongside the two planning applications. 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 these developments it is considered that a relaxation of the policy requirements is considered to be justified in this instance.

Other matters (Policies T12 and NE12)

- 7.11 The applications identifies possible contamination of the sites due to previous uses and details of testing and remediation can be secured by condition. The proposals are therefore in accordance with Policy NE12.
- 7.12 The proposals will affect a number of existing public rights of way which cross the site and the process for stopping up under the Town and Country Planning Act 1990 to enable the development to be carried out has already commenced. Approval for the stopping up was the subject of a separate authorisation process approved by Area 8 Panel (Bridge, Clifton North and South) August 2013. As well as stopping up the footpaths, the existing footpath linking the west end of Pitcairn Close and running west to Queens Walk and north to Robin Hood Way will be retained. The existing footpath running to the south of the development linking Bathley Street to Victoria Embankment will be retained and improved.
- 7.13 It is considered that the proposed layout will result in adequate provision of public rights of way both through and around the new development which accords with Policy T12.

8. SUSTAINABILITY / BIODIVERSITY (Policies BE4, NE14 and NE5)

- 8.1 The developments have been designed to meet the requirements of Code for Sustainable Homes Level 4 and 36 out of the 70 dwellings will be AECB Silver standard.
- 8.2 The schemes propose the retention of the main trees of high amenity value and the planting of further trees is proposed as part of the layouts. A Tree Preservation Order is to be made to ensure the retained trees are adequately protected.
- 8.3 It is considered that the development satisfies the requirements of Policies BE4, NE5 and NE14 of the Local Plan.

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 –Redeveloping of a vacant brownfield site to deliver a high quality, sustainability-led, family housing scheme.

14 CRIME AND DISORDER ACT IMPLICATIONS

The scheme will provide improved surveillance and community safety in the area.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/01718/PFUL3 - link to online case file:

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01718/PFUL3>

2. Application No: 13/01719/PFUL3 - link to online case file:

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01719/PFUL3>

Emails from Housing Strategy dated 30.07.2013

Letters from Severn Trent Water dated 30.07.2013

Emails from Force Architectural Liaison Officer dated 01.08.2103

Observations of Noise and Pollution Control dated 01.08.2013

Emails from Tree Officer dated 31.07.2013

Email from resident of 137 Wilford Crescent West dated 31.07.2013
(13/01718/PFUL3)

Emails from Highways dated 12.08.2013

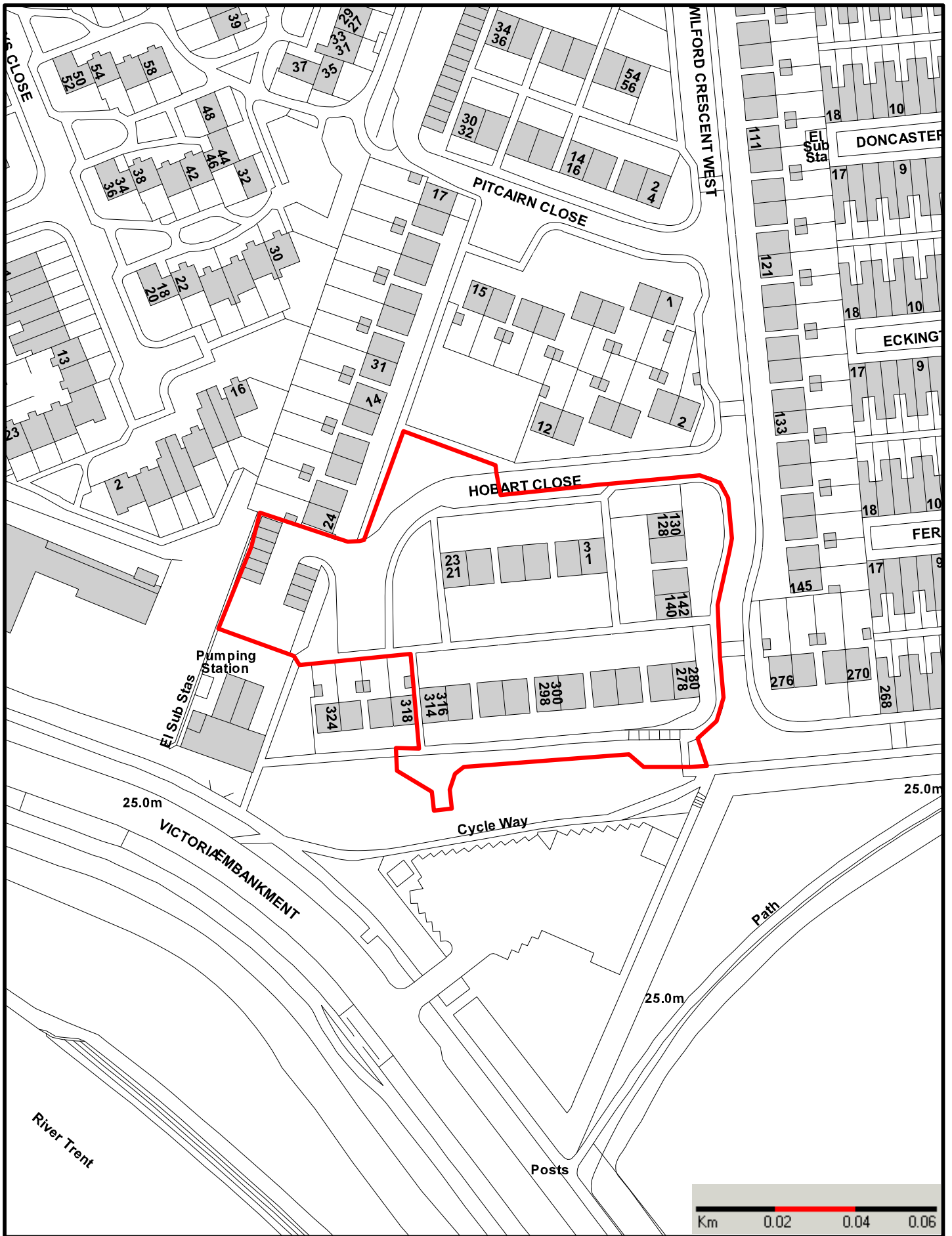
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs J.M. Keble, Case Officer, Development Management.

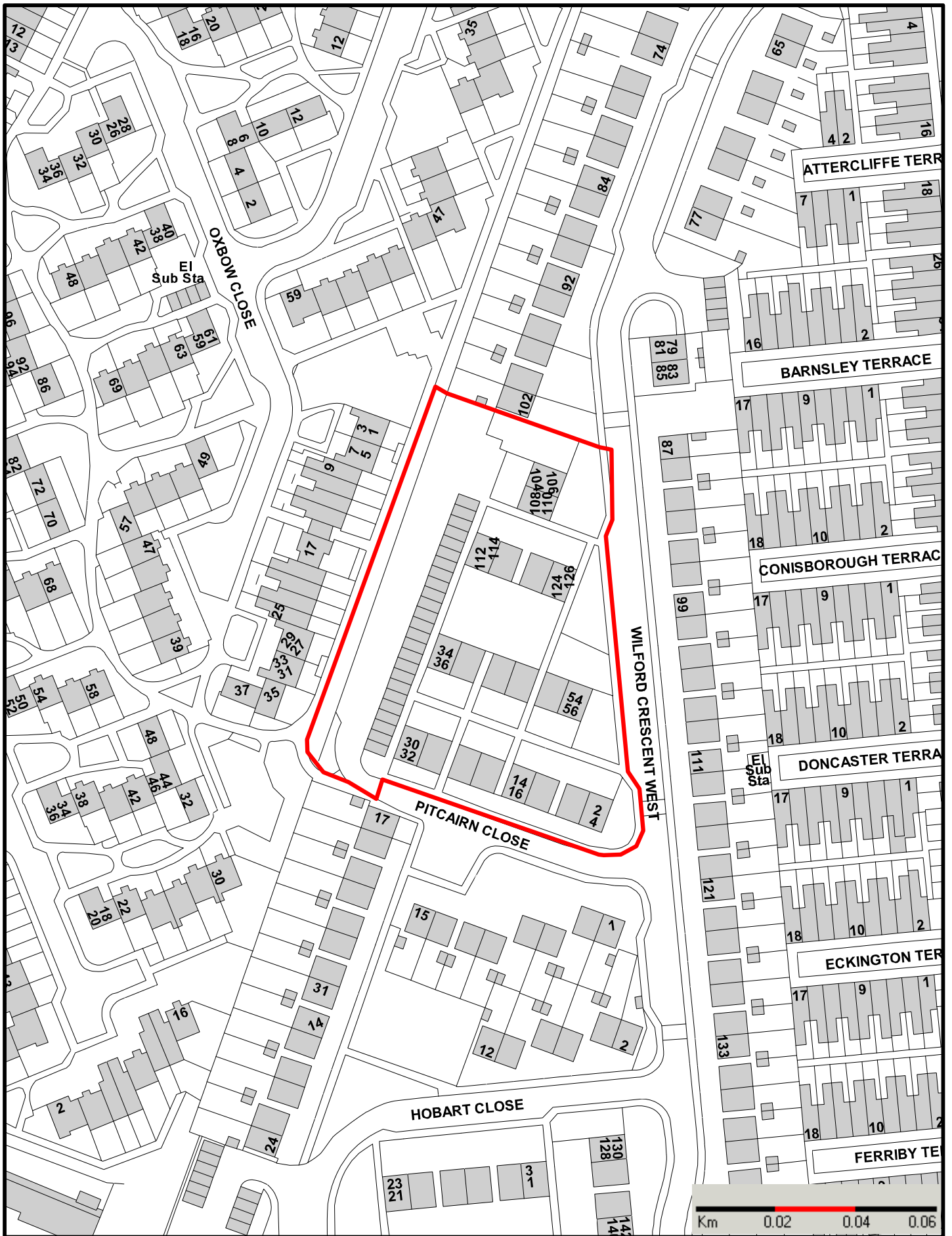
Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056



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Nottingham
City Council

My Ref: 13/01718/PFUL3 (PP-02762319)
Your Ref:
Contact: Mrs J.M. Keble
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
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Station Street
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Marsh:Grochowski
FAO: Mr Mike Askey
16 Commerce Square
Nottingham
NG1 1HS

Date of decision:

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

Application No: 13/01718/PFUL3 (PP-02762319)
Application by: William Davis Limited
Location: Site At Hobart Close, The Meadows, Nottingham
Proposal: 33 dwellings.

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. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
 - (i) Vehicular access to the site;
 - (ii) The parking of vehicles of site operatives and visitors;
 - (iii) Loading and unloading of plant and materials;
 - (iv) Storage of plant and materials used in constructing the development;
 - (v) Wheel washing facilities;
 - (vi) Measures to control the emission of dust and dirt during construction.

The Construction Method Statement shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan



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

DRAFT ¹ ONLY
Not for issue

Continued...

3. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which 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 has been submitted to and approved in writing by the Local Planning Authority. 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 and to ensure that the principal aquifer underlying the site is protected in accordance with Policy NE12 of the Nottingham Local Plan.

4. 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. The scheme 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.

5. 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.

6. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

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

7. The development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Local Plan.

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

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

Reason: To ensure a high quality development in accordance with Policy BE3 of the Local Plan.

9. The development shall not be commenced until details of areas to be hard landscaped, including the proposed parking areas and access road which should be of permeable materials, have been submitted to and approved in writing by the Local Planning Authority.

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 BE3 of the Local Plan.

10. The development shall not be commenced until details of enclosure for the site boundaries and individual plots have been submitted to and approved in writing with the Local Planning Authority.

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 BE3 of the Local Plan.

11. The development shall not be commenced until a scheme to achieve a minimum of 10% reduction in carbon emissions over and above the Building Regulations 2010 parts L1A and L1B, has been submitted to and approved in writing by the Local Planning Authority.

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

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

Pre-occupation conditions

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

12. No part of the development 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: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.

13. 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: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.

14. The development shall not be occupied until details of a landscaping scheme with proposals for management and maintenance, including the type, height, species and location of the proposed trees and shrubs, have been submitted to and approved in writing by the Local Planning Authority.

