



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 22 March 2017

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham,
NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Corporate Director for Strategy and Resources

Governance Officer: Catherine Ziane-Pryor **Direct Dial:** 0115 8764298

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** 3 - 8
Of the meeting held on 22 February 2017 (for confirmation)
- 4 PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER**
 - a FAIRHAM HOUSE, GREEN LANE** 9 - 32
 - b CHURCH SQUARE SHOPPING CENTRE, LENTON** 33 - 50
 - c LAND TO SOUTH SALISBURY STREET** 51 - 72
 - d LAND BOUNDED BY MAIN STREET, JENNISON STREET AND LINBY STREET , NOTTINGHAM** To follow

COUNCILLORS, CO-OPTES, COLLEAGUES AND OTHER PARTICIPANTS MUST DECLARE ALL DISCLOSABLE PECUNIARY INTERESTS AND / OR ANY OTHER INTERESTS RELATING TO ANY ITEMS OF BUSINESS TO BE DISCUSSED AT THE MEETING.

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF

POSSIBLE BEFORE THE DAY OF THE MEETING

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NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 22 February 2017 from 14.33 - 16.13

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
(minutes 65-67, 69-71)
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Michael Edwards
Councillor Rosemary Healy (minutes 63
to 68, and for discussion only on minute
69)
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Linda Woodings

Absent

Councillor Alan Clark
Councillor Josh Cook
Councillor Brian Parbutt
Councillor Andrew Rule
Councillor Steve Young

Colleagues, partners and others in attendance:

Lisa Guest	- Principal Officer, Development Control
Judith Irwin	- Senior Solicitor
Rob Percival	- Area Planning Manager
Martin Poole	- Area Planning Manager
Paul Seddon	- Chief Planner
Nigel Turpin	- Heritage and Urban Design Manager, Planning Services
Laura Wilson	- Senior Governance Officer

63 APOLOGIES FOR ABSENCE

Councillor Alan Clark – personal reasons
Councillor Josh Cook – personal reasons
Councillor Brian Parbutt – unwell
Councillor Andrew Rule – other Council business
Councillor Steve Young – personal reasons

64 DECLARATIONS OF INTERESTS

In relation to agenda item 4(d) (minute 66) Gate House, 73 Hounds Gate, Councillor Chris Gibson informed the Committee that he is a Council appointed trustee and Director of the Board of Nottingham Castle Trust. The Board is aware of the planning application for 73 Hounds Gate but has not expressed a view on it or submitted any representation. In those circumstances, and having taken legal advice, Councillor

Gibson does not consider that he needs to declare an interest and will remain in the Chair for the item.

65 MINUTES

The minutes of the meeting held on 18 January 2017 were confirmed as a true record and signed by the Chair.

66 GATE HOUSE, 73 HOUNDS GATE

Rob Percival, Area Planning Manager, presented application 17/00082/PFUL3 by Mr Ian McHugh on behalf of Mr A Jacobs, Framework Housing Association, for planning permission for change of use from Council Offices (Sui-generis) to a Service Hub Providing Adult Support Services (Sui-generis).

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

Rob Percival delivered a brief presentation which included street level photographs, and highlighted that the Housing Aid element of the services could move to the application site without the grant of planning permission as it is already a Council-run service.

The Committee was informed that the numbers of service users expected are estimates, but both occupiers are experienced so they should be fairly accurate. A high proportion of service users will be visiting as part of pre-arranged appointments, and the opening hours are usual for a City Centre venue.

The Update Sheet, supplied as a supplement to the agenda, provides further information and recommends the imposition of an additional recommendation relating to a management plan for the building.

The Committee made the following comments:

- (a) it is beneficial to bring the services together, but there are concerns about the number of visitors to the site, as it could lead to people congregating outside;
- (b) it is important to ensure that CCTV and lighting are included in the management plan to effectively monitor people outside the premises;
- (c) the annual review of the management plan is welcome;
- (d) the incidents which occur at Housing Aid's current premises on Lower Parliament Street don't have a major impact on its neighbours because the service is located on a main road with little footfall. Moving that service to a venue in close proximity to the Castle will have more of an impact, and a reputational risk for the authority that will need to be managed.

RESOLVED to

- (1) grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report, and to an additional condition relating to the management plan as detailed in the Update Sheet;**
- (2) delegate authority to the Chief Planner to determine the final details of the conditions.**

67 2 PRIVATE ROAD, NOTTINGHAM

Further to minute 62 dated 18 January 2017, Martin Poole, Area Planning Manager, presented application 16/02151/PFUL3 by Mr Andrew Pike for planning permission to erect a single storey side extension and increase the number of child places at the day nursery from 47 to 62.

The application is brought back to Committee following a deferral at the January meeting to enable members of the Committee individually to visit the site.

Martin Poole delivered a brief presentation which included street level photographs.

The Committee was informed that the Council's Road Safety Team has liaised with the Police and can confirm that there have been no accidents at the site.

The Update Sheet, supplied as a supplement to the agenda, provides further information.

The Committee made the following comments:

- (a) visits to the site were carried out at various times of day and various days of the week, with very few issues being seen, and no photographic evidence provided of the alleged issues;
- (b) given the proposed extension, the car park size is reasonable for the number of users, and any parking issues due to behavioural habits need to be dealt with by the nursery;
- (c) the provision and implementation of a management plan by the nursery operators could address parking issues and promote dialogue between the nursery and neighbouring residents .

RESOLVED to

- (3) grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report plus an additional condition requiring a management plan to address parking issues;**
- (4) delegate authority to the Chief Planner to determine the final details of the conditions.**

Councillor Cat Arnold left the room.

68 MUNDELLA CENTRE, GREEN STREET

Rob Percival, Area Planning Manager, presented application 16/01987/PFUL3 by Mike Askey on behalf of Alec Hamlin, Blueprint (General Partner) Limited, for planning permission for change of use from an educational office building to 10 dwellings and associated site works.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

Rob Percival delivered a brief presentation which included plans and street level photographs.

The Update Sheet, supplied as a supplement to the agenda, provides further information and an additional recommendation to satisfy the Flood Risk Assessment.

The Committee commented that residential dwellings are the only suitable use for the building, and that any changes to the traffic regulation orders in the area will need to be considered and paid for by the developer at the appropriate time.

RESOLVED to

- (5) grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report, plus the additional condition regarding flood risk as detailed in the Update Sheet;**
- (6) delegate authority to the Chief Planner to determine the final details of the conditions.**

As Councillor Cat Arnold was out of the room at the beginning of the discussion she did not take part in voting on the application.

69 DEPOT EAST OF TRENT BASIN, TRENT LANE

Martin Poole, Area Planning Manager, presented application 16/01542/PRES4 by Mr Dominic Page on behalf of Blueprint (General Partner) Limited for the approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2A of Planning Permission 13/03029/PFUL3, comprising 21 dwellings, public realm, hard and soft landscaping and associated works.

The application is brought to Committee because this is a major application on a prominent regeneration site where there are complex design considerations.

Martin Poole delivered a brief presentation with Computer Generated Images (CGIs) of street and elevated views, the appearance of the properties and the layout of the site.

It was highlighted to the Committee that the proposed open space has been moved from the centre of the development to the riverside.

The Update Sheet, supplied as a supplement to the agenda, provides further information.

The Committee made the following comments:

- (a) the enhancement of the river area is good, but it is disappointing that there is no green space in the centre. There is no space for children to play or any play equipment;
- (b) the white brick and decoration along the roof line of the town houses is attractive;
- (c) certain aspects of the 5 mews houses, namely the materials, rooflines and windows need to be reconsidered as they are currently out of place with the rest of the development and not acceptable.

RESOLVED to

- (1) delegate approval of the design of the rooflines, windows and materials of the 5 mews houses to the Chief Planner in conjunction with the Chair, Vice-Chair and Opposition Spokesperson;**
- (2) to approve reserved matters other than (1) above.**

70 SITE OF TRENT WORKS, WILFORD CRESCENT EAST

This item was withdrawn to enable further discussions on the S106 obligation.

71 111 HARRINGTON DRIVE

This item was withdrawn as the application has been withdrawn.

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WARDS AFFECTED: Clifton South

Item No:

PLANNING COMMITTEE
22nd March 2017

REPORT OF CHIEF PLANNER

Fairham House, Green Lane

1 SUMMARY

Application No: 16/02648/PFUL3 for planning permission

Application by: WYG Planning Ltd on behalf of Cedar House Investments Ltd

Proposal: 24 apartments with associated car park and other works (outline); a foodstore, 4 non-food retail units and a cafe/restaurant with associated car park, alteration to the site access and other works (full), following demolition of Fairham House

The application is brought to Committee because the grant of planning permission would be a significant departure from the adopted Development Plan. It is also a major application on a prominent site, where there are important land use and design considerations.

To meet the Council's Performance Targets this application should be determined by 24th March 2017

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

- a) Prior completion of an agreement under section 111 of the Local Government Act 1972 to secure a section 106 obligation upon the subsequent disposal of the site to the developer, which shall include:
 - (i) A financial contribution towards off-site public open space at Clifton Central Park and/or Summerwood Lane Allotments
 - (ii) Financial contribution towards the provision of primary school places at Dovecote Primary School, Clifton

- 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 the conditions to be delegated to the Chief Planner.