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

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

15. No dwelling shall be occupied until the site boundary and the boundaries of individual plots have been enclosed in accordance with the approved details.

Reason: In the interests of the occupiers of nearby property in accordance with Policy BE3 of the Local Plan.

16. No dwelling shall be occupied until bin storage has been provided in accordance with the approved details.

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

17. No dwelling shall be occupied until the measures approved in relation to Condition 10 have been installed and, where relevant, are able to provide renewable/low carbon energy to serve the development.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policies BE4 and NE14 of the Local

Plan.

Regulatory/ongoing conditions

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the dwellings shall not be used other than for purposes defined in Class C3 of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.

Reason: In the interests of developing sustainable communities in accordance with Policy ST1 of the Local Plan.

19. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the local planning authority

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

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 19 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. 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.

3. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).

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 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

6. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

7. 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.

8. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-
Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)
Sunday: at no time
Bank Holidays: at no time
Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).
Equipment
All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.
Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

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: 13/01718/PFUL3 (PP-02762319)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

My Ref: 13/01719/PFUL3 (PP-02762694)
Your Ref:
Contact: Mrs J.M. Keble
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Marsh:Grochowski
FAO: Mr Mike Askey
16 Commerce Square
Nottingham
NG1 1HS

Date of decision:

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

Application No: 13/01719/PFUL3 (PP-02762694)
Application by: William Davis Limited
Location: Site At Pitcairn Close, The Meadows, Nottingham
Proposal: 35 dwellings.

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. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
 - (i) Vehicular access to the site;
 - (ii) The parking of vehicles of site operatives and visitors;
 - (iii) Loading and unloading of plant and materials;
 - (iv) Storage of plant and materials used in constructing the development;
 - (v) Wheel washing facilities;
 - (vi) Measures to control the emission of dust and dirt during construction.

The Construction Method Statement shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan

3. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which 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 has been submitted to and approved in writing by the Local Planning Authority. 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 and to ensure that the principal aquifer underlying the site is protected in accordance with Policy NE12 of the Nottingham Local Plan.

4. 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. The scheme 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.

5. 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.

6. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

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

7. The development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Local Plan.

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

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

Reason: To ensure a high quality development in accordance with Policy BE3 of the Local Plan.

9. The development shall not be commenced until details of areas to be hard landscaped, including the proposed parking areas and access road which should be of permeable materials, have been submitted to and approved in writing by the Local Planning Authority.

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 BE3 of the Local Plan.

10. The development shall not be commenced until details of enclosure for the site boundaries and individual plots have been submitted to and approved in writing with the Local Planning Authority.

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 BE3 of the Local Plan.

11. The development shall not be commenced until a scheme to achieve a minimum of 10% reduction in carbon emissions over and above the Building Regulations 2010 parts L1A and L1B, has been submitted to and approved in writing by the Local Planning Authority.

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

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



Pre-occupation conditions

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

12. No part of the development 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: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.

13. 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: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.

14. The development shall not be occupied until details of a landscaping scheme with proposals for management and maintenance, including the type, height, species and location of the proposed trees and shrubs, have been submitted to and approved in writing by the Local Planning Authority.

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

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

15. No dwelling shall be occupied until the site boundary and the boundaries of individual plots have been enclosed in accordance with the approved details.

Reason: In the interests of the occupiers of nearby property in accordance with Policy BE3 of the Local Plan.

16. No dwelling shall be occupied until bin storage has been provided in accordance with the approved details.

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

17. No dwelling shall be occupied until the measures approved in relation to Condition 10 have been installed and, where relevant, are able to provide renewable/low carbon energy to serve the development.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policies BE4 and NE14 of the Local

Plan.

Regulatory/ongoing conditions

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the dwellings shall not be used other than for purposes defined in Class C3 of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.

Reason: In the interests of developing sustainable communities in accordance with Policy ST1 of the Local Plan.

19. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the local planning authority

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

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 19 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. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).

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 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

6. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

7. 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.

8. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-
Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)
Sunday: at no time
Bank Holidays: at no time
Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).
Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

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: 13/01719/PFUL3 (PP-02762694)

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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>

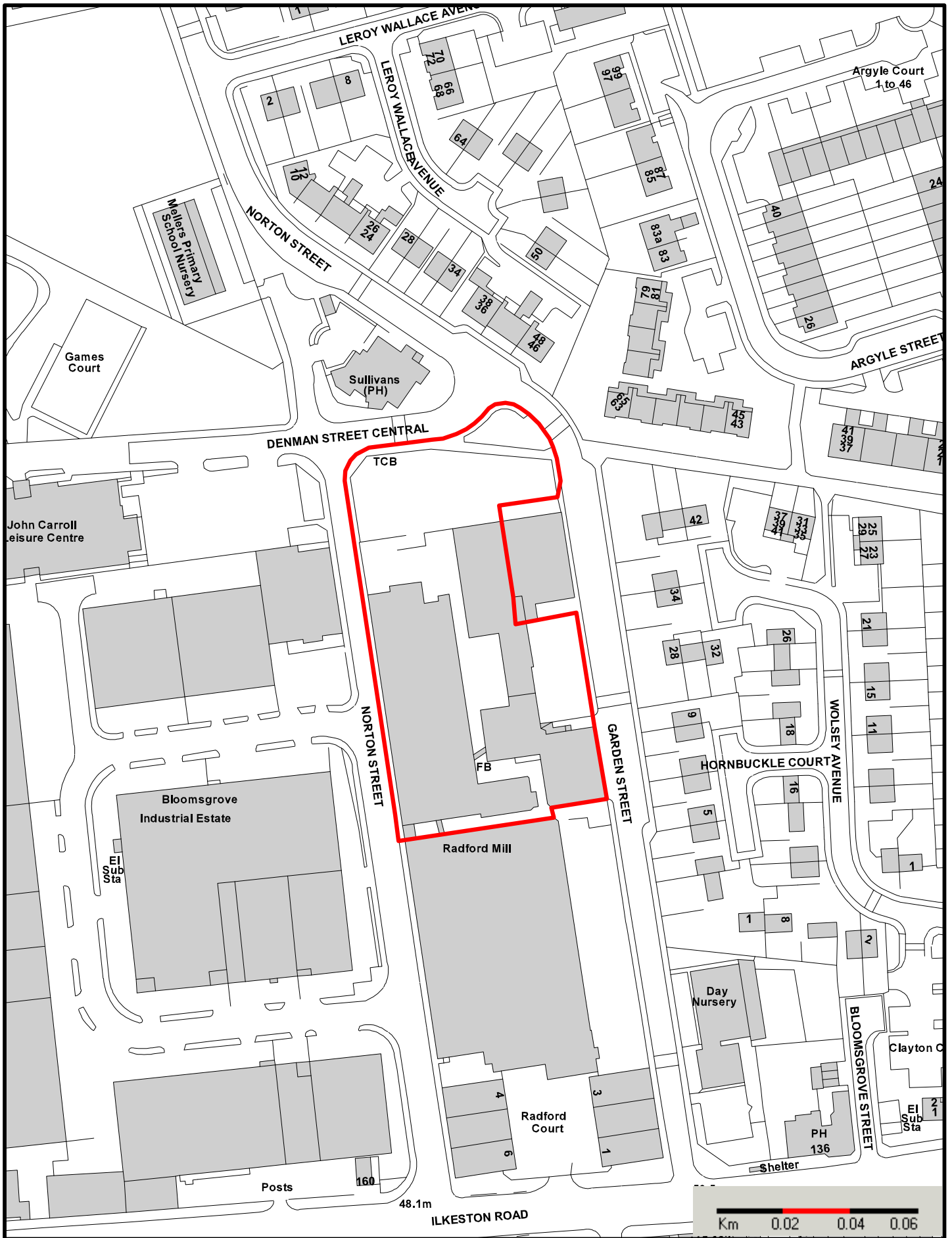
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs N Tyrrell, Case Officer, Development Management.

Email: nicola.tyrrell@nottinghamcity.gov.uk. Telephone: 0115 8764082



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Nottingham
City Council

My Ref: 13/01505/PFUL3 (PP-02713507)
Your Ref:
Contact: Mrs N Tyrrell
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Pelham Architects
Mr Mike Price
12-14 Pelham Road
Sherwood Rise
Nottingham
Nottinghamshire
NG5 1AP
United Kingdom

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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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.

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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REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

St Thomas More Roman Catholic Church, Glenwood Avenue

1 SUMMARY

Application No: 13/01515/PFUL3
Application by: Radleigh Group on behalf of Nottingham RC Diocesan
Proposal: New Church and 18 dwellings

This application is brought to Planning Committee because it relates to major development that has generated a significant the level of public interest both in support of and objecting to the proposal.

To meet the Council's Performance Targets this application should be determined by 26 September 2013.

2 RECOMMENDATIONS

REFUSE PLANNING PERMISSION for the reason set out below:

The proposed development would cause significant harm to the welfare of the existing badger population on the site through proximity of development and significant reduction of established foraging area. The proposals fail to adequately mitigate or compensate for this harm and the benefits of the development are not considered to outweigh the harm caused. Accordingly the proposal is considered contrary to Paragraph 118 of the NPPF and Policy NE3 of the Local Plan.

3 BACKGROUND

Site

- 3.1 The site comprises 0.98ha of land situated to the north west of Bramcote Lane and north east of Glenwood Avenue. The site as existing can be broadly broken into two rectangular segments. The southern half contains St Thomas More Church, a 1950's brick building located to the south east of 2 Glenwood Avenue, with a car park directly to the south east of the Church served by vehicular access off Glenwood Avenue. There is a two storey presbytery fronting Bramcote Lane and situated in between the church and presbytery is a small garage block. The remainder of the southern half of the site is private green space and frames the corner of Bramcote Lane and Glenwood Avenue. The northern half of the site is garden space associated with the presbytery and is hidden from public view by the church and existing development on Glenwood Avenue. Adjacent to the north west boundary runs an open watercourse, which connects at either end to surface water sewers.
- 3.2 The south east boundary of the site is enclosed with green mesh fencing approximately 1.4m high and this also extends along the south west boundary for the section abutting Glenwood Avenue. The south west boundary of the northern

half of the site is marked by black railings and intermittent trees, whilst the north west boundary, located just beyond the watercourse has thicker vegetation in the form of hedgerow and trees. The north eastern boundary also has dense mature hedgerow (less so adjacent to the cemetery) and there are some mature Ash trees on the border between the site and the cemetery. There is a significant level change across the site, with Bramcote Lane approximately 7m higher than the north west boundary of the site. The slope is relatively steep from Bramcote Lane leading down to the car park and is gentler on the northern half of the site.

- 3.3 With the exception of the cemetery to the north east, the site is surrounded by residential properties including bungalows on Glenwood Avenue. To the north west of the application site beyond the houses on Arleston Drive is Fernwood Junior and Infants School.

Relevant Planning History

- 3.4 In 1989 an application (89/00271/PFUL3) for 52 flats on the site was refused planning permission on the grounds that the scheme was over-intensive, would cause amenity/privacy issues, would involve the removal of an unacceptable number of trees/hedges, would directly impact on a badger sett and because parking arrangements were deemed unacceptable.
- 3.5 In February 2013 an application (13/00415/PFUL3) was submitted on the site for a new church and 18 dwellings but was subsequently withdrawn in May 2013.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks planning permission to construct a replacement church and 18 houses on the site, with access being achieved from Glenwood Avenue. The proposed church would be sited in the southern corner of the site set back approximately 17m from the junction of Bramcote Lane and Glenwood Avenue. The proposed church, which includes a hall on the northern end of the building, is 43m in length and has a maximum width of 24m. The design of the church centres around a circular tower on the southern end which is 12m in height and contains the altar. The building expands in width around the altar to maximise the seating space, with the roof of the building reducing in height at this point to a building that is more single storey in scale at the northern half. It is proposed to have 28 car parking spaces for the church. This would be split between a car park fronting Glenwood Avenue with two access points (one directly from Glenwood Avenue, the other from the proposed access road) and a second area of parking to the north of the building.
- 4.2 The residential element comprises 18 dwellings, with 10 three bedroom and 8 four bedroom houses. The majority of the housing is located in the north half of the site with the exception of two detached properties which are proposed to front Bramcote Lane. The houses are a mix of detached and semi-detached and vary between two and two and half storeys in height. The layout is arranged around a cul-de-sac accessed off Glenwood Avenue and the properties have been designed with a traditional character including details such as gable features, bay windows and chimneys.
- 4.3 The proposed layout identifies an area to be preserved as an ecological corridor/buffer which runs along the north eastern boundary of the site and includes both an area for a replacement badger sett and a foraging route for badgers.