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

related to the development and (c) fairly and reasonably related in scale and kind to the development.

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

3 BACKGROUND

- 3.1 The Fairham House site is triangular in shape and is bounded by Green Lane to the south west, and Langstrath Road, which runs along the east and north boundaries of the site. The site is currently occupied by a vacant office building, which sits to the east of the site, and associated parking which fronts Green Lane. The remainder of the site has mature landscaping, with a belt of trees mainly along the northern and the south western boundary. The site is enclosed by a high palisade fence around the perimeter. The site is allocated as open space in the Local Plan, but is proposed to be re-allocated for a mix of uses (residential, retail and employment) in the emerging Local Plan Part 2 - LAPP.
- 3.2 There are residential properties surrounding the site, on the opposite sides of Green Lane and Langstrath Road. These dwellings are two storey and a mix of terraced and semi-detached.
- 3.3 The site is in close proximity to the Clifton District Centre, which starts to the south east of the site, beyond a pair of semi-detached properties on Green Lane.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a hybrid application which seeks outline planning permission for 24 apartments with associated car parking and other works, and full planning permission for a foodstore (Lidl), four non-retail units and a café/ restaurant, with associated parking, alteration to site access and other works, following the demolition of Fairham House.
- 4.2 The proposed residential scheme would occupy the north-west corner of the site. As this element is for outline permission, the matters to be considered at this stage are access and scale.
- 4.3 Six units are proposed with an overall total of 5749 sq m of A1 retail and 167 sq m of A3 café/restaurant. Unit G, the larger retail unit located to the east of the site, would be for the retailer Lidl. The other larger unit would be non-food retail, with the remaining three A1 units being smaller, and located to the north-west side of the site. All units would face the shared parking area to the centre of the site.
- 4.4 Aside from the planning history relating to Fairham House itself, there have been no relevant planning applications for the site.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

100 to 144 (evens) and 145 to 147 (odds), 73 and 75, 78 to 90 (evens) Green Lane
5 to 91(odds) Langstrath Road
41 and 48 to 58 (evens) Stanesby Rise

1 to 18 inclusive Dunsby Close
1, 2, 3 and 5 The Glen

A site notice was posted and a press notice published.

Overall expiry date 25.01.17.

4 letters of objection received.

Grounds of objection are:

- Concerns regarding existing parking and the road situation on Langstrath Road. With only a limited amount of staff parking being made available, this would result in staff wanting to park along Langstrath if there are limited spaces on the site.
- The low height of the perimeter fence (on the east boundary) would encourage people to hop over rather than use the proper access paths. A fence like the existing one would provide more security.
- Query regarding hours of opening as concerns regarding noise from customers and cars late at night, and noise from deliveries early in the morning.
- There is a problem with litter on Green Lane emanating from the recently opened KFC and McDonalds on Clifton Lane. What measures will be taken to minimise litter from the new site?
- The proposed apartments are smaller than standard Clifton houses and concerns raised that this would attract the type of resident who would be more disruptive. Would like to know who it is anticipated would be living in the apartments and would any be sold to investors for renting out?
- Would the site be left open at night, or locked with security or cctv? Concerned that the site would be a popular place for teenagers to hang out in the evenings, as happens in the car park at Morrisons.
- The demolition and building works will obviously cause some short term disruption. Would like to know what hours the workmen will be starting and finishing.
- Concerns that the development will affect the value of (my) property due to the close proximity. Is there any evidence from previous similar schemes as to whether this could be an issue?
- The proposal is not an optimum use of the site and all residential with an A1 discount food store would be better.
- Proposal pre-empts the adoption of the new local plan part 2 (in which the site is allocated for residential and retail, with the potential for employment uses (B1)).
- The proposal would weaken the existing Clifton shopping area, in terms of its' compactness, and most of the proposed is not needed as could be accommodated in the existing centre, or opposite, or within the Riverside Retail Park (Queens Drive, to the north of Clifton).
- Existing houses would be wedged in between the existing centre and the proposed site.
- No details in the application as to why none of the existing buildings could be retained or if the building waste would be re-used on site.
- Un-inspiring unit design, and three storey indicative residential in the proposed position isn't ideal.
- A discount food store would have been more appropriate instead of the two

drive thru's on the Clifton Lane site but this idea was rejected.

- Concerns that the local Ward Councillors won't be challenging any part of the proposal at Planning Committee.
- Outlook across the green space would be lost, with view of the backs of the units instead.
- Increase in volume of traffic (along Langstrath) on this narrow road as had previous problems with Morrison's delivery vehicles using the road, amongst others.
- The noise levels are going to increase.

Additional consultation letters sent to:

Policy: The retail element of the proposal accords with relevant policies which relate to the role of Town and Local centres, and new retail development on the edge of existing centres. The residential as part of the overall scheme is considered to be acceptable in principle.

Environmental Health and Safer Places: Recommend pre-commencement conditions relating to environmental noise assessment, electric vehicle charging points, ventilation, hours of operation and deliveries, and lighting.

Highways: Following the receipt of amended plans showing highway improvements and a pedestrian refuge on Green Lane, no objections subject to conditions relating to Construction Management Plan, details of cycle shelters and a travel plan.

Drainage: No objections.

Tree Officer: Accepting of the loss of the majority of the trees shown to be removed, but suggests that the layout of the residential element of the site could be adjusted to allow for retention of more trees along the northern boundary with Langstrath Road, to help with screening and to enhance visual amenity. Would require additional trees along the frontage and within the car park to compensate.

Biodiversity Officer: Would require an enhanced landscaping scheme to mitigate for tree and habitat losses. Recommend bat surveys be carried out prior to the demolition of Fairham House.

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 taken 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 24 requires the application of a sequential assessment for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The NPPF recognises town centres as the heart of communities and Local Planning Authorities should pursue policies to support their viability and vitality. Local Authorities should promote competitive town centres that provide customer choice and a diverse retail offer.
- 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 cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.

Aligned Core Strategy:

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 4: Employment Provision and Economic Development - aims to strengthen and diversify the local economy.

Policy 6: Role of Town and Local Centres - aims to maintain and enhance the vitality and viability of all centres.

Policy 8: Housing Size, Mix and Choice - Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Within Nottingham City there should be an emphasis on providing family housing, including larger family housing.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 17: Biodiversity - seeks to increase biodiversity by, amongst other things, supporting the need for the appropriate management and maintenance of existing and created habitats and by mitigating harm to biodiversity.

Nottingham Local Plan (November 2005):

E4 - Previously Used Employment Sites.

H2 - Density.

ST1 - Sustainable Communities.

NE5 - Trees.

NE9 - Pollution.

R1 - The Open Space Network.

S5 - Retail development, Edge/Outside Centres.

S7 - Food and Drink.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development, including loss of open space
- (ii) Layout and Design, including landscaping
- (iii) Impact on Neighbours
- (iv) Impact on Highways
- (v) Planning Obligations
- (vi) Other Matters

Issue (i) Principle of Development (ACS Policies 4, 6 and 8, LP Policies E4, S5, S7, R1 and ST1)

- 7.1 The proposed development would be a departure from the Local Plan as the site is allocated as part of the Open Space Network under Policy R1 of the current Local Plan. In the emerging Local Plan Part 2 – Land and Planning Policies, the site is allocated as a development site for residential (C3) and retail (A1), and also the potential for employment uses (B1). Therefore the principle of the loss of the site for open space and as a wholly employment site aligns with the emerging Local Plan, that is at an advanced stage in the adoption process. The existing office premises have been vacant for many years and it is recognised that this is an unusual and relatively isolated location for office premises that does not lend itself to a continued use of this nature. ACS Policy 4 and Local Plan Policies R1 and E4 are therefore satisfied.
- 7.2 The application is supported by a planning statement which includes a sequential test and impact assessment, and concludes that the demand for new retail facilities in Clifton may increase significantly from growth in the future population associated with the proposed urban extension located immediately to the south of Clifton, within the Rushcliffe Borough. The Rushcliffe Borough Council Core Strategy provides for up to 3,000 homes on that site. The development of the site for retail, being in close proximity to the existing district centre, would also have benefits in that it would provide opportunities for linked trips, reduce shopping trip journey

times and would be a catalyst for further investment and development in the Clifton area. The site is in a highly sustainable location being close to a well- served public transport route, with further public transport links along Green Lane itself. The proposal is therefore considered to accord with ACS Policy 6, and Local Plan Policies S5 and S7.

- 7.3 The proposal would provide employment and training opportunities both during the construction phase and the operational phase of the development, which would offset any losses from the previous employment use on the site.
- 7.4 The outline application for the residential development, to the north-west corner of the site, is shown as apartments. The provision of two bedroom dwellings would contribute to the maintenance of a sustainable community by providing a mix of housing types in the area, where the predominant offer is three bedroom semi-detached and terraced two storey housing. In this regard the proposal therefore satisfies ACS Policy 8 and Local Plan Policy ST1.