- 4.4 The application is supported by a Design and Access Statement (including energy statement), an Extended Phase 1 Habitat and Protected Species Report, a Ground Investigation Report, a Flood Risk Assessment, a Drainage Statement, a Transport Statement, an Archaeological Report and an Arboricultural Survey. As part of the development package the developer has committed to work with the Council's employment hub to deliver local employment and training opportunities during the construction of the development, including a financial contribution towards pre-employment training and recruitment costs. This would be secured through a Section 106 obligation were the scheme to be approved.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the below neighbouring/local properties have been directly consulted. These include residents who commented on the withdrawn application (13/00415/PFUL3) earlier in the year.

1-17 (no number 13), 19, 25, 31, 35 and 37 Glenwood Avenue

11-27 (odds only, number 13) Burnbreck Gardens

19, 70 101-109 (odds only), 113, 116 Bramcote Lane

38, 40, 44, 51, 53, 61,65 67 69, 71,73,75, 77 Arleston Drive

44 Brookhill Drive

12 Callaway Close

32, 76 and 196 Wollaton Vale

7 Renfrew Drive

1 Ewell Road

6 Rushford Drive

15 Dean Close

94 and 161 Parkside

2 Bramcote Drive

23 Tremayne Road

29 Temple Oak Drive

17 Normanby Road

146 Russell Drive

2 The Nook

17 Grangewood Road

- 5.2 There have been 39 objections to the application and 46 letters of support. The reasons for objection include further pressure on traffic and on-street parking; particularly in the context of the nearby school (this reason is common amongst the vast majority of objections); loss of open space; impact on badgers and other wildlife; bat survey not conducted at optimal time of year; loss of amenity/privacy; noise; security; flooding; watercourse proposal not clear; watercourse must not be culverted; removal of trees and hedgerow and pressure on local facilities/services such as schools and the medical centre.
- 5.3 The letters of support state that the development will deliver family housing, will provide a much improved local facility, has had regard for the ecological value of the site and, that the existing site is in poor condition. It should be noted that a higher proportion of the letters of support (compared to the objections) have been received from people outside the immediate vicinity of the site. Some of the letters of support appear to be from visitors to the existing church.

- 5.4 Councillor Culley objects to the application. She advises that whilst she does not object to the expansion of the church it is considered that 18 dwellings is too intense. She is concerned about the impact on the local environment, the loss of amenity for neighbouring residents and the effect of a further increase in traffic on a road that is already extremely busy due to it serving Fernwood Junior and Comprehensive schools.

Additional consultation letters sent to:

- 5.5 **Highways and Drainage:** No objection to the application subject to conditions relating to drainage, a construction management plan and the detailed design of the proposed access road. Highways comment that the site is in a good location to access public transport and the parking provision for both the residential element and the new church is considered acceptable.
- 5.6 **Heritage and Urban Design:** Advises that the layout and house types will create an attractive development. The two and half storey dwellings appear reasonable in relation to both other proposed dwellings and existing neighbouring properties. There are opportunities to enhance character through the design of the highway and front boundary treatment, and details such as deep window reveals will be important to the success of the end product. A query is raised as to what proposals would be put in place with regard to the ecological corridor that runs to the side and rear of plots 16-18 in terms of ensuring security and satisfactory maintenance.
- 5.7 **Environment Agency:** No objection to the application subject to a condition relating to a surface water drainage scheme.
- 5.8 **Natural England:** refers the LPA to standing advice for assessing the impacts of development on badgers. Most relevant is that the creation of a replacement artificial sett should be seen as a last resort and that foraging areas should be maintained or new areas created. Standing advice is also provided in relation to bats which confirms that permission could be granted but that the authority should consider requesting enhancements
- 5.9 **Nottinghamshire Wildlife Trust:** Objects to the application, acknowledging that whilst a badger mitigation plan has been submitted, there are a number of concerns relating to badgers and the development proposals. Specifically these include that the habitat corridor is of insufficient width, that it may get further eroded by residents or by poor maintenance and that the development is likely to displace badgers.
- 5.10 **Biodiversity and Green Space Officer:** Objects to the application on the grounds that the development will have an unacceptable impact on the badgers on the site and that the proposals fail to adequately mitigate or compensate for the likely impact upon badgers. Specifically the concerns relate to the proximity of the development to the new sett and the loss of foraging habitat. It is considered that the proposed development restricts the known foraging routes and the proposed replacement foraging route is insufficient in terms of area and could be further eroded over time by residents encroaching onto this land. It is also considered that the development will further encourage foraging in the adjacent cemetery which already occurs to some degree. A bat survey in the peak season is required given the presence of a bat dropping found in one of the buildings, so that it can be established as to whether there is a roost in use.

- 5.11 **Noise and Pollution Control:** No objections subject to conditions relating to contaminated land.
- 5.12 **Tree Officer:** Recommends a condition relating to a tree protection plan in accordance with BS 5837 (2012) to be submitted and approved prior to commencement. Does not agree with the recommendation that tree 'T3' should be felled and advises that in any event this falls outside the application site.
- 5.13 **Severn Trent Water:** No objection subject to a condition relating to drainage plans.
- 5.14 **Coal Authority:** No objection subject to a condition requiring site investigation works prior to commencement of development in line with the content of the Phase 1 desktop study report.
- 5.15 **Lilian Greenwood MP:** Urges the Council to give careful consideration to the serious concerns being raised by her constituents regarding this application. These have not changed fundamentally from the previous application and include issues relating to traffic and road safety, environmental concerns (including flood risk) and the absence of a formal traffic assessment and up to date habitat surveys.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development 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, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm can not be avoided, mitigated or as a last resort compensated, then permission should be refused.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Complies

H2 – Density. Complies

H3 – Appropriate Housing Types. Complies

R2 – Open Space in New Development. Complies

CE1 – Community Facilities. Complies

BE2 – Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

BE16 – Archaeology. Complies

NE3 – Conservation of Species. Does Not Comply

NE5 – Trees. Complies

NE9 - Pollution Control. Complies

NE10 – Water Quality and Flood Protection. Complies

T3 - Car, Cycle and Servicing Parking. Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Ecological Impact of Development
- (iii) Layout and Design
- (iv) Traffic and Parking
- (v) Impact on Amenity
- (vi) Flooding

(i) Principle of Development (Policies ST1 and CE1)

- 7.1 The site has no designation or land use allocation within the adopted Local Plan. The proposal to replace an existing community building with a larger facility is considered acceptable in principle subject to detailed considerations regarding design, amenity and parking. The existing green space on the site is not publicly accessible and does not provide an open space function other than visual amenity and biodiversity habitat. Given the status of the site within the local plan, the promotion of family housing in Policy ST1 and that the residential element will help deliver improved community facilities as encouraged by Policy CE1, it is considered that the principle of residential development is acceptable.

(ii) Ecological Impact of the Development (Paragraph 118 of the NPPF and Policy NE3 of the Local Plan

- 7.2 The Phase I Habitat and Protected Species Report has identified that the principal ecological issue with the development proposals is the impact upon the active badger setts that have been recorded on the site. The Protected Species Report identifies that the development would necessitate the temporary closure of two setts. The construction of plots 1 and 2 would also result in the permanent closure of seven entrances. Prior to the closure of the two setts a multi-chambered artificial sett to include a minimum of six entrances and twelve main/nesting chambers are proposed to be constructed towards the south east of the site in the existing Presbytery gardens, close to the boundary fence with the cemetery. This sett will be within the newly created ecological corridor, which will run adjacent to the north east boundary for the length of the site and would provide a foraging route. Both the Council's biodiversity officer and Nottinghamshire Wildlife Trust have raised objections with regards to the impact on the badgers. Whilst they acknowledge that the provision of the artificial sett and the ecological corridor provides some mitigation, the width of the ecological corridor is a concern and there is potential for this to be eroded by future residents or through poor maintenance, though it is acknowledged this would be capable of being resolved through enforcement action. In addition the proximity of built development in the form of plots 1 and 2 and the proposed church car park adds further pressure on the badgers' environment. The conclusions of the biodiversity officer and the Wildlife Trust is that the development is likely to displace badgers and, although not related solely to this proposal, there is a concern that this is occurring more commonly in the Wollaton area.
- 7.3 Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity and if as a result of development proposals significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused. Policy NE3 of the Local Plan states that where proposals have an adverse impact on protected species permission will be refused unless there is an overriding need for the development. The objections of the Council's biodiversity officer and Nottingham Wildlife Trust are on the basis that the proposals cause significant harm to the badgers and that the mitigation proposals are insufficient. Natural England's standing advice in terms of replacement foraging habitat is less clear in that it does not appear to provide guidance on the amount of replacement habitat required. However, it is clear from the amount of land proposed for development that the space available for foraging will be greatly reduced and this is considered to be contrary to the principle promoted in the standing advice.
- 7.4 In response the applicant promotes that the supply of an artificial sett is an acceptable solution and the success of this, in terms of badgers using this sett, will be tested through the licence application process administered by Natural England prior to the commencement of development. This therefore gives a further element of control. The applicant's ecologist advises that this is an urban badger sett which is therefore accustomed to the built environment surroundings, including the proximity of Bramcote Lane which is a busy route compared to the traffic generated by the development. Furthermore they report that the badgers undertake most of their foraging within existing residential gardens.
- 7.5 On balance it is considered that the pressure exerted by the development on the badgers' environment and particularly the significant reduction in foraging habitat constitutes significant harm and the mitigation proposals fail to satisfactorily

address this harm. Whilst a licence is required to undertake the proposed works to the existing setts, this is a separate legislative process and alone is not considered a sufficient safeguard to overcome the concerns identified. It is also considered unreasonable to rely on, in part, private garden areas for foraging routes given the reduction of foraging territory on the site as a result of the development. The proposal is considered contrary to Paragraph 118 of the NPPF and Policy NE3 of the Local Plan and as such this represents sufficient harm to justify refusal of the application. Whilst the delivery of eighteen family houses and enhanced community facilities are given appropriate weight, it is not considered that the benefits outweigh the harm caused to the badger population in this instance, particularly given that a lesser amount of development could potentially be delivered without unacceptable impact on the badgers. In drawing this conclusion it is considered that limited weight should be attributed to the potential for further badger incursion into the adjacent cemetery. Whilst this appears a reasonable assumption in theory it is understood that this already occurs and it is difficult to determine the extent to which the development would exacerbate this.

- 7.6 With regards to the impact on bats, it is noted that a resident has criticised that the survey was not undertaken at the optimum time of the year. Natural England has not raised any objection to this and whilst the Wildlife Trust and the biodiversity officer would prefer for further surveys to be undertaken this does not form a fundamental part of their objection. No bats were identified in the buildings through the emergence survey and therefore the presence of a bat roost was discounted in the ecological report. However precautionary measures should be applied in this instance and therefore notwithstanding the overriding concerns in terms of the impact on the badgers, if permission were to be granted a condition to secure implementation of the method statement referred to in paragraphs 5.1 to 5.3 of the report is recommended.