Issue (ii) Layout and Design (ACS Policies 8 and 10, LP Policies H2)

- 7.5 The layout has been defined by the constraints and opportunities of the site. The principal site frontage is to Green Lane, where there are existing vehicular accesses, with all boundaries having mature landscaping and trees set behind railings.
- 7.6 A public consultation exercise was held by the developer prior to the application being submitted. The proposed layout has taken into account some of the feedback received as a result.
- 7.7 An extensive area of public realm, incorporating existing landscaping, is proposed for the southern corner of the site, providing a welcoming entrance to the retail area for pedestrians coming to the site from the existing Clifton shopping area. The existing sub-station in this area has been screened and incorporated into the landscaped area. During the life of the application the parking layout has been improved with additional trees and a central pedestrian route incorporated. The tree belt to the northern boundary is largely retained, as are the existing hoop topped railings along this boundary. Vegetation along the Green Lane frontage is to be removed for reasons of visual permeability, but would be compensated for with the tree planting throughout the car park and within the wide verge along this frontage. Furthermore, the boundary would be enclosed with a low wall/railing and associated soft landscaping. The service yard to the north of the retail units is to be enclosed by a substantial fence atop a gabion wall base, with sections of climbing plants provided to enhance its appearance.
- 7.8 The retail units are to be finished in brick with a band of high level cladding, incorporating large glazed 'shop fronts' and a uniform approach to signage. The food retail unit in particular has an extensive glazed frontage that is sited to provide an attractive anchor point at the primary pedestrian point of arrival, closest to the existing District Centre. Elsewhere this unit follows the occupier's corporate design that incorporates silver coloured cladding above white rendered walls. The building presents a long side elevation to Langstrath Road so to mitigate its impact intervening landscaping is proposed, the strategy for which incorporates 'climbing plant' structures set amidst trees and lower level vegetation. The combination of all three is considered to be an appropriate response to this element of the site and

would provide an acceptable frontage when viewed from the residential properties opposite.

- 7.9 Access and scale are the matters to be considered for the residential part of the development. The access is acceptable off Green Lane and would minimise any impact on parking and access for the residents of Langstrath Road. Matters to be reserved for future approval are layout, appearance and landscaping.
- 7.10 The scale of the residential development, at three storeys in height, is considered to be acceptable as the proposal is not immediately adjacent to other residential properties, and would be seen in the context of the retail development. The siting and scale are also considered to be appropriate for this leading corner of the site when approaching from the west.

Issue (iii) Impact on Neighbours (ACS Policy 10 and LP Policy NE9)

- 7.11 There are residential properties surrounding the site. The proposal would not have an adverse impact on the amenities of the occupiers of residential property in terms of loss of light, privacy or overlooking. In regard to outlook, the majority of trees to the north and east boundary would be retained, helping to screen the development. Improvements to the appearance of the service yard enclosure to the north would also assist in improving the outlook from the residential properties, as would the enhancement to the eastern boundary as described above.
- 7.12 In terms of noise, whilst the service yard would be located to the rear of Unit F, the larger non-food retail unit, there would be a retaining wall with an acoustic screen above. It is considered that these measures, along with the retention of the trees and appropriate conditions covering hours of operation, delivery times, ventilation and noise, would result in an acceptable environment for the occupiers of nearby properties.

Issue (iv) Impact on Highways (ACS Policy 10)

- 7.13 All vehicular traffic would access the site from Green Lane, which is the same as the existing arrangement. The site is in a sustainable location, and well-designed public access routes have been proposed.
- 7.14 The layout as proposed would be sufficient to ensure that all parking, servicing and deliveries would be contained within the site. This would ensure that over-spill parking would be unlikely on surrounding streets.
- 7.15 Improvements to the accesses and the provision of a pedestrian refuge on Green Lane, further enhance pedestrian accessibility to the site.

Issue (v) Planning Obligations (Local Plan Policy R2 and Aligned Core Strategy Policies 10, 16 and 19)

- 7.16 The City Council is the current freehold owner of the application site, and the developer has a leasehold term of 99 years (of which less than 50 years remain). It is understood that the developer proposes to purchase the freehold interest from the Council though contracts have not yet been exchanged. In order to secure the appropriate section 106 planning obligation, an agreement under section 111 of the Local Government Act 1972 is needed, which will require the developer to enter

into a subsequent s106 planning obligation once it has acquired the freehold interest in the land.

7.17 Regarding the residential element of the scheme, the section 106 requirement associated with a development of this scale would secure financial contributions towards the following:

- Public Open Space
- Education

It is proposed that the public open space contribution would be used towards improvements at Clifton Central Park and/or Summerwood Lane Allotments, which are part of the nearest and largest area of public open space that would readily accessible to the residents of this development. It is proposed that the primary education contribution would be used towards expanding the capacity of the Dovecote Primary School, which serves the catchment area the site is located within.

7.18 The sums that would be generated by the proposal for public open space and education will be dependent upon the precise number of bed spaces that are approved as part of the reserved matters scheme; this will be addressed with the inclusion of relevant formulas within the S106 obligation. For example, if the final approved scheme comprises 2 bed units, the open space contribution would be around £22,272.96 (24 apartments x multiplier of £928.04 per 2 bed unit). On the same basis, the primary education contribution would be around £21304.44 (the development would generate approximately 1.66 primary school pupils x £12,834.00 per place).

7.19 In respect of both the open space and the education contributions, the Section 106 obligations sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

Issue (vi) Other Matters

7.20 There are several grounds of concern raised by objectors. Concerns such as late night noise and deliveries, and disruption from construction and demolition are addressed through the imposition of conditions. Various elements of boundary enclosure are discussed in the report. To the northern boundary and around the residential element of the scheme, the existing hoop top railings are to be retained. The eastern boundary will be by a combination of the existing railings at its northern end, by the service yard enclosure and by the side of the food retail unit itself, with landscaping in front of this.

7.21 The response to retail need, compactness of the existing centre and position are addressed under Issue (i) above.

7.22 Other matters, such as value of property, proposed type of tenancy, and the re-use of building waste are not material planning matters. Concerns regarding litter and security would be matters for those with overall management responsibility for the site. Notwithstanding this, conditions are recommended requiring a management plan to address litter and security, and for details of lighting throughout the site.

7.23 The position of Local Ward Councillors is a matter for their consideration. The reporting of the application to Planning Committee ensures that the proposals will be given the appropriate level of scrutiny.

8. SUSTAINABILITY / BIODIVERSITY

8.1 The buildings are to incorporate a range of energy reduction techniques such as a fabric first approach, high performance glazing, minimising solar gains and making good use of natural daylight. Lidl would see a percentage improvement in energy savings of 25%, with the remaining retail units achieving 12%.

8.2 The existing buildings on the site, which are to be demolished, have the potential for roosting bats. A bat survey is recommended to be undertaken prior to the demolition of the buildings. Recommendations in the Ecological Report, such as bat boxes, are welcomed and would be secured by condition.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 16/02648/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OGTYICLY0HZ00>
2. Environment Agency comments received 21st December 2016
3. Letters from neighbours dated 3rd, 4th and 6th January 2017
4. Drainage section comments 10th and 13th January 2017
5. Tree Officer comments dated 5th January 2017
6. Noise and Pollution Control section comments dated 17th January 2017 and 7th February 2017
7. Policy comments dated 18th January 2017
8. Biodiversity Officer comments dated 14th February 2017
9. Highway section comments dated 7th February and 24th February 2017

17 Published documents referred to in compiling this report

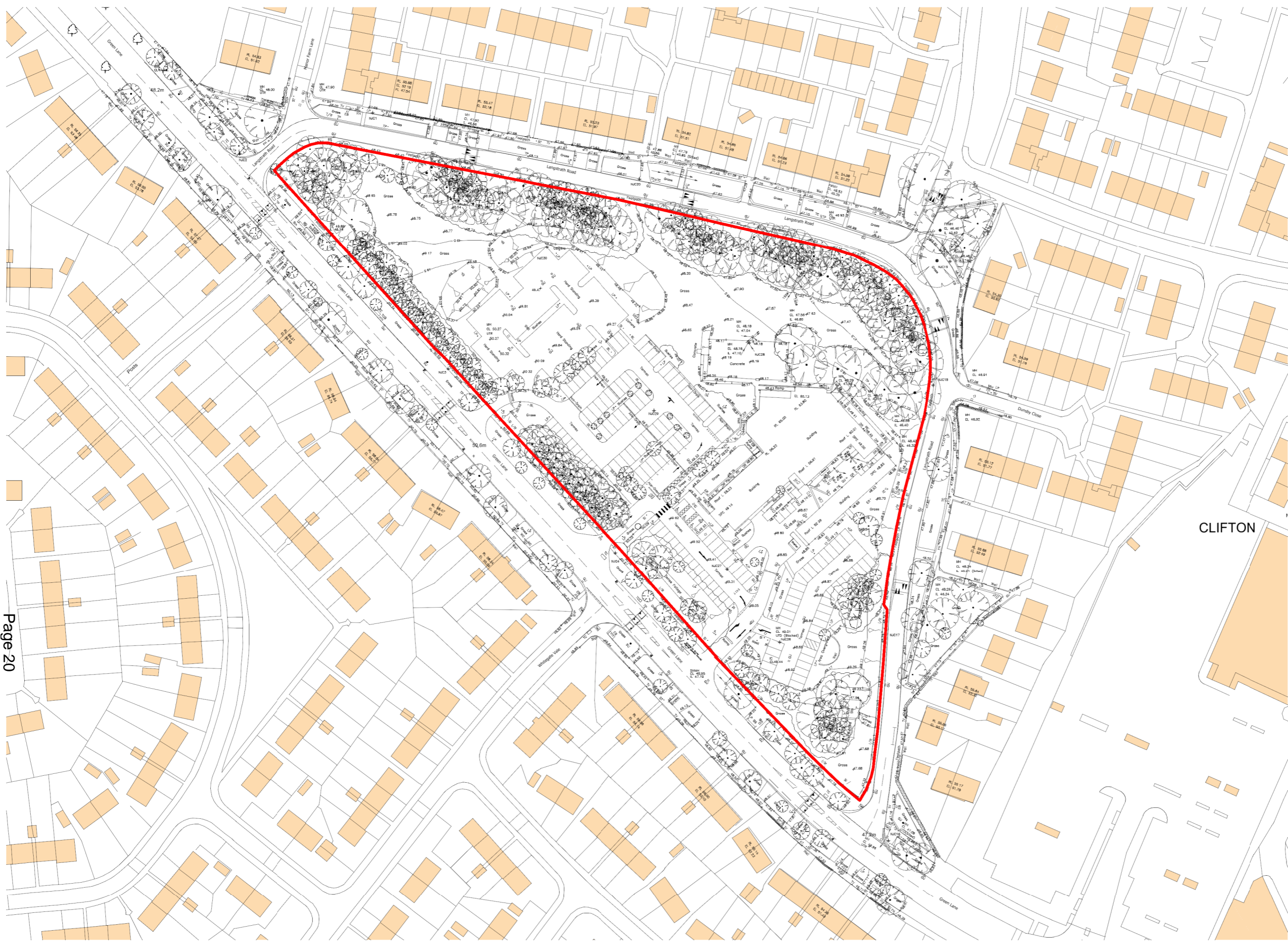
1. Nottingham Local Plan (November 2005)
2. Aligned Core Strategy
3. National Planning Policy Framework
4. Local Plan Part 2 – Land and Planning Policies

Contact Officer:

Mrs Sue Heron, Case Officer, Development Management.
Email: sue.heron@nottinghamcity.gov.uk. Telephone: 0115 8764046

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CLIFTON

REV	DESCRIPTION	INITIALS/ DATE	
Job Name Cedar House Clifton Retail Park Green Lane / Clifton Nottingham			
Drawing Title Site Location Plan Existing			
Status Planning			
Date	Sheet By	Scale @ Size	
AUG '16	CLB	1:500@A3	
Job Number	Code	Drawing Number	Rev
4106	PL	001	-

DLG Architects LLP
 One Brewery Wharf
 Waterloo Street
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 leeds@dlgarchitects.com

dlgarchitects.com



My Ref: 16/02648/PFUL3

Your Ref:

Contact: Mrs Sue Heron

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

WYG Planning Ltd
FAO Simon Chadwick
Rowe House
10 East Parade
Harrogate
HG1 5LT

Date of decision:

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

Application No: 16/02648/PFUL3
Application by: Cedar House Investments Ltd
Location: Fairham House, Green Lane, Nottingham
Proposal: 24 apartments with associated car park and other works (outline); a foodstore, 4 non-food retail units and a cafe/restaurant with associated car park, alteration to the site access and other works (full), following demolition of Fairham House.

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 retail 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.

2. Application for the approval of any reserved matters in regard to the residential element of the planning permission (that is; layout of the site, appearance of the buildings, and the landscaping of the relevant part 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)



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

DRAFT ONLY

Not for issue

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Continued...

3. Each element of the development (the retail element and the residential element) shall not be commenced until an electric vehicle charging scheme for that element has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be based on the following:

For the residential development:

- 1 electric vehicle charging point per domestic unit (i.e. dwelling with dedicated off street parking), and,
- 1 electric vehicle charging point per 10 parking spaces (unallocated parking)

For the retail development:

- Electric vehicle charging points in 5% of parking spaces (to a maximum of 10 electric vehicle charging points).

Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.

4. The residential element of the development shall not be commenced until an environmental noise assessment and sound insulation scheme, have been submitted to and approved in writing by the Local Planning Authority.

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

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

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

5. The retail element of the development shall not be commenced until an environmental noise assessment and sound insulation scheme have been submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development as a whole and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

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

6. Prior to the installation of any external lighting, an external lighting assessment for the development shall be submitted to and approved in writing by the Local Planning Authority.

The external lighting assessment shall specify an appropriate external lighting scheme for the development and shall ensure that:

- i. Direct illumination of 'habitable rooms' (i.e. living rooms and bedrooms) does not occur and that any nearby residents are not subjected to glare anywhere within the boundary of their property,
- ii. There is no significant increase in existing light levels, attributable to the development, at the boundary of any nearby residential properties.

The submission shall also include the design and configuration specification for the external lighting scheme and a prediction of light levels at the boundary of the nearest affected residential properties (vertical and horizontal isolux plots) attributable to the development. Thereafter the lighting scheme shall be installed as approved.

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

7. The retail element of 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.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

8. Each element of the development (the retail element and the residential element) shall not be commenced until details of the areas to be hard landscaped for that element, (including the proposed parking areas and access road,) which should be of permeable materials where possible, 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 10 of the Aligned Core Strategy.

9. Each element of the development (the retail element and the residential element) shall not be commenced until details of a landscaping scheme, including details of tree pits/trenches, the type, height, species and location of the proposed trees and shrubs, and a management and maintenance plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

10. No equipment, machinery or materials shall be brought onto the site in connection with either element of 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.

11. Each element of the development (the retail element and the residential element) shall not be commenced until details of a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- a) The loading, unloading, parking and turning of vehicles pertaining to construction vehicles, site operatives and visitors, to be accommodated within the site;
- b) Storage of plant and materials used in constructing the development.
- c) Wheel washing facilities.
- d) Measures to control the emission of dust and dirt during construction.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

12. Each element of the development (the retail element and the residential element) shall not be commenced until details of cycle shelters have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with Policy 10 of the Aligned Core Strategy.

13. No element of the development shall be commenced until details of tree landscaping to the Green Lane verge, which should include tree pits/trenches, and the type, height, species and location of the proposed trees, and a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the trees shall be planted in accordance with the timetable.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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

14. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve each phase of the development including any mitigation measures have been implemented prior to occupation of any part of the retail element of the development.

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

15. No part of the residential element of the development 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 existing and proposed residential dwellings to comply with Policy NE9 of the Nottingham Local Plan.

16. No part of the retail element of the development shall be occupied until the cycle shelters have been provided.

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with Policy 10 of the Aligned Core Strategy.

17. No part of the retail element of the development shall be occupied until the hard landscaped areas have been completed 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 10 of the Aligned Core Strategy.

18. Prior to the first occupation of any unit within the retail element of the site, a management plan that covers litter and security for the wider retail site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory, and to safeguard residential amenity to comply with Policy 10 of the Aligned Core Strategy.

19. Prior to first occupation of any part of the site, details of the extent of the hoop top railings to be retained, and any proposed refurbishment works, shall 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 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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



20. Prior to the occupation of any unit where food is to be prepared, both hot and cold, including A1 and A3 uses, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

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

21. Within three months of the first occupation of the retail element of the development, a full travel plan shall have been submitted to and approved in writing by the Local Planning Authority. The travel plan should include:

- Results of a baseline travel survey;
- A parking management strategy for the site;
- Name and contact details of a travel plan co-ordinator;
- Details of Travel Packs for the residential part of the site.

Reason: In the interests of highway safety and to promote sustainable modes of transport in accordance with Policy 10 of the Aligned Core Strategy.

22. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of any unit in the retail element, 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 10 of the Aligned Core Strategy.

23. Prior to first use of any unit where food is to be prepared, the approved ventilation scheme shall be implemented and made fully operational.

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

24. No Class A1 or A3 unit hereby permitted shall be open to customers outside the hours of 8am to 11pm Monday to Saturday, and 10am to 11pm on Sundays and Bank Holidays.

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

25. No Class A1 or A3 unit hereby permitted shall allow deliveries outside the hours of 7am to 7pm on any day.

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

26. Prior to the demolition of any part of the existing buildings on the site, a bat activity survey shall be carried out by a suitably qualified person(s) and between the months of May to September inclusive. The survey should include any mitigation measures required as a result of the outcome of the survey. The results of the survey shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of safeguarding the health and habitat of protected species to comply with Policy NE3 of the Nottingham Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:

- Plan reference 002, received 18 November 2016
- Planning Layout reference 003 revision F, received 3 March 2017
- Elevations reference 004, received 18 November 2016
- Elevations reference 005 revision A, received 3 March 2017
- Plan reference 022 revision B, received 18 November 2016
- Plan reference 023 revision A, received 18 November 2016
- Plan reference 024, received 18 November 2016
- Plan reference 025 revision A, received 18 November 2016
- Plan reference 026, received 18 November 2016
- Plan reference 027, received 18 November 2016
- Plan reference 028 revision A, received 18 November 2016
- Plan reference 029, received 18 November 2016
- Elevations reference 032 revision B, received 18 November 2016
- Elevations reference 034, received 18 November 2016
- Elevations reference 036, received 18 November 2016
- General reference 042, received 18 November 2016
- General reference 044, received 18 November 2016
- General reference 046, received 18 November 2016
- General reference 050 revision A, received 3 March 2017
- General reference 007 revision A, received 3 March 2017
- Planning Layout reference 008 revision A, received 3 March 2017
- Landscaping reference L01 revision P2, received 7 March 2017

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. Our Environmental Health Team advise:

Radon Affected Areas:



DRAFT ONLY
Not for issue

Continued...