(iii) Layout and Design (Paragraphs 56-64 and Policies H2, H3 and BE3 of the Local Plan)

- 7.7 The proposed church has been sited to address the corner of Bramcote Lane and Glenwood Avenue, which due to the openness of the site and the changes in levels is particularly prominent in the street-scene. The proposed location of the church, set 7m back from Bramcote Lane and 17m away from the junction of Bramcote Lane and Glenwood Avenue will strike the right balance in achieving a building that addresses the street but will not be dominant and the intervening space will provide opportunity for landscaping to enhance the setting.
- 7.8 The tower provides a focal point to the design of the church and will provide a sense of arrival at the site. The recessed wings which form the main seating area within the church are sufficiently staggered to provide visual relief and the building responds to the levels of the site and its surroundings by reducing to single storey in scale. The choice of materials will be important and it is proposed that the church be predominately a brick building with a render band proposed on the tower. Subject to a condition requiring details of materials it is considered that the layout and appearance of the proposed church is acceptable.
- 7.9 The proposed position of the church, the location of the existing badger setts and the shape of the site has largely informed the housing layout. The density of the scheme is approximately 27 dwellings per hectare which is very similar to the surrounding area and is appropriate given that this is a family housing scheme. The positioning of plots 1 and 2 on the Bramcote Lane frontage is considered important to positively address the street. Equally plots 3 and 4 have been situated

adjacent to the site access to address the Glenwood street-scene with the orientation of plot 3 being particularly effective when viewing north west. Internally the access road has been based on shared surface principles with the width of the highway achieving practical requirements in terms of safe access and egress but also informing the character of the development. A good level of space is afforded in between dwellings, with driveways predominately situated to the side of the houses and a proportionate amount of space within the plots that is commensurate to the size and type of housing. Generally the houses are situated relatively tight to the access road. This is influenced by the requirement to create a characterful environment, maximise rear garden space for the benefit of future residents and to protect neighbours' amenity.

- 7.10 The architectural style proposed by the applicant is traditional with chimneys chosen for the majority of the house types and strong features in the form of bay windows, protruding gables, eaves and gable detailing, casement style windows and porch canopies. The proximity of the houses to the road, coupled with a traditional approach to the architectural style will provide a sense of place and an attractive environment. The scheme provides seven different house types which offer some variety but also maintains continuity to the design approach.
- 7.11 The two and half storey dwellings (plots 10-15) are located at the end of the cul-de-sac and will address the view north west along the access road from within the site. The height of these dwellings is not disproportionate to the scale of the two storey houses with only a 600mm difference between plots 10-15 and the adjacent two storey properties at plots 9 and 16. The positioning of plots 10-15 allow for slightly taller dwellings and it is considered that these houses will provide a sense of enclosure to the development and will enhance the street-scene.

(iv) Traffic and Parking (Policies BE2 and T3)

- 7.12 The Council's Highway Officers are satisfied with the access position and that the road layout is appropriate. It is apparent that traffic and on-street parking is a significant concern of residents and that this concern is largely influenced by congestion experienced during the school drop off and collection times. From the analysis of on-street parking patterns and the evidence provided by residents in their objections it is apparent that congestion and on-street parking is problematic at these times. However, given the relative size of the housing development proposed, it is not considered that adding the number of trips created by the housing scheme to the network will have a material impact on congestion. Furthermore the development is well provided with off-street parking, with 17 of the 18 dwellings having two off-street spaces (excluding garages), with the 18th house having one space. In terms of the specific issue of school congestion, the proximity of the proposed houses to the school should encourage pedestrian trips for future residents.
- 7.13 The car parking proposed for the church has been based on surveys of attendance at the existing church, which is particularly well attended on Saturday evening and Sunday morning. The Council's highway officers consider that 28 spaces is an acceptable parking provision, particularly given the site's proximity to frequent bus routes and given that many of the congregation will live in the local area.

(v) Impact on Amenity (Policies BE3 and NE9)

- 7.14 The relationship between the proposed church and surrounding dwellings in terms of scale and massing is acceptable. The section drawings submitted with the application demonstrate that the church tower is a sufficient distance away from properties on the south side of Bramcote Lane and furthermore these properties are on a higher level than the site. The car park to the south west of the building provides a welcome buffer to Glenwood Avenue properties and the introduction of tree planting adjacent to the pavement will provide screening. The proposed church includes hall facilities and is a larger facility than the existing church on the site. As a result it is reasonable to assume that the use of the facility is likely to increase and accordingly it would be considered appropriate to impose an hours of use condition to protect neighbours' amenity.
- 7.15 There are a number of bungalows on Glenwood Avenue which border the south west boundary of the site and given that the site is on a higher level than these properties, this relationship requires particular attention. In comparison to the previous submitted scheme, all dwellings which face the bungalows have been moved away from the boundary and provided with larger gardens. Plot 10 is the closest proposed dwelling to a Glenwood Avenue bungalow and is situated sideways on at a distance of 21m (excluding the garage). It is considered that this distance is acceptable, allowing for a level change of between 0.75m – 1m in this particular instance. The distance to properties on Arleston Drive to the north west and Burnbreck Gardens to the north east from proposed development is no less than 37m and 33m respectively and amenity and privacy of occupiers of these properties will be further protected by the retention of the hedgerows and trees on these boundaries. It is considered that the impact on the privacy and amenity of the neighbouring residents is acceptable subject to conditions requiring further section drawings to ensure that the level changes between the site and the adjoining land can be comprehensively assessed.

(vi) Flooding (Policy NE10)

- 7.16 The Environment Agency and the Council's Drainage section have no objections to the application following consideration of the Flood Risk Assessment and Drainage Statement. It is noted that some residents have expressed concern that the watercourse located close to the north west boundary will be culverted. This was originally proposed on the previous application but was not acceptable for both drainage and ecological reasons. The current proposal shows that the stream will remain an open watercourse. The watercourse is proposed to be included within the gardens of plots 10-15 as this will ensure future occupiers take responsibility for its maintenance. Enhancements to this area by way of landscaping would in the event of approval be secured by condition. Conditions would also need to be imposed to ensure delivery of Sustainable Urban Drainage proposals.

Other Issues

- 7.17 The consultation exercise has raised local resident concerns about the impact on the capacity of local services, in particular schools. Should the application be approved, an education contribution of £58,525.90 would be secured through a Section 106 obligation and is based upon the number of primary schools places that would be required from the development, derived from the Council's established formula. An open space contribution of £43,017.72 towards off-site improvements would also form part of the Section 106 obligation and this complies with the requirements of Policy R2 of the Local Plan.

7.18 The impact on the trees and hedgerows on the site is considered acceptable having regard for the advice of the tree officer. Many of the trees and hedges on the site, particularly on the boundaries, will be retained. It is considered therefore that the application complies with Policy NE5 of the Local Plan.

8. SUSTAINABILITY / BIODIVERSITY

8.1 An Energy Statement has been submitted with the application which identifies the options for achieving the required 10% reduction in carbon emissions. The statement advises that the applicant will generally take a fabric first approach to this matter through improving the thermal efficiency, increasing air tightness and dedicated low energy lighting. The statement also advises that the applicant will review solar hot water heating, photovoltaics, combined heat and power (CHP) and ground sourced heat pumps. It is considered unlikely that the latter two will form part of the final sustainability plan but that subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord 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: requirement to provide a high quality and sustainable residential development.

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

Safer Nottingham: designing a development that that contributes to a safer and more attractive neighbourhoods.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application Ref:13/01515/PFUL3
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01515&action=Search>
2. Comments from Natural England dated 25 July 2013
3. Comments from Highways dated 23 July 2013
4. Comments from Noise and Pollution Control dated 12 July 2013
5. Comments from Severn Trent Water Ltd dated 12 July 2013
6. Comments from Tree Officer dated 19 July 2013
7. Comments from Nottinghamshire Wildlife Trust dated 1 August 2013
8. Comments from Coal Authority dated 30 July 2013
9. Comments from Ward Councillor dated 06 August 2013
10. Comments from the Environment Agency dated 20 June and 22 August 2013
11. Comments from the Council's biodiversity officer dated 23 August 2013
12. Comments from Lilian Greenwood MP dated 9 August 2013
13. Comments from local residents/interested parties x 84 dated between 17 July and 22 August 2013.

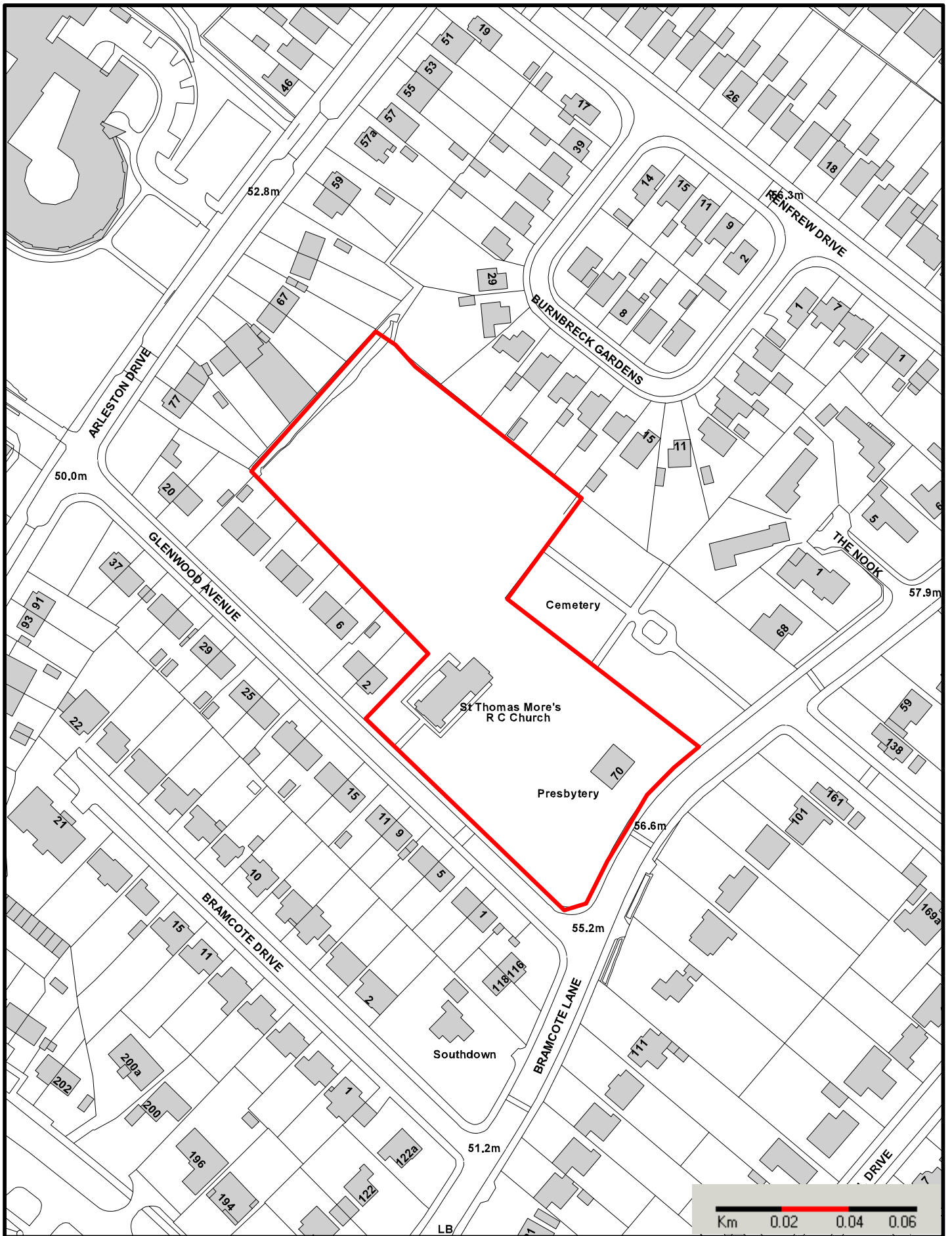
17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005).
2. National Planning Policy Framework.

Contact Officer:

Mr Mark Bassett, Case Officer, Development Management.

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Nottingham
City Council

My Ref: 13/01515/PFUL3

Your Ref:

Contact: Mr Mark Bassett

Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Radleigh Group
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DE24 8JN

Date of decision:

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

Application No: 13/01515/PFUL3
Application by: Nottingham R.C Diocesan
Location: St Thomas More Roman Catholic Church, Glenwood Avenue, Nottingham
Proposal: New church and 18 dwellings. Resubmission of planning application reference 13/00415/PFUL3.

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The proposed development would cause significant harm to the welfare of the existing badger population on the site through proximity of development and significant reduction of established foraging area. The proposals fail to adequately mitigate or compensate for this harm and the benefits of the development are not considered to outweigh the harm caused. Accordingly the proposal is considered contrary to Paragraph 118 of the NPPF and Policy NE3 of the Local Plan.