According to the Public Health England (PHE) radon inside buildings is the main source of human exposure to radiation in the UK. Their advice for residential and other properties is that the Action Level for radon concentrations should be 200 Bq m⁻³ and the Target Level should be 100 Bq m⁻³. Most of the Nottingham city area falls within Radon Class 1 where less than 1% of homes are estimated to be above the Action Level. These areas are regarded as lower probability radon areas. However some parts of the Nottingham city area fall within Radon Classes 2, 3 or 4 where respectively 1% to <3%, 3% to <5% or 5% to <10% of homes are estimated to be above the Action Level. Areas where more than 1% of homes are estimated to be above the Action Level are termed Radon Affected Areas. Furthermore areas where between 1% and 10% of homes are estimated to be above the Action Level are regarded as intermediate probability radon areas. This development site is classified as being in a Radon Affected Area (Class 2) and as such between 1% to <3% of residential buildings in this area are estimated to have radon levels above the Action Level of 200 Bq m⁻³.

Consequently based on advice from Public Health England it is recommended that in order to protect the health of future residents or occupiers of this development from the adverse effects of radiation all new buildings, extensions, conversions & refurbishments:

i. Should include basic radon protection measures as a minimum consisting of a well-installed damp-proof membrane, modified and extended to the outer layer of construction to form a radon-proof barrier across the ground floor of the building,

ii. The domestic Action Level and Target Level should be applied to non-domestic buildings with public occupancy exceeding 2000 hours per years and also to all schools.

Further guidance may be found in Radon - Guidance on Protective Measures for New Buildings BRE 211 (2015), Building Regulations Approved Document C and the Public Health England website <http://www.ukradon.org/>.

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

Environmental Noise Assessment:

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

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

Commercial Noise:

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Electric Vehicle Charging Points:

A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

Indicative EV Charging Point Provision (Commercial / Industrial / Retail):

Provision of EV Charging Points		
Proposed Parking Spaces	2.5%	5%
10	1	2
20	1	2
50	1	3
100	3	5
200+	5	10

Control of Odour & Provision of Adequate Ventilation:

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation:

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

External Lighting Scheme

The approved external lighting scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

4. The City Council Highway section advise:

During construction:

- Vehicles delivering to the site cannot be permitted to wait/park on the highway.
- Adequate precaution shall be taken during the construction period to prevent the deposit of mud and other similar debris on the adjacent public highways.

Other matters:

All parking areas shall be provided with minimum dimensions of 2.4m x 5.5m with permeable surface construction.

Space for disabled parking bays are to be provided that are fit for purpose and of required dimensions. Spaces should be signed and kept for sole use by disabled users.

Temporary and permanent Traffic Regulation Orders will be required during the construction process and for the life of this development site. These have separate legal processes and the Orders can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the processes to be completed; please contact Traffic Management on 0115 876 5245 to instigate the process.

Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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

Planning consent is not consent to work on the highway. To carry out the permanent and temporary off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. 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. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd

For drainage information the applicant is advised to contact Paul Daniels Senior Drainage Engineer 0115 8765275 or Nick Raycraft Senior Drainage Engineer 0115 8765279.

The applicant is advised to contact Robert Smith Senior Transport Planner 0115 8763604 to discuss sustainable transport measures. Residential travel plan packs are to be prepared for each household and all costs borne by the applicant.

For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

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: 16/02648/PFUL3

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.

WARDS AFFECTED: Dunkirk And Lenton

Item No:

**PLANNING COMMITTEE
22nd March 2017**

REPORT OF CHIEF PLANNER

Church Square Shopping Centre, Lenton

1 SUMMARY

Application No: 17/00044/PFUL3 for planning permission

Application by: Mr Andrew Oglesby on behalf of Nottingham City Homes

Proposal: Erection of 17 dwellings on site of existing shopping centre and flats

The application is brought to Committee because planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should be determined by 18th April 2017

2 RECOMMENDATIONS

1. **GRANT PLANNING PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

3.1 The application site is located at the northern end of Willoughby Street in Lenton. It is bounded to the west by the Thomas Helwys Baptist Church and a leisure and community centre. To the south and east are residential properties on Willoughby Street, Maxwell Close and Allington Avenue. To the north there is an area of landscaped amenity space which includes the footpath links to Church Street and a number of trees. This fronts onto Church Street and to the north of this is the Lenton Gardens development which is a housing scheme being undertaken by Nottingham City Homes, on the site of the former Lenton highrise flats, which is approaching completion.

3.2 The site currently accommodates a small shopping centre precinct, with a total of 12 apartments on the upper floors. Beneath the shops and precinct there is an under-croft / basement which housed workshop units which were accessed from Willoughby Street. The buildings on the site have been vacated and are now being demolished. An application to ascertain whether Prior Approval was required for demolition was determined in 2016 (ref 16/01137/PADA).

4 DETAILS OF THE PROPOSAL

- 4.1 This is a full planning application submitted by Nottingham City Homes (NCH). It seeks permission for the redevelopment of site to provide 17 x 2-bed affordable homes. All the properties would be retained by NCH and it therefore constitutes a scheme of entirely affordable housing.
- 4.2 The proposed development comprises two storey family houses. Four pairs of semis are proposed to front Maxwell Close and a terrace of nine houses would front Willoughby Street. Each house would have a private rear garden and on-plot car parking at the front of the property. The houses are proposed to be constructed from Nottingham Red brick with feature render panels.
- 4.3 Employment opportunities would be created in the construction phase of the development. The developer is committed to working with the Council's Employment and Skills team to deliver opportunities for local people.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

24 neighbour notification letters were sent to nearby residents on Park Street, Allington Avenue, Willoughby Street, Church Street and Maxwell Close. The application has also been advertised on site and in the local newspaper. The period for comment expired on 15.02.2017. No response has been received.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection. Require conditions to address potential contamination.

Highways: No objection and full details can be secured by condition.

Drainage: Site must use SUDS techniques and surface water run-off should be reduced by 30%. Further details of disposal of surface water are required.

Tree Officer: No objection. Recommends a condition requiring the submission of an Arboricultural Method Statement.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 Paragraph 49 states that housing applications should be considered in the context

of the presumption in favour of sustainable development.

- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraphs 100 to 104 sets out a sequential approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking the account of climate change.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 – Density.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

NE5 – Trees.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

Aligned Core Strategy (September 2014):

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

Policy 19: Developer contributions.

Other documents

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

Planning Guidance for the Provision of Open Space Within Developments Supplementary Planning Guidance.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main issues

- (i) Principle of the development;
- (ii) Layout and design;
- (iii) Impact on residential amenity;
- (iv) Highway considerations;
- (v) Planning obligations.

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

- 7.1 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 and affordable housing if required.
- 7.2 This 100% affordable housing scheme would contribute towards meeting local housing needs and would be in keeping with the NPPF and the City Council's strategic objectives to create more sustainable communities. The scheme replaces a poorly sited, configured and occupied retail precinct, including apartments above, with a scheme of 2 bed houses; diversifying the range of housing types in this area. Additionally, the development is located in a sustainable location, close to local facilities and public transport. It therefore accords with the NPPF, policies ST1 and H2 of the Local Plan and policies A and 8 of the Aligned Core Strategy.

(ii) Layout and design considerations (NPPF, policy 10 of the Aligned Core Strategy and policy H2 of the Local Plan)

- 7.3 Local Plan policies, the ACS and the NPPF all recognise the importance of design in making places better. The NPPF advocates the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. It also 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 an area.
- 7.4 The proposed layout is in the form of dwellings with street frontages that provides a clear definition between public and private realm throughout. This frontage development will introduce casual surveillance of Willoughby Street and Maxwell Close and it is considered that the scheme will significantly improve community safety in the area when compared to the current inward looking layout. Each dwelling will have an off-street car parking space and front garden which will be enclosed. The density proposed is compatible with the surrounding residential properties.
- 7.5 The elevational treatment of the dwellings, together with the proposed palette of materials, will create a clear and straightforward architectural language. The proposed materials, which would comprise a mix of red brick and render panels, are considered to be appropriate.
- 7.6 The site levels fall away from east to west and as a result the new houses on Willoughby Street will be at a lower level than those on Maxwell Close. To address

this and provide the houses with level rear gardens, a retaining wall is proposed between the two. This will result in a brick wall at the end of the rear gardens of the Willoughby Street houses. This arrangement facilitates the most appropriate layout with street frontage dwellings and will provide a satisfactory level of outlook to the rear for the occupiers of the houses on Willoughby Street.

(iii) Impact on residential amenity (Policy 10 of the Aligned Core Strategy)

- 7.7 The site is bounded by roads to the east and west and a landscaped area to the north, and does not therefore directly impact upon any immediate neighbours. The nearest residential property is to the south of the site on Maxwell Close. The nearest new dwelling is slightly closer to this property than the existing development but the proposed development, at 2 storeys, constitutes a significant reduction in scale when compared with the existing situation. Overall, the relationship between the two is considered to be acceptable. Policy 10 of the Aligned Core Strategy is therefore satisfied in this regard.