Notes

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.

Your attention is drawn to the rights of appeal set out on the attached sheet.



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Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 13/01515/PFUL3

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Grove Farm Sports Ground, Lenton Lane

1 SUMMARY

Application No: 13/01313/PFUL3 for planning permission

Application by: CPMG Architects on behalf of The University Of Nottingham

Proposal: Two new sports pavilions/changing rooms following demolition of existing buildings and associated works. Formation of parking area and change of use of part of agricultural land to use as playing fields.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this and the previous report to the Planning Committee on 21st August 2013, 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 This application was deferred at 21st August Committee following concerns raised over the design and materials of the Pavilions. A copy of the previous report is attached. Revisions have been made to the scheme to address these design concerns, details of which will be presented to Committee for consideration.

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

1. Application No: 13/01313/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01313/PFUL3>

Contact Officer:

Mrs N Tyrrell, Case Officer, Development Management.

Email: nicola.tyrrell@nottinghamcity.gov.uk Telephone: 0115 8764082

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Grove Farm Sports Ground, Lenton Lane

1 SUMMARY

Application No: 13/01313/PFUL3 for planning permission

Application by: CPMG Architects on behalf of The University Of Nottingham

Proposal: Two new sports pavilions/changing rooms following demolition of existing buildings and associated works. Formation of parking area and change of use of part of agricultural land to use as playing fields.

The application is brought to Committee because it relates to a major development within the Green Belt.

To meet the Council's Performance Targets this application should be determined by 5th September 2013

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the 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 Head of Development Management.

3 BACKGROUND

- 3.1 The application site covers an area of approximately 6 hectares and comprises playing fields and farmland to the north of the River Trent and to the west of the Clifton Bridge. The site forms part of the Open Space Network and is within the Green Belt. The site also falls within Flood Zone 3b (functional floodplain) and borders Broxtowe Borough Council (BBC).
- 3.2 The site forms the Grove Farm Sports Ground which accommodates the majority of the University of Nottingham's sports pitches. It currently accommodated intra-mural, society and faculty matches throughout the year. There are 16 football pitches, 4 rugby pitches and 3 cricket pitches.
- 3.3 To the southeast of the site are a collection of buildings and hard standing areas used by University staff and visitors which are accessed from Lenton Lane. The buildings comprise Glebe Farm cottages occupied by two members of ground staff, the 'Old House' which is used as male changing facilities and two outbuildings / barns which are currently used as female changing rooms and groundsman's storage.

- 3.4 Thane Road runs adjacent to the northern most part of the site which is predominantly used for access into the Boots Campus and Power-league Sports Centre, which comprises a single storey gable end ridged roof pavilion building with associated car parking spaces and 14 no. 5-a-side pitches. Thane road is raised above the flood plain, approximately 5 metres higher than the site ground level. Public paths run along the south of the site. Electricity pylons are located along the north west side of the site crossing in a north eastern/south westerly alignment.

RELEVANT PLANNING HISTORY

- 3.5 Planning application reference 11/02419/PFUL3 proposing the erection of 2 wind turbines including supporting ancillary structures and creation of new access roads, was refused in February 2013.

4 DETAILS OF THE PROPOSAL

- 4.1 Full planning permission is sought for two new sports pavilions accommodating changing room facilities following the demolition of the two existing outbuildings. The gross external floor area for the two combined buildings would be approximately 1,880 sq metres. Associated works are proposed in the form of a new access road linking the two pavilions and formation of a parking area located on land currently occupied by the outbuildings. The access road within the site would link to the existing access from Lenton Lane and onto the public highway. A change of use of part of the agricultural land to the south west corner of the site to extend the playing fields is also proposed. The 'Old House' and glebe cottages are to be retained. The wet facilities would be removed from the house and no longer used as changing facilities.
- 4.2 The pavilions would be virtually identical and Pavilion A would be located close to the group of existing buildings. Pavilion B would be located further west (by approximately 300 metres) in close proximity to sports pitches at the western part of the site.
- 4.3 The design of the pavilions has a contemporary barn aesthetic. Both are pitched roofed, single storey with plant equipment hidden within the roofspace. The overall height of the pavilions to ridge level is approximately 10.5m, 4.87m to eaves level. The ground floor slab of the building is raised 1.5m above existing ground level due to the floodplain. The pavilions would span 19.5 m in width and 51.7m in length. Both include associated entrance steps and pavilion A also includes a ramped access. Both pavilions include a plinth constructed from gabions as part of the flood alleviation measures.
- 4.4 The proposals would provide 19 football pitches, 4 rugby pitches, 2 lacrosse pitches, 1 Gaelic-football pitch, 1 baseball pitch, 1 American football pitch and the potential for 3 cricket pitches and 2 softball pitches. The increase in pitch numbers is a result of improved pitch management and the proposed change of use of part of agricultural land currently located to the south west corner of the site.
- 4.5 The developer is offering local employment and training opportunities during the construction phase of the development. Local employment and training opportunities associated with the maintenance of the University's wider property portfolio have also been agreed outside of the scope of this application. The mechanisms for providing these benefits will be by way of a S106 obligation.

5.0 **CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

- 5.1 Publicity was undertaken through the display of a site notice and publication of a press notice. The following adjoining occupiers were initially consulted and recently re-consulted following the receipt of additional and amended information. The overall expiry date for consultations was 14th August 2013.
- 5.2 Trentside Farm, Greenwood Meadows Football Club, Riverside Golf Centre, Dunkirk Sports And Social Club, Notts Unity Casuals Cricket Club, Restaurant Sat Bains, The Dave Eastwood Sports Ground, 1 & 2 Grove Farm Cottages Lenton Lane. Power League Soccer Centre Thane Road and 14 Fleming Gardens.

Additional consultation letters sent to:

Noise and Pollution Control: No comments to make.

Highways: A swept path analysis is needed for the new access road. The applicant is intending to increase the availability of car parking on site to 140 car parking spaces, from 100 existing in an undefined arrangement. cycle parking provision would be increased on site which is welcomed but the number not specified. Cycle parking should be lit, secure and undercover.

Comment: *A swept path analysis has been provided and the number of cycle bays has been confirmed at 14 which is now acceptable.*

Drainage: There are concerns from a drainage perspective which need addressing prior to the determination of the application. The Finished Floor Level of the new pavilions were queried. Given the low spots approaching the site, details need to be provided as to how the issue of becoming 'marooned' will be prevented / addressed. Calculations regarding flood storage volume are required.

Comment: *The finished floor levels have been confirmed and a flood evacuation management plan has been provided which is considered to be acceptable. However, flood storage volume calculations have been requested.*

Environment Agency: In the absence of an acceptable Flood Risk Assessment (FRA) there is an objection to the proposal and a recommendation to refuse. The submitted FRA does not comply with the requirements set out in the Technical Guide to the National Planning Policy Framework NPPF. The submitted FRA does not provide an appropriate level of information to make a full assessment of the flood risks associated with the scheme. There is a lack of clarity over the setting of floor levels relative to the flood levels and the unaccounted for large pile of earth located next to the Grove Farm buildings, which has a significant adverse impact on flood flows/ storage capacity and therefore should be removed. There are inadequacies in sections of the FRA relating to flood flow and flood storage.

In terms of minimising the potential impact on flood flows, the reorientation of Pavilion A by 90 degrees was suggested to minimise the impediment to flood flow caused by the building. The details of proposals to compensate for the loss of floodplain storage are considered to be flawed and need to be revised, taking into account the loss of storage volumes from the old farm buildings and the new gabion structures, as well as any parts of the proposed buildings which are below the flood level.

The FRA needs to include details of flood resilience measures for the proposed buildings. The FRA does not adequately demonstrate that the proposal would be

water compatible development.

Comment: *An amended FRA has been submitted to address the above concerns and the Environment Agency have been re-consulted. Further comments will be reported at Committee.*

Broxtowe Borough Council: No objections to proposal.

Sport England: The site forms part of playing fields and is considered in light of playing fields policy, the aim of which is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.

The proposed pavilions and revised access road would impact on the existing playing field area and therefore the provision of the additional land for new and replacement sports pitches is important. It is recommended that the increased playing pitch area and the pitch re-positioning should be carried out prior to the commencement of the development to construct the facilities and access road as submitted. A number of detailed design concerns have been raised and Sport England have submitted a holding objection until these are addressed.

Comment: *Amendments have been made to the scheme to address the above concerns and Sport England have been re-consulted. Further comments will be reported at Committee.*

Nottingham Wildlife Trust: The trust supports the recommendations set out in the Ecology Assessment and request that planning approval is conditional upon the protection of badgers and nesting birds as described in that document. It is requested that further Bat Activity Surveys and their assessment are completed before the planning application is determined.

Biodiversity & Greenspace Policy Officer: The ecology report has highlighted that the buildings proposed for development have the potential to support roosting bats, and have therefore recommended further survey. These surveys are needed prior to determination of the planning application.

Comment: *A bat emergent survey has been undertaken and the biodiversity officer has been re-consulted. Further comments will be reported at Committee.*

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

Comment: *This is a Building Regulations matter.*

A letter received from Councillor Tim Spencer on the 14/06/13 questioning the historic merit of the buildings to be demolished and whether a bat survey has been undertaken.

A series of correspondence has been received from a local Clifton resident objecting to the proposal on the following grounds:

- The County Council Historic Environment Record was provided for Grove Farm.
- There is a heritage value to Grove Farm (the farm house and buildings) as an intact group of farm buildings.
- The former barn and granary wagon / cart sheds and cowshed (now used as female changing rooms and grounds man storage respectively) date from 1927 and there is a Royal connection.

- The riverscape setting of the buildings is distinctive when viewed from the Trent-side footpaths or Clifton Bridge.
- The farm buildings are proposed to be demolished and replaced with ad hoc Pavilion buildings which are inappropriate and would weaken Grove Farm's heritage.
- The buildings would be replaced with 40 extra car-parking spaces. Alternative options should be considered to avoid demolition but still balance floodplain requirements.
- It would result in further hardstanding.
- The visualisations show the proposed pavilions and associated works as too urban in appearance, the grey colour and signage scheme does not respect the green belt.
- It is not conserving or responding to the countryside context.
- It is likely that Security lighting proposals will follow which would go against the amenity / nature of this relatively dark corridor.
- The positioning of pavilion B would impinge on views from the entrance, footpaths, the A453 and Clifton, especially during winter months.
- Concern over change of use resulting in loss of agricultural land and its impact upon the Greenbelt and how the proposal, together with Boots proposals, might cumulatively effect the finely balanced scenery.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on applications. The NPPF proactively encourages and places significant weight on sustainable economic growth through the planning system.

Paragraph 17 of the NPPF also recognises that some open land can perform many functions such as for recreation, and flood risk mitigation.

Paragraph 58 of the NPPF advises that design should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The document supports seeking to promote or reinforce local distinctiveness.

Paragraphs 81 and 88 of the NPPF advises Local Planning Authorities to plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity. It should also be ensured that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 of the NPPF advises that developments in the Green Belt meeting the exceptions test are the provision of appropriate facilities for outdoor sport, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Paragraphs 100-102 of the NPPF set out the tests for development in areas at risk of flooding.

Paragraph 103 of the NPPF states that Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Paragraph 135 of the NPPF advise that in assessing applications, a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset (paragraph 135 of the NPPF).

Nottingham Local Plan (November 2005):

R1 - The Open Space Network. Complies

R5 - Playing Fields and Sports Grounds. Complies

BE3 – Building Design. Complies

NE2 - Nature Conservation. Complies

NE3 - Conservation of Species. Complies

NE8 - Green Belt. Complies

NE10 - Water Quality and Flood Protection. Complies

T3 - Car, Cycle and Servicing Parking. Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Appropriateness to the Green Belt and Open Space Network
- ii) Residential Amenity
- iii) Impact upon the Playing Fields
- iv) The Historic Environment
- v) Flood Risk
- vi) Parking

Appropriateness to the Green Belt and Open Space Network (Local Plan Policies BE3, NE8 and R1)

- 7.1 The site is located in the Green Belt where there is a presumption against inappropriate development. This area is also designated as part of the Open Space Network where there is a presumption against development that would have an adverse affect. The NPPF advises that the construction of new buildings in the Green Belt is inappropriate development, unless it is for one of a list no. of exemptions, including *'provision of appropriate facilities for outdoor sport, outdoor*

recreation on the basis that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.' The proposal is considered to comprise the above exemption which is not classed as inappropriate development. The proposal is not considered to be harmful to and would preserve the openness of the Green Belt for the reasons set out below.