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

- 7.8 The new housing layout has been designed to create two frontage blocks, with pedestrian and vehicular access being from the front of each new property. Further details are required by condition and this matter will be further addressed in the update sheet.
- 7.9 It is considered that the development satisfies the requirements of Policy T3 of the Local Plan and policies 10 and 14 of the Aligned Core Strategy.

(v) Planning obligations (Local Plan policies ST1 and R2 and Aligned Core Strategy policies 8 and 19)

- 7.10 In order to comply with planning policies for a housing development of this scale, the developer is usually required to enter into a section 106 obligation to secure contributions towards education and public open space, unless a case for them being waived can be justified through a robust viability assessment. In this specific case the proposal is by Nottingham City Homes, a “not for profit” social housing provider who will retain the new homes and let them through its housing register on an affordable rent basis. The overall viability of the scheme is dependent upon grant funding from the Homes and Communities Agency, with the remaining finance being borrowed from the Council on a long term repayment arrangement. There will therefore be no development profit from the scheme which would enable contributions for education and public open space to be made. However, the scheme will deliver 17 x 2 bed affordable houses for rent, replacing 12 x 2 bed flats.
- 7.11 With reference to public open space, it should also be noted that the current proposal is being delivered as part of the wider Lenton Gardens scheme, which incorporates a central area of open space (0.43 ha) which links onto Church Street. With regards to education provision, there have been recent expansions at Dunkirk Primary and Mellers Primary Schools which have been planned to accommodate these new housing developments and the consequent change to the demographics of the area.

- 7.12 Given the above, and the nature of the accommodation being provided it is therefore considered acceptable for the relevant S106 planning obligations to be waived in this instance.

Other matters (Policies NE5, NE9 and NE12 of the Local Plan)

- 7.13 A remediation strategy to deal with ground contamination can be secured by condition. A condition is also proposed requiring the submission of details relating to the disposal of surface water. The proposals are therefore in accordance with Policies NE9 and NE12 of the Local Plan.
- 7.14 The Tree Officer is satisfied that that the trees on the adjacent landscaped area will not be adversely impacted upon by the proposed development. A condition requiring an arboricultural method statement is proposed to ensure that they are properly protected during the construction period. Policy NE5 of the Local Plan is therefore satisfied.

8. SUSTAINABILITY (Aligned Core Strategy policy 1)

- 8.1 A “fabric first” approach is to be adopted as part of the construction of the dwellings through the insulation of the walls, floors and roofs which will exceed the requirements of the Building Regulations Part L 2013 and achieve the equivalent to Level 4 of the Code for Sustainable Homes. It is also proposed to install photovoltaic panels on each dwelling. Aligned Core Strategy policy 1 is therefore satisfied.

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 STRATEGIC PRIORITIES

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

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

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

13 CRIME AND DISORDER ACT IMPLICATIONS

None.

14 **VALUE FOR MONEY**

None.

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

1. Application No: 17/00044/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OJINW0LYJ0I00>
2. Email from Environmental Health and Safer Places dated 21.02.2017
3. Email from Tree Officer dated 02.02.2017
4. Email from Drainage dated 30.01.2017

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

Nottingham Local Plan (November 2005)
Aligned Core Strategy
National Planning Policy Framework

Contact Officer:

Mrs Janet Keble (Tues,Wed,Thurs), Case Officer, Development Management.
Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056

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My Ref: 17/00044/PFUL3 (PP-05375325)
Your Ref:
Contact: Mrs Janet Keble (Tues,Wed,Thurs)
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

Mr Andrew Oglesby
Suite 4 & 5 Market Chambers
12 Market Place
Spalding
PE11 1SL
United Kingdom

Date of decision:

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

Application No: 17/00044/PFUL3 (PP-05375325)
Application by: Nottingham City Homes
Location: Church Square Shopping Centre, Lenton, Nottingham
Proposal: Erection of 17 dwellings on site of existing shopping centre and flats

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

Time limit

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

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

Pre-commencement conditions

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



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Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

Continued...

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

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

3. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 Geo-environmental Risk Assessment & Phase 2 Ground Investigation by Michael D Joyes Associated dated August 2016 (ref 3658) and subsequent advice, and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

(a) A Remediation Plan, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

(b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

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

4. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority, demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: To safeguard the amenities of neighbouring residents to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

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

The provision shall reduce peak surface water run-off by 30% relative to the site's previous use and shall prevent the unregulated discharge of surface water to the public highway.

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 and Policy 1 of the Aligned Core Strategy.

6. 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.

7. 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.

8. 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 1 of the Aligned Core Strategy.

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

- (a) Details of the elevations indicating the areas to be brickwork and areas of render;
- (b) Details of windows reveals.

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

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

10. The hard surfacing of all external areas shall not be commenced until details of the materials

to be used have been submitted to and agreed in writing with the Local Planning Authority.

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

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

Pre-occupation conditions

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

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

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

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

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

12. The development shall not be occupied until boundary treatments and enclosures to the site and plot boundaries have been erected in accordance with the approved details.

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

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

13. No dwelling shall be occupied until bin storage for that individual dwelling has been provided in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

14. Prior to the first occupation of any of the dwellings, details of the bin storage enclosure for plots 1-9 and bin storage for plots 10-17 shall be submitted to and approved in writing with the Local Planning Authority.

The development shall be carried out in accordance with the approved details and no dwelling shall be occupied until bin storage for that individual dwelling has been provided in accordance with the approved details.

Reason: In the interests of visual amenity and to provide a satisfactory standard of development in accordance with policy 10 of the Aligned Core Strategy.

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

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

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

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

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 17 January 2017.

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. Control of Asbestos

Many buildings still contain asbestos. In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). This must be carried out before any structural work on the building occurs. For properties or parts of properties needing upgrading, refurbishment or demolition, then a 'Refurbishment / Demolition Survey' is required. Most work with asbestos needs to be carried out by a licensed asbestos contractor.

For further advice on the requirements of Control of Asbestos Regulations 2012 and working with asbestos, please visit the Health and Safety Executives website <http://www.hse.gov.uk/asbestos/index.htm>.

4. Construction & Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0900-1300)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

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 off-site 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 measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste
Wheel washing.
Periodic road cleaning.

5. Contaminated Land, Ground Gas & Groundwater

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

'Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future

extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

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: 17/00044/PFUL3 (PP-05375325)

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.

WARDS AFFECTED: Radford And Park

Item No:

**PLANNING COMMITTEE
22nd March 2017**

REPORT OF CHIEF PLANNER

Land To South, Salisbury Street

1 SUMMARY

Application No: 16/00815/POUT for outline planning permission

Application by: Zenith Planning And Design on behalf of Forest Estates
Nottingham Ltd

Proposal: Outline application for residential development of 21 dwellings.

The application is brought to Committee because the grant of planning permission for this site would be a significant departure from the adopted Development Plan.

To meet the Council's Performance Targets this application should have been determined by 5th December 2016, however an extension of time has been agreed until the 8th May 2017.

2 RECOMMENDATIONS

2.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- a) Prior completion of a planning obligation which shall include;
 - (i) A financial contribution towards public open space improvements at Wollaton Park;
 - (ii) Financial contributions towards the provision of both primary and secondary school places at Edna G Olds Primary School and Nottingham University Academy of Science and Technology (NUAST) respectively.
- b) The indicative conditions listed in the draft decision notice at the end of this report.

The power to determine the final details of the conditions and the obligation to be delegated to the Chief Planner.

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

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

3 BACKGROUND

- 3.1 The application relates to a cleared site on the corner of Salisbury Street and Faraday Road, which extends to 0.47ha and was formerly part of the Raleigh Factory. The site has temporary planning permission to be used for car sales and a hand car wash until 31st January 2018.
- 3.2 Opposite the site on the north side of Salisbury Street are industrial units, whilst to the south is a 1980's development of predominately two storey semi-detached and terraced houses. To the west of Faraday Road (facing the site) lies Raleigh Park, a three and four storey development of flats that provides student accommodation. To the north of Salisbury Street, fronting Faraday Road is another complex of student accommodation that ranges from 5 to 7 storeys.
- 3.3 The site gradually rises from the north east corner to the north west corner, with a difference of approximately 4m across the site. There is a 2.5m high wall to the northern boundary of the site with the properties on Heron Drive and Grinsbrook.
- 3.4 Prior to temporary planning permission being granted for car sales and a hand car wash (Planning Application reference 15/02667/PFUL3), Development Control Committee had resolved to grant permission for the development of the site with 15 houses, 8 apartments, 84 studios and 1 apartment for student occupation, and a retail unit (Planning Application reference 09/00572/PFUL3). The decision has not been issued pending completion of a s106 agreement. Outline planning permission (Planning Application reference 05/02019/POUT) was granted in September 2006 for residential development with family housing, but this permission has now elapsed.
- 3.5 The site is allocated for employment uses within the Local Plan. The site also falls within Flood Zone 1, 2 and 3.
- 3.6 The developer has agreed to support the Council's aims of promoting the use of local labour and training in connection with development, which would involve the use of the Council's Employer Hub.

4 DETAILS OF THE PROPOSAL

- 4.1 Outline planning permission has been sought for the erection of 21 dwellings, including approval of access and layout. Appearance, landscaping and scale are reserved for subsequent approval.
- 4.2 The site layout plan shows that 21 detached dwellings are proposed, each with their own individual vehicular access; 17 of which would be onto Salisbury Street and 4 onto Faraday Road.
- 4.3 The front garden areas of the dwellings on Salisbury Street would have a minimum depth of 6.5m and a maximum depth of 7.7m. Rear gardens would vary from 6.7m to 14.6m. Whilst on Faraday Road the front gardens would be between 14.8m and 17.3m deep and rear gardens would be between 10.9m and 17.9m deep. The depths of the front garden areas mean that each dwelling would be provided with at least 1 external car parking space.
- 4.4 The building line for the dwellings on Faraday Road would be staggered. On Salisbury Street the 6 middle dwellings would be set back about 2.5m from the

dwellings proposed either side. The dwellings would be set away from each other by between 1.2m and 3.2m.

- 4.5 Each dwelling would have a footprint of approximately 52 sqm and it is suggested that they could be 2, 2 1/2 to 3 storeys in height, although scale and appearance are reserved matters, which are not for approval at this stage.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

87 Neighbouring properties on the following streets have been notified of the proposal:

Salisbury Street
Salisbury Square
Middleton Street
Shelby Close
Heron Drive
Grinsbrook

The application has also been publicised through the display of a site notice and the publishing of a press notice. No representations have been received as a result of this publicity.

Additional consultation letters sent to:

Environmental Health and Safer Places: The previous uses of the site mean that it is likely to be contaminated and given its location, noise may be an issue for future occupants. No objections are raised to the proposal subject to conditions to secure the submission of a remediation strategy and a noise assessment. They have also requested provision of an electric vehicle charging scheme.

Traffic Management: No objections to the proposal subject to conditions securing the provision of a construction management plan and details of surfacing, sight lines, provision of footway crossings and reinstatement of redundant footways. They have also requested that any alterations/damages to the highway are made good prior to the development being first occupied. Parking spaces should have minimum dimensions of 2.4m x 5.5m and it is suggested that residential travel packs should be provided for future occupants. It is also recommended that the developer should consider investigating the need for implementing traffic regulation orders in the vicinity of the site.

Environment Agency: Additional information has been forwarded to the Environment Agency which demonstrates that the development can be carried out without raising existing ground levels, or carrying out building works within the functional flood plain. On this basis the Environment Agency has withdrawn their original objection. Conditions have been recommended requiring development to be completed in accordance with the submitted Flood Risk Assessment, that finished floor levels are set no lower than 30.7m AOD and that perimeter fencing to Faraday Road shall be of open, post and rail construction, and that restrictions be imposed to prevent the erection of structures and changes in ground level. They have also requested a condition requiring details of any piling, required to safeguard ground water.

Drainage: No objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment.

Biodiversity Officer: No objections but they have requested that ecological enhancements should be secured as part of the proposed development.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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.

Paragraph 94 advises that local planning authorities should take full account of flood risk when making planning decisions. Paragraphs 100 to 104 set out that local authorities should steer development to areas at least risk of flooding and ensure that flood risk is not increased elsewhere. Local authorities should only consider development appropriate in areas at risk of flooding which are supported by an appropriate flood risk assessment.

Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

Nottingham Local Plan (November 2005):

Policy E2 – Allocated Employment Sites

Policy ST1 – Sustainable Communities

Policy H2 – Housing Density

Policy R2 – Open Space in New Development

Policy T3 – Car, Cycle and Servicing Parking

Policy NE9 – Pollution

Policy NE10 – Water Quality and Flood Protection

Policy NE12 – Derelict and Contaminated Land

Aligned Core Strategy (ACS) (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 4 – Employment Provision and Economic Development

Policy 8 – Housing Size, Mix and Choice

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development;
- (ii) Flood risk and water quality
- (iii) Housing size, mix and choice
- (iv) Street Scene
- (v) Impact on residential amenity
- (vi) Highways, Contamination and Climate Change
- (vii) Planning Obligations

Issue (i) Principle of development (Policy E2 of the Local Plan and Policy 4 of the Aligned Core Strategy)

- 7.1 The site has been the subject of two previous applications for residential development which concluded that the loss of employment land at this site was acceptable in principle. This is reflected within the consultation version of the Local Plan, the Land and Planning Policies Document (LAPP) as the site is allocated for residential purposes. Given the previous planning applications and the proposed residential allocation within the LAPP, it is felt that the residential redevelopment of the site is acceptable in principle.

Issue (ii) Flood Risk and Water Quality (Policy NE10 of the Local Plan and paragraphs 100 to 104 of the NPPF)

- 7.2 8% of the site falls within Flood Zone 2 and only 4% falls within Flood Zone 3; Flood Zone 3 affects the front garden areas of the 4 houses proposed on Faraday Road. Through the emerging LAPP allocation a Sequential Test relating to Flood Risk has

already been applied and as such it is considered to be an appropriate site for residential development. The Flood Risk Assessment submitted indicates that the site's redevelopment can be undertaken in a manner that does not increase flood risk elsewhere or place the development at undue risk. To ensure that flood risk can be appropriately managed it is recommended that conditions are imposed to restrict further development and the raising of external ground levels where the 4 houses fronting onto Faraday Road are proposed. It is also considered necessary to require details of the boundary treatments to these units to ensure that they are of an open type, as this part of the site forms part of the functional flood plain.

- 7.3 Details of any piling and measures required to safeguard ground water can be secured through conditions.
- 7.4 Through the use of conditions the proposal complies with Policy NE10 of the Local Plan and paragraphs 100 to 104 of the NPPF.

Issue (iii) Housing Type (Policy ST1 of the Local Plan and Policy 8 of the Aligned Core Strategy)

- 7.5 The proposal site layout, put forward for consideration at this time, is for a development of houses that would provide family accommodation with generous gardens. Such accommodation would support the aims and objectives of policies ST1 and Policy 8 that supports the provision of family housing.

Issue (iv) Street Scene (Policy 10 of the Aligned Core Strategy)

- 7.6 The proposed layout of the development does address the adjacent street pattern and would create secure, private rear gardens and active frontages. Appropriate soft and hard landscaping for the site can be dealt with at reserved matters stage, although it is felt that given the proposed depth of the front garden areas there is scope for substantial areas of planting, which would enhance the street scene.
- 7.7 Finished floor levels are to be set at 30.7m AOD, which would lead to the 4 dwellings fronting onto Faraday Road being set 1.3m higher than existing ground levels. However, given the depth of the front garden areas and the existing gradual rise of the site in this area it is felt that this increase in height could be incorporated within the site without being out of keeping with the area.
- 7.8 Given the proposed changes to the finished floor levels of the 4 proposed properties onto Faraday Road and their relationship with 21 to 29 Shelby Close, sited to the north, it would be preferable to restrict the height of the new properties to no more than two storeys. This could be secured by condition and would ensure that the scale of the new properties respects the height of the existing properties on Shelby Close. A cross section drawing has been submitted by the applicant which shows that this would be the case.
- 7.9 It is considered that there is more scope for the provision of properties of 2 ½ and 3 storeys along Salisbury Street, but details of proposed and existing site levels and cross sections should be submitted as part of any reserved matters application for scale and appearance, to ensure that the final heights of the new properties are acceptable in street scene and neighbour amenity terms.
- 7.10 Through the use of conditions the proposal complies with policy 10 of the Aligned Core Strategy.

Issue (v) Residential Amenity (Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy)

- 7.11 Limiting the height of the 4 new properties fronting onto Faraday Road would ensure that there would be no adverse impact on the immediate outlook for the occupants of 21 to 29 Shelby Close. The western most property would be sited within 9m of 16 Salisbury Square. However this is a single storey industrial unit and as such the proximity of the unit to the proposed new dwelling would not significantly affect the immediate outlook of the future occupants of the adjacent new dwelling.
- 7.12 Overall, as a result of the proposed separation distances and orientation between the new properties and the existing properties on Shelby Close and Grinsbrook, the relationship is considered to be acceptable. As such it would not result in an adverse impact on the amenity of future occupants of the development or on neighbouring properties with regards to privacy, daylight, sunlight or immediate outlook.
- 7.13 The development would be sited close to industrial units and as such a noise assessment would be required together with appropriate measures to ensure that there would be no adverse impact on future occupants as a consequence of noise and disturbance.
- 7.14 Through the use of conditions and as a result of the proposed layout, the proposal complies with policy NE9 of the Local Plan and policy 10 of the Aligned Core Strategy.

Issue (vi) Highways, Contamination, Climate Change and Biodiversity (Policy T3, NE12 of the Local Plan and Policy 1 and 17 of the Aligned Core Strategy)

Highways

- 7.15 Each dwelling would be provided with at least 1 external car parking space; the dwellings proposed on Faraday Road are capable of being provided with more spaces. The proposed vehicular access arrangements on Salisbury Street would also provide scope for on street car parking to take place. It is therefore considered that the proposed parking facilities spaces would accord with policy T3 of the Local Plan. Traffic Management colleagues have requested a construction management plan, details of sight lines, surfacing and the provision/reinstatement of footway crossings, which have been secured by condition. Parking spaces generally appear to meet their dimension requirements and an informative can be attached regarding the need for the developer to consider the requirement for traffic regulation orders and the provision of residential travel packs for the first occupants of the development.

Contamination

- 7.16 As result of the previous uses of the site an assessment of contamination and a remediation strategy is required, which can be secured by condition in accordance with policy NE12 of the Local Plan.