- 7.2 The justification for the proposed replacement facilities is due to the existing buildings being in poor condition, inadequately located and vulnerable to break-ins and vandalism. The existing facilities do not meet current standards and space requirements and are unable to meet the current recreational activity on the site.
- 7.3 The proposed pavilions' contemporary barn aesthetic is felt to be of merit and an interesting response to their function, the site context and the constraint of floodplain.
- 7.4 It is recognised that the new pavilions would be significantly larger than the outbuildings they would be replacing and although single storey are relatively high at 10.5 metres to ridge level. However, the main reason for this is due to the ground floor slab being 1.5m above existing ground level for flood alleviation measures. The pitched roofed design also has the benefit of concealing plant equipment and storage tanks within the building.
- 7.5 Although the single storey approach may have an increased footprint in comparison to a two storey solution, it is lower in height in terms of preserving the openness of the Green Belt. The agents discounted the option of one larger pavilion over two smaller pavilions as it was felt this would have less impact upon the Green Belt and would help with the ongoing site management strategy. The layout of each pavilion has been designed to reflect the principles set out in Sport England's guidance to ensure a practical, efficient and accessible layout. The pavilions have been designed to have a footprint and height which are as small as is practicably possible given the site constraints. The proposed scale and size are considered to be justified in this particular case.
- 7.6 The rationale for the siting of the pavilions is that the western most part of the site is currently poorly accessed and is a significant distance from the current changing facilities (approximately 700m away at the furthest point). Furthermore the change of use of part of agricultural land to playing field is located even further west of the site. The proposed pavilions would be sited to best serve the improved site management strategy and sporting activity on the site. The new access road would link the two pavilions and enable coaches to drop off participants at pavilion B.
- 7.7 Distancing the pavilions would improve the management of the facility on match days. Players and spectators would not have to walk long distances to and from the changing facilities and toilets. Having two pavilions at a distance helps with flexibility of recreation use and number of different sports that can be played.
- 7.8 The pavilions would be positioned and aligned in a manner to reduce their visual impact. In particular, Pavilion A would also be screened by vegetation to the south thus reducing its visibility when viewed from the River Trent footpath and beyond.
- 7.9 The proposal is to finish the main facades of the pavilions in dark grey close textured blocks, to provide a strong contemporary aesthetic, yet one which is also 'barn like' in appearance and both robust and resilient to vandalism. A recessed area is proposed to one side of each pavilion to be finished in contrasting close

textured grey block to provide a distinctive covered area for spectators to shelter. The pitched roof covering is to be a grey metal profiled cladding system. Both buildings include a plinth constructed from gabion walls as part of flood alleviation measures. The chosen aesthetic materials are considered to be appropriate to the Green Belt context.

- 7.10 Windows have been kept to a minimum for security and vandalism reasons. Sunpipes are proposed to the roof to provide natural daylight to the corridors. The lack of windows is considered to be acceptable and in keeping with the barn aesthetic.
- 7.11 The main car park would be constructed using a porous paving system, similar to Eco-block, to preserve the natural grassland appearance and to enable permeability of water on site.
- 7.12 The proposed position of the parking area is considered to be the most appropriate and logical as it is already an area of hard surfacing and is close to the entrance.
- 7.13 The change of use of the agricultural land to playing field is similarly considered to satisfy the exemptions criteria of development in the Green Belt and Open Space Network. It would clearly maintain the openness of the area and no natural features would be affected as a result i.e. loss of hedgerows.
- 7.14 In conclusion the proposal is considered to satisfy the NPPF and relevant Local Plan Policies insofar as they relate to development affecting the Green Belt and Open Space Network.

ii) Residential Amenity (Policy BE3)

- 7.15 Although there would be a net gain in the number of sports pitches, there is no intention to significantly increase the capacity of the existing facilities. Games would continue to be held as per the existing situation with a similar number of participants using the site anticipated. The proposal is seeking to replace existing facilities and is therefore like-for-like in nature to the existing situation. Given the distance the neighbouring residential properties are situated the proposal is unlikely to affect their living conditions of adjacent properties. The proposal would therefore comply with policy BE3.

iii) Impact upon Playing Fields (Policy R5)

- 7.16 Each pavilion comprises 6 no. 22-person and 13 no. 18 person changing rooms, changing areas for male and female officials (10 person and 5 person respectively) and other ancillary facilities. The layout of each pavilion has been designed to reflect the principles set out in Sport England guidance, to ensure a practical, efficient and accessible layout is provided. However, the changing rooms are slightly smaller than Sport England guidelines would require, so that the pavilions are themselves smaller and less intrusive in the Green Belt.
- 7.17 It is likely that the sports use of Grove Farm would be seriously compromised if the changing room provision was not upgraded due to the poor condition of the existing facilities.
- 7.18 The site layout shows a net gain in the number of sports pitches. However, there is no intention to significantly increase the overall capacity of the existing facilities.

Games would continue to be held as per the existing situation on Wednesdays, Saturdays and Sundays. A similar number of participants would use the site but with improved facilities, enhanced site management, greater flexibility and increased variation of sport played at any one time. The number of proposed changing rooms would comfortably meet the capacity of users on any of the given three days.

- 7.19 Any recreational land that is lost through the development would be mitigated through the change of use of part of the agricultural land to the south west corner of the site, that would extend the playing fields. The additional pitches resulting in the change of use will provide the ability to rest 2 or 3 pitches whilst goal areas are reseeded, drainage is improved etc.
- 7.20 Amendments have been made to the interior facilities of the pavilions which are anticipated to address the concerns raised by Sport England. An update on this matter will be provided at Committee.

iv) The Historic Environment (Policy BE3 and NPPF)

- 7.21 The proposal would result in the demolition of two C1927 farm buildings which are currently used as changing rooms and for equipment storage. These buildings were constructed while the site was in the ownership of the Crown Estate. The buildings are currently in poor condition.
- 7.22 The functional design and age of the buildings afford them a relatively limited degree of significance in their own right. As part of the Grove Farm complex the buildings make a contribution to the setting of the 19th century farmhouse, albeit not being contemporaneous with it. The house which is to be retained and refurbished is considered an undesignated heritage asset due to its age and architectural quality. In assessing the application, a balanced judgement is required having regard to the scale of harm or loss and the significance of the heritage asset (paragraph 135 of the NPPF).
- 7.23 Historic maps of Grove Farm show that an older U shaped range of agricultural buildings (which once adjoined the farmhouse) was demolished in the mid 20th century. This has left the 1927 buildings as evidence of the former agricultural use of the site.
- 7.24 It is recognised that demolishing the buildings would have an effect on the significance of the farmhouse by removing the link to its historic agricultural use. However, it is considered that the new replacement pavilions, with their barn aesthetic would still mean that this link to the historic agricultural use is capable of being read.
- 7.25 The outbuildings do not meet accommodation requirements and would increase the flood volume if retained alongside the new proposals.
- 7.26 The siting of the pavilions is considered to be appropriate in the context of the setting of the retained house. In particular Pavilion A, being the closest to the old house, is at a sufficient distance (>100 m) such that it would not have an overbearing impact upon the setting of this historic asset.

v) Flood Risk (Policy NE10)

- 7.27 The pavilions have been designed to minimise their impact upon the flood plain and to not cause an adverse effect during times of flooding. The access road and car park would both be constructed of porous material to further reduce the impact on flooding.
- 7.28 The proposed finished floor levels would be 1.5m above existing ground levels with gabion walls screening the void beneath, thus allowing the area below the floor slab to flood. Amendments have been made to the scheme, such as the proposed removal of the large soil heap to help with flood storage capacity. An amended FRA has been submitted and it is anticipated that this will address the previous concerns of the Environment Agency.

vi) Highways and Parking (Policy T3)

- 7.29 A new access road is proposed to link Pavilions A and B in order for coaches to drop off participants at Pavilion B, turn round and return to the main entrance. This track would be approximately 5 metres in width and constructed in porous compacted stone.
- 7.30 A vehicle swept path analysis has been undertaken on the new access road as well as the coach turning circle and both are considered to be acceptable by Highways.
- 7.31 The proposals comprise an increase in the number of parking spaces on a combination of the existing parking area and land currently occupied by the out buildings proposed to be demolished. 140 spaces are proposed; this is not for an increase in demand, rather to meet current demand for which there is inadequate parking provision. This will also minimise parking along Lenton Lane. 14 cycle stands (to accommodate 28 cycles) are also proposed to be located close to the main entrance.
- 7.32 In response to earlier concerns raised by Drainage a flood evacuation management plan has been submitted in support of the proposals.

Other (Policy NE2 and NE3)

- 7.33 The recommendations of the Ecology Assessment are supported by the Nott's Wildlife Trust NWT. In line with the recommendations from the NWT a bat emergent survey has recently been submitted and found no evidence of bats emerging from either building to be demolished.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 An energy report accompanied the application proposing that photovoltaic panels be installed upon the roof of the pavilions to meet the 10% renewable energy requirement. Additionally, the proposed materials are robust and with good longevity, thus reducing need for regular maintenance and repair. The type of construction would create buildings with reduced u-values that are on par with or exceed the current Building Regulations requirements. Light fittings would be low-e with automatic switching where appropriate. The proposal includes the provision of adequate cycle storage.

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

Pavilion A would be fully accessible.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Working Nottingham – Providing new employment opportunities within the City.

World Class Nottingham – Enhancing the facilities of one of its world renowned Universities.

Healthy Nottingham: The development will encourage participation in leisure and sport and will promote activities associated with a healthy lifestyle.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/01313/PFUL3 - link to online case file:
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01313/PFUL3>
2. Emails from Biodiversity team dated 13/06/13 and 07/08/13.
3. Memos from Noise and Pollution Control dated 20/06/13 and 06/08/13.
4. Emails received from the same local resident on 24/06/13, 25/06/13, 03/07/13, 08/07/13 and 14/07/13.
5. Letter from Environment Agency dated 24/06/13.
6. Memo from Highways received on 19/06/13 and 18/07/13.
7. Letter from Severn Trent Water received on 01/07/13.
8. Letter from Sport England received on 01/07/13.
9. Letter from Nott's Wildlife Trust dated 22/07/13.
10. Letter received from Broxtowe Borough Council dated 26/06/13.
11. Email from Drainage dated 02/08/13.
12. Letter from Councillor Tim Spencer dated 14th June 2013.