Climate Change

- 7.17 Conditions can be used to secure electric charging points as part of the development and measures to reduce carbon emissions and minimise water use. In this way the proposal complies with policy A and 1 of the Aligned Core Strategy.

Biodiversity

- 7.18 Conditions can also be used to secure enhancements to the ecological interest of the site which could be achieved through native planting and the use of bird/bat boxes. As such the development accords with Policy 17 of the Aligned Core Strategy.

Issue (vii) Planning Obligations (Policy ST1 and R2 of the Local Plan and Policy 19 of the Aligned Core Strategy)

- 7.19 The developer has agreed to meet the full section 106 requirement that would be associated with a development of this scale, which would secure financial contributions towards the following:

- Public Open Space
- Education

The sums that would be generated by the proposal will be dependent upon the precise number of bed spaces that are proposed as part of the reserved matters scheme; this will be addressed with the inclusion of relevant formulas within the S106 obligation. For example, if the final scheme comprises of 3 bed units, the open space contribution would be around £30,000, this figure is derived by multiplying the number of units by the public open space contribution sought for each 3 bed dwelling. The education contribution would be around £56,500 for primary school places and £56,000 for secondary school places, these amounts are derived utilising the following formula, 21 dwellings multiplied by the number of primary/ secondary school places generated by the development multiplied by the contribution sought for each school place generated.

- 7.20 It is proposed that the public open space contribution would be used towards infrastructure improvements to Wollaton Park, as a destination site. It is proposed that the primary education contribution would be used towards pupil places at Edna G Olds Primary School and the secondary education contribution would be used towards pupil places at Nottingham University Academy of Science and Technology (NUAST).
- 7.21 In both cases the Section 106 obligations sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8. SUSTAINABILITY / BIODIVERSITY

Conditions can be used to ensure that the development incorporates sustainability measures and enhances biodiversity. The development is capable of being designed to meet a 10% reduction in carbon emissions (beyond Building

Regulations Part L 2013). Furthermore, the dwellings are capable of utilising solar gain and shading methods, natural ventilation and daylight.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 16/00815/POUT - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O5KK8FLYIYO00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

National Planning Policy Framework (March 2012)

Contact Officer:

Miss Jennifer Cole, Case Officer, Development Management.

Email: jenny.cole@nottinghamcity.gov.uk Telephone: 0115 8764027



Existing OS Plan Layout 1:1250



Proposed OS Plan Layout 1:1250



Existing Block Plan Layout 1:500



Proposed Block Plan Layout 1:500

My Ref: 16/00815/POUT (PP-05048671)
Your Ref:
Contact: Miss Jennifer Cole
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Zenith Planning And Design
FAO: Alison Dudley
38 Greenhills Road
Eastwood
NG16 3DG

Date of decision:

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

Application No: 16/00815/POUT (PP-05048671)
Application by: Forest Estates Nottingham Ltd
Location: Land To South, Salisbury Street, Nottingham
Proposal: Outline application for residential development of 21 dwellings.

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 all remaining reserved matters (namely appearance, landscaping and scale) 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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Continued...

2. Prior to the commencement of development details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Boundary treatment to road frontages and between individual dwelling plots;
 - b) Existing and proposed site levels;
 - c) Hard surface treatments to individual driveways and communal footpaths within the development site;
 - d) External materials including windows, bricks, other finishes to walls and tiles.

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

Reason: To ensure that the development is not placed at undue risk of flooding or increases the risk of flooding elsewhere to accord with Policy NE10 of the Local Plan and in the interests of highway safety and visual amenity Policy NE10 of the Local Plan and also to ensure that the height of front boundary treatments does not affect the visibility splays provided to each vehicular access in order to comply with Policy 10 of the Aligned Core Strategy.

3. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:
- a) Details of temporary site entrances for construction traffic purposes.
 - b) Provision to accommodate all site operatives, visitors and construction vehicles loading, offloading, parking and turning within the site during the construction period.
 - c) Adequate precaution to prevent the deposit of mud and other similar debris on the adjacent public highways.
 - d) A routing agreement associated with each phase of construction. All vehicles associated with the development shall access the site in accordance with the approved routing agreement.

The Construction Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants and to accord with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

4. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately in accordance with Policy NE12 of the Local Plan.

5. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street 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. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: To ensure that the residential occupiers of the development and within nearby dwellings do not experience excess noise nuisance to accord with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

6. Prior to the commencement of development, a scheme to dispose of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 Nottingham Local Plan.

7. Prior to the commencement of development, an ecological enhancement strategy, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancement strategy shall be carried out in accordance with the approved details.

Reason: To ensure that the ecological interest of the site is safeguarded and enhanced to accord with Policy 17 of the Aligned Core Strategy.

8. Prior to the commencement of the development, a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations Approved Document L2A Conservation of Fuel and Power 2013, and better water efficiency when the development is in operation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be provided in accordance with the approved details.

Reason: In the interests of the sustainable development of the site in accordance with Policy 1 of the Aligned Core Strategy.

Pre-occupation conditions

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

9. Prior to the development being first brought into use the site shall be landscaped in accordance with a landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the landscaping to the front gardens of the proposed dwellings and shall include details of the type, height, species (with preference towards the use of native species that will attract/enhance the ecological interest of the site) and the location of proposed trees, hedges and shrubs together with details of tree pits/trenches.

Reasons: To secure a development of satisfactory appearance and to enhance the ecological interest of the site to accord with Policies 10 and 17 of the Aligned Core Strategy.

10. Prior to the development being first brought into use, footway crossings and redundant footway crossings and/or damaged or altered areas of the highway (including footway) shall have been installed/reinstated in accordance with details that shall first have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety to accord with Policy 10 of the Aligned Core Strategy.

11. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
 - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the site has been remediated in accordance with the approved remediation strategy prior to the development being brought into use in order to accord with Policy NE12 of the Local Plan.

12. Prior to the first occupation of each dwelling, verification that the approved sound insulation scheme for that dwelling has been implemented and is fully operational, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in order to accord with Policy NE9 of the Nottingham Local Plan.

13. Prior to the development being first brought into use, each dwelling shall be provided with an electric vehicle charging point.

Reason: In order to promote more sustainable forms of transport and to assist in reducing air pollution to accord with Policy A and 1 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

14. The reserved matters submission in relation to scale shall set the finished floor levels of the proposed units to be at least 30.7m AOD, and the height of the dwellings fronting Faraday Road shall be no more than 2 storeys. The details to submitted as part of the reserved matters for scale shall include street scenes and cross sections to show the relationship between the proposed properties and their relationship with existing properties on Shelby Close and Grinsbrook.

Reason: In the interests of visual amenity and to ensure that the development is not placed at an unacceptable flood risk in order to comply with Policy NE10 of the Local Plan and Policy 10 of the Aligned Core Strategy.

15. The development shall be completed in accordance with Flood Risk Assessment (Revision B, dated January 2017). The mitigation measures shall be fully implemented prior to the occupation of the development or in accordance with to timing/phasing arrangements that have first been agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and elsewhere to accord with Policy NE10 of the Local Planning Authority.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking or re-enacting that Order with or without modification, no structure/enclosure or building shall be erected within the curtilages of the four dwellings fronting Faraday Road, or changes made to their approved boundary treatments, or alterations made to the approved ground levels of the plots, without the express consent of the Local Planning Authority.

Reason: The plots of the four dwellings fronting Faraday Road lie within the functional flood plain. To ensure that flow routes and storage areas remain unimpeded and to reduce the risk of flooding elsewhere it is important that the Local Planning Authority retains control over boundary treatments , site level changes and the erection of further structures/enclosures or buildings within the curtilage of the properties in order to accord with Policy NE10 of the Local Plan.

17. Piling, or any other foundation designs using penetrative methods, shall not be permitted other than with the prior 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: Piling, or any other foundation designs using penetrative methods, can result in risks to potable supplies from, for example, pollution, risk of mobilising contamination, drilling through different aquifers, or creating preferential pathways. To accord with Policy NE10 of the Local Plan it should be demonstrated that any proposed piling will not result in contamination of groundwater.

18. Any trees or plants that form part of the approved landscaping scheme, 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 10 of the Aligned Core Strategy.

Standard condition- scope of permission



S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
General reference FLOOD RISK ASSESSMENT revision Rev B, received 1 January 2017
Drawing reference 216 002 revision D, received 6 March 2017

Reason: To determine the scope of this permission.

Informatives

1. Electric Charging Points

A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

Contaminated Land, Ground Gas & Groundwater

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

Cut and fill operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough



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Not for issue

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

Environmental Noise Assessment

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

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

2. 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. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

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

Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. 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. For further information please refer to the 6Cs Design Guide.

The Highway Authority 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. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

For advice in relation to drainage please contact Paul Daniels Senior Drainage Engineer 0115 8765275 or Nick Raycraft Senior Drainage Engineer 0115 8765279.

The applicant is advised to investigate the need for Traffic Regulation Orders in the vicinity of the site. For TRO advice and further information please contact Scott Harrison on 0115 8765245.

It is advisable that residential travel plan packs are prepared for each household, with all costs borne by the applicant. The packs can be prepared in consultation with the highway authority.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

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

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RIGHTS OF APPEAL

Application No: 16/00815/POUT (PP-05048671)

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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Not for issue

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