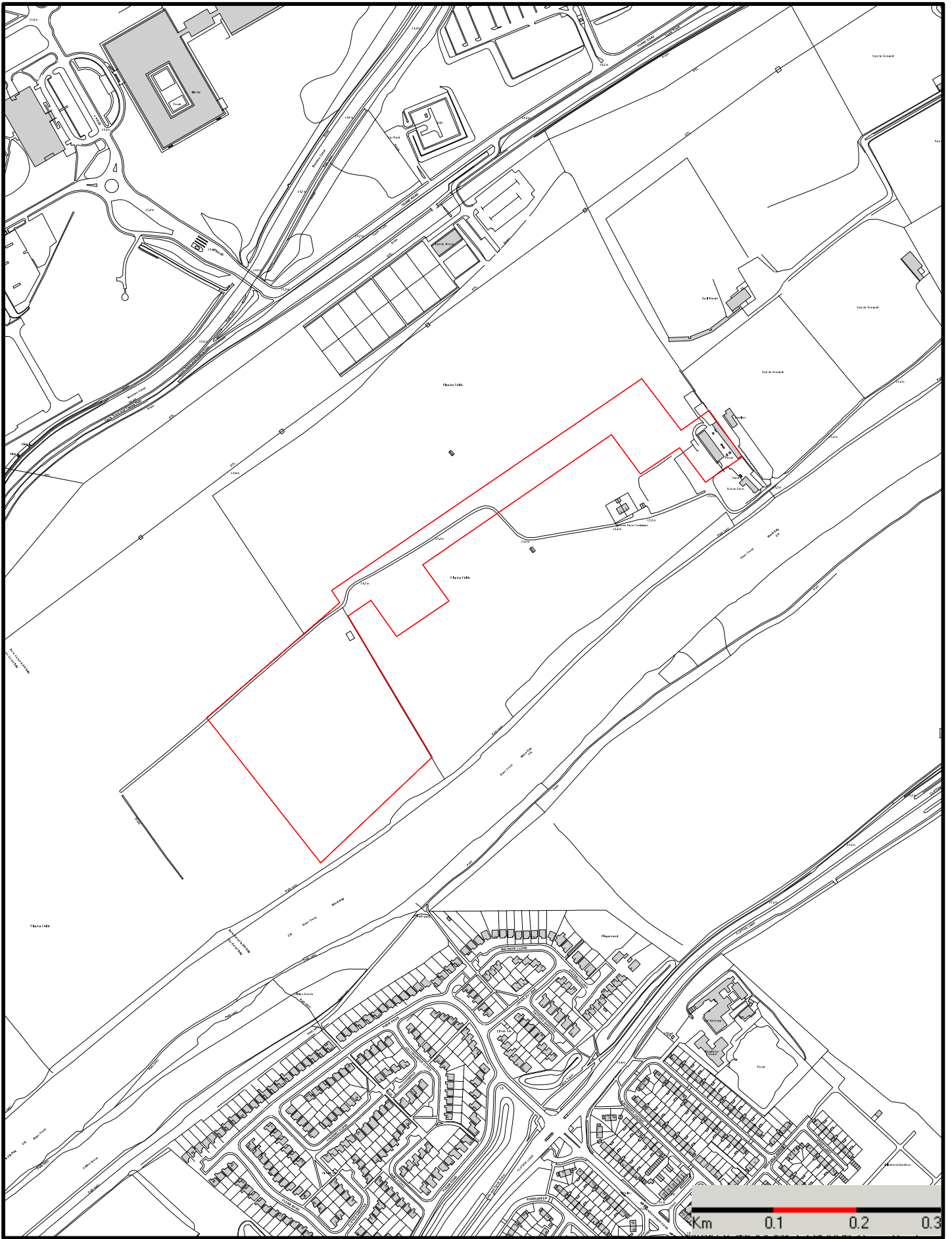
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
The National Planning Policy Framework

Contact Officer:

Mrs N Tyrrell, Case Officer, Development Management.

Email: nicola.tyrrell@nottinghamcity.gov.uk Telephone: 0115 8764082



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Nottingham
City Council

My Ref: 13/01313/PFUL3 (PP-02666645)
Your Ref:
Contact: Mrs N Tyrrell
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Date of decision:

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

Application No: 13/01313/PFUL3 (PP-02666645)
Application by: The University Of Nottingham
Location: Grove Farm Sports Ground, Lenton Lane, Nottingham
Proposal: Two new sports pavilions/changing rooms following demolition of existing buildings and associated works. Formation of parking area and change of use of part of agricultural land to use as playing fields.

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 all external materials of the pavilions and hard surfaced areas within the site have been submitted to and approved in writing by the Local Planning Authority. 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 BE3 of the Local Plan.

3. The development hereby permitted shall not be commenced until an Arboricultural Method Statement prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations', 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. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure the protection of trees during the construction period and in accordance with the aims of Policy NE5 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) a habitat compensation plan.

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

Reason: To ensure that the appearance of the development will be satisfactory and in accordance with Policies BE5, NE3 and NE8 of the Local Plan.

Pre-occupation conditions

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

5. The development shall not be occupied until the recommendations of the EMEC Ecology Report (July 2013), in particular those set out at paragraph 6.1.2 in respect of protection of badgers and nesting birds, have been implemented.

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

6. The parking area shall be provided within 2 months of the first use of the Pavilions.

Reason: To ensure that there is adequate parking provision in accordance with Policy T3 of the Local Plan.

7. The pavilions shall not be occupied until the existing outbuildings have first been demolished.

Reason: In the interests of preventing long term reduction in flood plain capacity in accordance with Policy NE10 of the Local Plan.

8. The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA,) University of Nottingham Grove Farm Sports Pavilions Revision 02, dated 24 July 2013, and the following mitigation measures detailed within the FRA:
 1. All surface water run-off generated by the development shall be discharged through soakaway methods.
 2. Flood resilience measures shall be incorporated into the buildings in line with current good practice and to a minimum height of 1.05m above FFL.
 3. Flow conveyance pipes shall be placed in all areas of gabions, in accordance with the details provided in paragraph 4.5.3 of the FRA.
 4. All identified outbuildings and women's changing room buildings shall be demolished to ground level to provide mitigation for the new build proposals.
 5. The existing large earth mound/compost heap shall be fully removed prior to construction of the new pavilions.
 6. All new roads, tracks, and parking areas shall be constructed at existing ground level, and there shall be no raising of existing ground levels other than as detailed in the FRA.
 7. The identified Flood Management and Evacuation Plan forms part of the mitigation measures and hence must be fully applied in all circumstances.
 8. Finished floor levels shall be set no lower than 26.50 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation of the Pavilions and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To minimise flood risk and to ensure satisfactory flood storage compensation is provided in accordance with Policy NE10 of the Local Plan.

9. The approved landscaping scheme and habitat compensation plan shall be carried out in the first planting and seeding seasons following the completion of the development 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 and in accordance with Policies BE5, NE3 and NE8 of the Local Plan.

10. Prior to the development first being brought into use a revised travel plan with updated staff and student travel survey data must be submitted and approved in writing by the Local Planning Authority. This travel plan shall be based on previous versions submitted by the University and will make reference to schemes and developments that have occurred during the interim period. The travel plan will assess the performance of previous schemes by comparing the latest travel survey data with previous years and use this to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. Once approved the revised travel plan shall be implemented at all times.

Reason: To promote the use of sustainable travel and in accordance with Policies BE2 and T2 of the Nottingham Local Plan.

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. The development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference , received 26 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. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. For example it is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, and this can impact upon site clearance works during the main nesting season which runs from April to September. Some other animals for example badgers, bats and water voles are protected under other legislation. An ecological survey and report may be required to establish the plant and animal species present on a site and the implications of this for development of the site. Whilst these aspects may have been considered during the processing of the planning application responsibility for complying with this legislation rests with the developer and/or contractor.
4. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

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: 13/01313/PFUL3 (PP-02666645)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

Former Calor Gas Ltd, Abbeyfield Road

1 SUMMARY

Application No: 13/01375/PFUL3
Application by: CBW Design Ltd on behalf of Sandicliffe
Proposal: New Car Dealership including showroom, workshop and ancillary facilities.

This application is brought to Planning Committee as officers are recommending that the application be granted, which represents a departure from the Development Plan.

To meet the Council's Performance Targets this application should be determined by 24 September 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in the report subject to:

- a) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- b) the prior revocation of the Hazardous Substances Consent on the site (reference: 92/00004/HSDC) under Section 14 (1) of the Planning (Hazardous Substances) Act 1990.

Power to determine the final details of the conditions of the planning permission and the revocation of the above Hazardous Substances Consent be delegated to the Director of Planning and Transport.

3 BACKGROUND

Site

- 3.1 The site comprises 0.65ha of land formerly occupied by Calor Gas Limited. The buildings have recently been demolished though the site has been vacant since 2008. The site is located towards the north end of Abbeyfield Road, on the west side of Clifton Boulevard and is located within an industrial area. The site is within land designated in the Local Plan as a major business park/industrial site. The site is enclosed with palisade fencing on three boundaries and is open to Abbeyfield Road.
- 3.2 To the south of the site is a large scale grey clad warehouse, set back from the Abbeyfield Road frontage, whilst to the north is a large office building occupied by Vision Express. To the rear (west) of the site is Hyperama Wholesalers and to the east is Clifton Boulevard, which is separated from Abbeyfield Road by a hedge approximately 3m in height.

Relevant Planning History

- 3.3 In 1992 a Hazardous Substances Consent (92/00004/HSDC) was granted for specified quantities of liquified petroleum gases to be present on site.
- 3.4 In 2009 planning permission (09/01722/PFUL3) was granted to change the use of the site to a bus depot (Sui Generis) for a temporary period of two years. It does not appear that this permission was implemented.
- 3.5 In February 2013 (12/03416/PADA) it was deemed that prior approval was not required for the demolition of the buildings on the site.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks planning permission for a new car dealership including a showroom, workshop and ancillary facilities. The building is proposed to be sited towards the front of the site and comprises mainly ground floor accommodation, some limited first floor office space and a feature four storey glazed tower at the front of the building. The ground floor includes a showroom at the front of the building with offices and a workshop to the rear. The glazed tower will be used for displaying and storing vehicles for sale. The building is proposed to be predominately flat roofed with an overhanging canopy to the front elevation, and the materials will be largely glazing on the front elevation with a silver cladding system used on the other elevations of the building. Also proposed is a valet building to be located adjacent to the rear boundary of the site, in the south west corner.
- 4.2 The site plan proposes some external space for the display of vehicles at the front and rear of the site, with the remainder of the site given over to customer and staff parking.
- 4.3 The application is accompanied by a Design and Access Statement, a Flood Risk Assessment, a Sustainability Statement, a Transport Statement and a Geo-Environmental Report. As part of the development package the developer is to deliver local employment and training opportunities during the construction and operation of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through a Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the below neighbouring properties have been directly consulted:

Vision Express, Abbeyfield Road
Former Stiebel factory, Abbeyfield Road
Hyperama, Bull Close.

- 5.2 No responses have been received from neighbouring properties.

Additional consultation letters sent to:

- 5.3 **Highways & Drainage:** No objections to the access arrangements or the parking provision. A request is made for further information to demonstrate that the site will be drained to reduce the amount of surface water run off.

- 5.4 **Heritage and Urban Design:** The scale/height of the proposed building is appropriate for this location and the simple light weight design approach complements the existing neighbouring uses. The ground floor will generally be screened from the A52 Clifton Boulevard by the existing hedgerows but the upper floors will still offer some presence.
- 5.5 **Environment Agency:** No objections with regards to contaminated land issues subject to conditions relating to methods to deal with any unidentified contamination and a control over the use of penetrative methods in piling and foundation designs. With regards to Flood Risk reference is made to standing advice.
- 5.6 **Noise and Pollution Control:** No objections subject to conditions relating to a scheme to deal with any gaseous emissions and any mitigation measures.
- 5.7 **Health Safety Executive:** The site for the proposed car dealership development was previously occupied by Calor Gas Ltd. This is a major hazard site by virtue of the hazardous substances consent which it currently holds to store up to 198 tonnes of liquefied petroleum gases. On this basis the HSE initially advised that there are sufficient reasons, on safety grounds, for advising against granting planning permission. Further discussions have led to the HSE advising that Nottingham City Council, as the hazardous substances authority, could consider formally revoking the hazardous substances consent which the site holds, under section 14 or 17 of the Planning (Hazardous Substances) Act 1990. This will ensure that a hazardous substance cannot be held on the site in a quantity above that set out in the Planning (Hazardous Substances) Regulations 1992 as amended, without a new hazardous substances consent being granted.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development 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 requirement to support sustainable economic development, secure high quality design, make effective use of brownfield land and support the transition to a low carbon future.
- 6.3 Paragraphs 18-22 relate to the Government's commitment to building a strong competitive economy. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- 6.4 Paragraph 56 states that great importance is attached to the design of the built environment, with paragraph 61 advising this not just limited to architectural appearance but wider design issues.
- 6.5 Paragraph 96 states that new development should be expected to take account of

landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 6.6 Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Complies

E3 – Major Business Parks/Industrial Estates. Does not comply

BE2 – Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

NE10 – Water Quality and Flood Protection. Complies

NE11 – Hazardous Installations. Complies

NE12 – Derelict or Contaminated Land. Complies

T3 – Car Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Access and Traffic Impact
- (iii) Layout and Design
- (iv) Flooding

(i) Principle of Development (Policies ST1 and E3)

- 7.1 The site is located within an area defined as a major business park/industrial estate under Policy E3 of the Local Plan. This policy seeks to protect sites for employment development which is defined as B1 (offices/light industry), B2 (general industry) or B8 (storage and distribution) uses. The proposal for a new car dealership, whilst including elements of employment use, would be classed as sui generis by virtue of the fact that it encompasses a combination of uses including car sales. The proposed use would therefore represent a departure from the local plan and has been advertised accordingly.
- 7.2 Although the proposal does not meet the strict definition of employment development in planning terms, a closer examination of the components of the proposal shows that a significant proportion of the floor-space will be for employment use purposes. The total floor space proposed amounts to 2172m², of which the largest part is for the vehicle workshop located to the rear of the building at approximately 1007m². This use in isolation would be considered to be B2 and furthermore there is office space and storage space totalling a further 645m². The

showroom and sales area extends to 520m² and can not be classed as 'employment' in planning use class terms, but this represents less than 25% of the total floor space. It is recognised that the showroom and sales area is not ancillary and forms a principal function of the use and that the office and storage elements of the scheme largely relate to supporting uses for the showroom and workshop.

- 7.3 Whilst Policy E3 does not provide exceptions to employment development, it is considered that there are several other material considerations which should also be attributed overriding weight. The site has been derelict since 2008 and this proposal offers the opportunity for redevelopment, with the application stating that 24 full time and 4 part time jobs would be created. Furthermore Abbeyfield Road and Lenton Lane have over the past decade seen a number of similar developments for car showrooms and workshops, with the Audi development granted permission in 2006 being a recent example on Abbeyfield Road. It is considered that given these factors and that a significant percentage of the floor space development will involve employment uses, the principle of the development is acceptable. The proposal accords to the wider policy objectives of ST1 in strengthening the economic base.

(ii) Access and Traffic (Policies BE2 and T3)

- 7.4 The Council's highway section is satisfied that the access arrangements to the site are acceptable and that the level of parking provision is appropriate. Whilst Policy T3 does not specifically provide parking standards for sui generis uses, analysis has been undertaken by Highways against similar uses in the vicinity and the parking provision is considered acceptable. Other than customer and staff parking, external areas of the site will be used for the display of vehicles. This will predominately be at the rear of the site but even accounting for some vehicles displayed on the site frontage, this is considered acceptable for this type of use and within this location.

(iii) Layout and Design (Policy BE3)

- 7.5 The design of the building is centred around the feature glazed canopy, which at four storeys will be highly visible from Clifton Boulevard and will offer a street-scene presence, which would otherwise largely be restricted by the hedgerow separating Clifton Boulevard from Abbeyfield Road. The form of the building is simple but the proportions work well and the use of glazing as the predominant material on both the tower, but also the front elevation of the main building, will give the development a light and striking appearance. It is considered that the proposal will significantly raise the quality of the appearance of the edge of the industrial area and accords with the objectives of Policy BE3 of the Local Plan.

(iv) Flooding (Policy NE10)

- 7.6 The site is located within Flood Zone 2 (FZ2) and as the development is classed as less vulnerable development on a site up to 1ha in size, the Environment Agency refer to standing advice. The first step is for the development to pass the sequential test as set out in paragraph 101 of the NPPF. The site's location within FZ2 means that any available sites within FZ1 would be sequentially preferable. The applicant has to date provided insufficient information to address this test satisfactorily and further information is being sought in this regard and will be reported at the meeting. With regard to the Flood Risk Assessment this provides the required reassurance in reference to flood risk management, management of surface water

and resilience/resistance and evacuation procedures and is therefore considered acceptable.

Other Issues (Policies NE10, NE11 and NE12)

- 7.7 The Hazardous Substances Consent was issued in 1992 and the applicant at the time was Calor Gas Limited. It is understood that they left the site in 2008, and it has been vacant since, but the consent remains with the land. The Health and Safety Executive has advised that if the Hazardous Substances Consent is revoked from the site, this would remove the objection to the development as this will ensure that a hazardous substance cannot be held on the site in a quantity above that set out in the Planning (Hazardous Substances) Regulations 1992, without a new hazardous substances consent being granted. The applicant has provided written confirmation that they have no objection to the revocation of the consent. On this basis the revocation of the consent prior to the granting of permission forms part of the recommendation, and this will be undertaken under Section 14 (1) of the Planning (Hazardous Substances) Act 1990, as a material consideration to the determination of the application and will provide compliance with Policy NE11 of the Local Plan.
- 7.8 Both Noise and Pollution Control and the Environment Agency recommend conditions in relation to contaminated land and accordingly they are included within the draft decision notice to ensure compliance of the proposal to Policy NE12 of the Local Plan. The additional information sought in regard to drainage will be secured by condition in compliance with Policy NE10 of the Local Plan.

8. SUSTAINABILITY / BIODIVERSITY (Policy BE4)

An Energy Statement has been submitted with the application which identifies that the development will achieve a 10% reduction in carbon emissions through insulation materials and the use of solar photovoltaic panels. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord 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

Working Nottingham: Creation of jobs through the development and training and employment opportunities for local citizens through the construction and operational stages the development.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application file ref: 13/1375/PFUL3
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01375&action=Search>
2. Comments from Highways dated 13 July 2013
3. Comments from Environment Agency dated 22 August 2013
4. Comments from Health and Safety Executive dated 15 and 30 July 2013
5. Comments from Noise and Pollution Control dated 22 July 2013
6. Comments from Heritage and Urban Design dated 13 August 2013

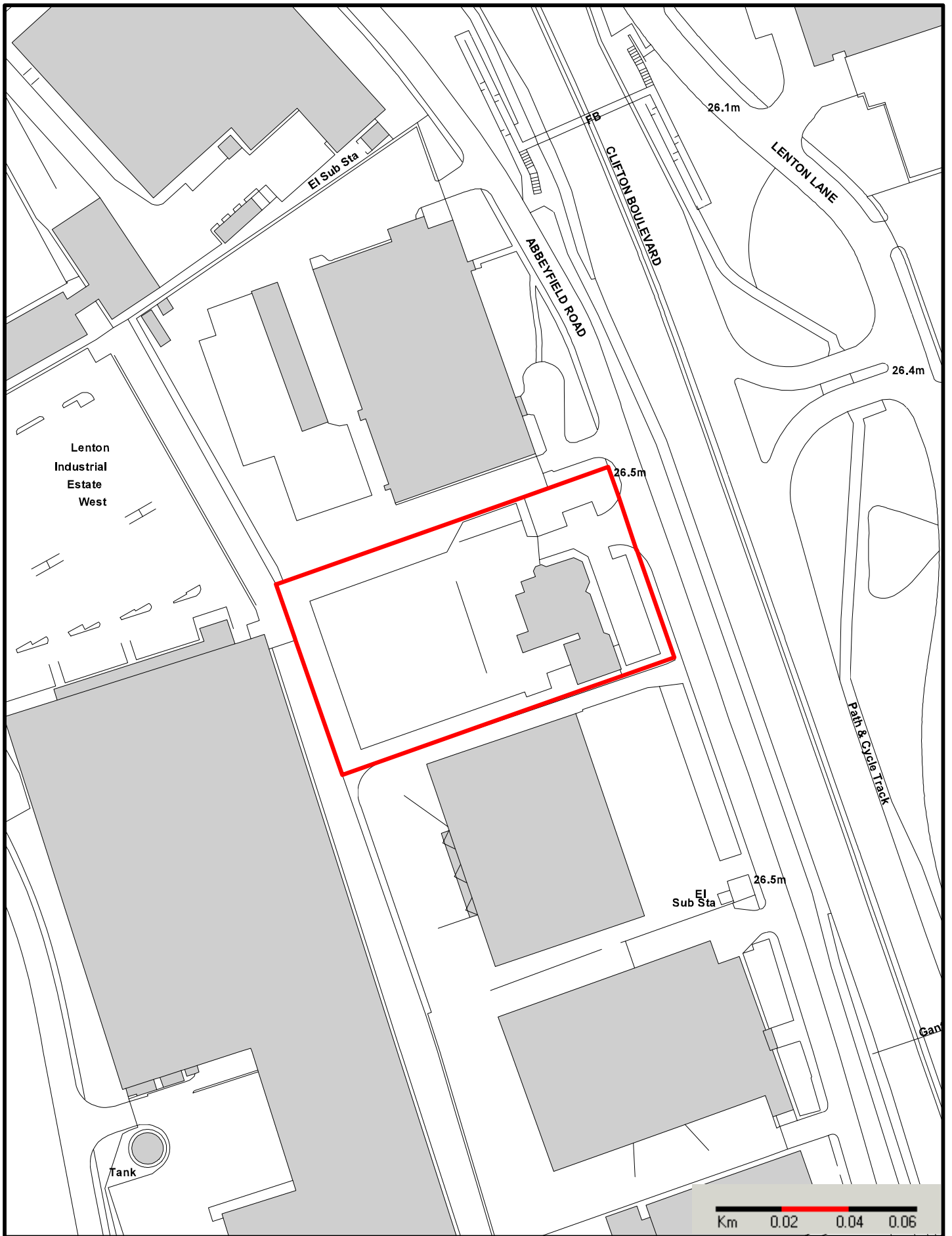
17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005).
2. National Planning Policy Framework.

Contact Officer:

Mr Mark Bassett, Case Officer, Development Management.

Email: mark.bassett@nottinghamcity.gov.uk. Telephone: 0115 8764193



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Nottingham
City Council

My Ref: 13/01375/PFUL3 (PP-02682307)
Your Ref:
Contact: Mr Mark Bassett
Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Date of decision:

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

Application No: 13/01375/PFUL3 (PP-02682307)
Application by: Sandcliffe
Location: Calor Gas Ltd, Abbeyfield Road, Nottingham
Proposal: New car dealership including showroom, workshop and ancillary facilities.

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 the buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed 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.

3. Notwithstanding the details submitted the development shall not be commenced until a scheme for 10% of the development's energy supply (interpreted through carbon emissions) to be provided by way of a renewable or low carbon energy supply, has been submitted to and approved in writing by the Local Planning Authority, including a timetable for the implementation of the scheme. Thereafter the renewable/low carbon energy scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policy BE4 of the Local Plan.

4. The development shall not be commenced until a surface water drainage scheme, including a timetable for its implementation and based on SUDS principles, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

5. Prior to the commencement of development a detailed scheme for dealing with the gaseous emissions on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme 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 public health and safety and in accordance with Policy NE12 of the Local Plan.

6. Notwithstanding the details provided, a revised drawing showing the staff and customer parking, the areas for the display of vehicles for sale and cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The parking areas and cycle facilities shall be marked out and available prior to the development first coming into use.

Reason: To ensure sufficient car and cycle parking and in accordance with the aims of Policy T3.

Pre-occupation conditions

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

7. 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 public health and safety and in accordance with Policy NE12 of the Local Plan.

8. The development shall not be occupied until a detailed landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees and shrubs. Thereafter the approved landscaping and planting scheme shall be carried out in the first planting and seeding seasons following the occupation of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.

9. Prior to the occupation of the development the site shall be hard-surfaced in accordance with details that are first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development in accordance with Policy BE3 of the Local Plan.

Regulatory/ongoing conditions

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

10. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development" the showrooms of the car dealership premises shall not be used otherwise than for the display and sale of motor vehicles and motor vehicle accessories and parts.

Reason: To ensure that an acceptable balance of showroom and employment uses are maintained on the site and in the interests of the appearance of the development.

11. Car sales shall not take place within the car dealership building other than from the area identified on the approved plans, or as otherwise may first be approved in writing by the Local Planning Authority.

Reason: To ensure that an acceptable balance of showroom and employment uses are maintained on the site.

12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying secondary A & B aquifers from contamination from the land raising activity that occurred at the site previously.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the underlying secondary A & B aquifers from contamination from the land raising activity that occurred at the site previously.

Standard condition- scope of permission

S1. The development shall be carried out in complete accordance with the details described in the following drawings/documents:
Elevations reference 1105 3001 revision A dated 2 June 2013, received 10 June 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.

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: 13/01375/PFUL3 (PP-02682307)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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