

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

2-20 (evens) Robin Hood Chase, The Chase Public House And Former St Anns Health Centre, St Anns Well Road

1 SUMMARY

Application No: 13/02738/PFUL3 for planning permission

Application by: BM3 Architecture Ltd on behalf of Willmott Dixon And NCC

Proposal: 45 apartments, three retail units (2 no. Class A1 use and 1 no. Class A1/Class A2 use) and public square.

The application is brought to Committee because it relates to a major development of significant local interest and would normally require a S106 obligation.

To meet the Council's Performance Targets this application should be determined by 13th February 2014

2 RECOMMENDATIONS

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

Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

3 BACKGROUND

3.1 The application relates to a broadly rectangular site of approximately 0.57 hectare located at the centre of the St Ann's estate. The site has frontage onto the northern side of St Ann's Well Road and the western side of Livingstone Street. Vehicular access to the site is from St Ann's Well Road to the south via Livingstone Street.

3.2 The site forms part of the Robin Hood Chase Local Centre (The Chase) and is currently occupied by a range of buildings in terms of age, scale and use, which are as follows:

- The former St Ann's Health Centre (now vacant);
- The Chase Neighbourhood Centre (community centre);
- A car park on the site of the former Chase Public House;
- Two rows of small retail units, with residential maisonettes above.

There is a significant 6 metre level difference across the site as it rises from St Ann's Well Road in the south up to Aster Road to the north.

- 3.3 The development is bounded along its south western edge by Robin Hood Chase which forms part of the open space network for the City and provides a strong green corridor and pedestrian/cycle linkages between St Ann's Well Road and Woodborough Road and Corporation Oaks beyond to the north. The new St Ann's Valley Centre (Valley Centre) is located opposite the site on the eastern side of Livingstone Street with an existing parade of retail units being located to the north of the neighbourhood centre. 1970's Radburn style residential development adjoins the site to the north and east (Aster Road, Beverley Square, St Ann's Valley Road and Duncombe Close).
- 3.4 The site is allocated in the adopted Nottingham Local Plan as a local shopping centre.

Planning History

- 3.5 In February 2010 (planning ref: 09/03346/NOUT) outline planning permission was granted for the redevelopment of The Chase for a mixed use scheme, including joint service centre (Valley Centre) , retail, office and residential. All matters were reserved apart from access, in respect of which the outline application granted planning permission for a revised road layout, which involved the stopping up of the existing St Ann's Valley Road and its diversion via a new access point on St Ann's Well Road in order to facilitate the development of the JSC.
- 3.6 In April 2010 (planning ref: 10/00627/PRES4), reserved matters for Phase One of the outline consent was granted for the Valley Centre located to the east of the site fronting St Ann's Wells Road. The Valley Centre has now been constructed and has brought together a number of existing and new services together including health facilities, local library, housing services and support services targeting families and young people. The Valley Centre replaces the existing Health Centre fronting St Ann's Well Road and the library building at the north end of the local centre.
- 3.7 Approval has been granted in 2013 for the demolition of the former Health Centre and the two rows of retail units with maisonettes above.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission for a new mixed use development at The Chase consisting of 45 apartments for the elderly, 3 retail units (197sqm and 2 units x 87.2 sqm in area) and new public square. A flexible permission is sought for one of the smaller retail units to allow the relocation of the betting shop into it, from one of the existing units to be demolished. The proposal relates to the Phase Two of the redevelopment of The Chase.
- 4.2 The development would comprise of rectangular shaped 3 storey building which would have a linear south/north orientation across the site. The retail element of the scheme would be located fronting St Ann's Well Road and Livingstone Street and would align with the Valley Centre. A small single storey element would project to the front of the building facing St Ann's Well Road to provide additional retail space. The larger of the proposed units would form a small supermarket (197sqm) with post office, cash point and pay point facility would front onto the St Ann's Well Road. The two smaller retail units (both 87.2sqm) would be located to the rear of the supermarket unit and would front onto Livingstone Street.

- 4.3 The remaining part of the ground floor and upper two floors would accommodate the 45, one bed elderly person apartments and would comprise affordable housing as all apartments are to be rented from a registered provider of social housing. The apartments are proposed to be accessed from a dedicated entrance with stairway and lift located at the north west corner of the building. A communal lounge and external roof terrace is proposed on the second floor for the benefit of residents.
- 4.4 The proposed building is contemporary in design and would be constructed using a core palette of three materials; red brick, timber effect cladding and a light grey brick.
- 4.5 Dedicated car and cycle parking would be provided for the residential and retail uses. The retail units would be served by 20 car parking spaces (3 disabled), 6 cycle and 2 sheltered/secure motorcycle parking spaces which would be located to the front and side of the retail units, together with a fenced service yard. The parking areas would be accessed from St Ann's Well Road. The apartments would be served by 16 car and 6 cycle parking spaces which would be located to the western side of the building adjacent to Robin Hood Chase. Access to residents parking would be provided a new access road from Livingstone Street.
- 4.6 The new public square would be located at the northern end of the site adjoining the community centre. The detailed layout and design would be designed in partnership with the local community through a series of community workshops.
- 4.7 A commitment has been given by the developer to deliver local employment and training opportunities during both the construction and subsequent operation of the development.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by site notices and press advert. In addition the following neighbours have been directly consulted:
- Flat 1-36 Mellors Lodge,
St Ann's Residents and Tenants Association Central
1-7 Beverley Square
Chase Neighbourhood Centre Robin Hood Chase
22- 28, 28A and 30 Robin Hood Chase
Church Of St Ann with Emmanuel Robin Hood Chase
St Anns Joint Service Centre
4-28 and 42, Bellevue Court
- 5.2 A series of public consultation events have been held in the community to promote the current scheme and to start consultation on the design of the public square. Attendees and questionnaire responses were supportive of the development and detailed comments on the requirements for the retail units were made and fed back to the design team.
- 5.3 One letter of objection has been received from a local resident who considers that the proposed public square is too small in size to be of value to the local community. The provision of 45 elderly persons sheltered housing units in close

proximity to the St Ann's Valley Centre is supported but concerns are raised that the apartments may not solely be let to the elderly if insufficient interest arises to occupy it and that a covenant should be imposed to prevent this happening. He considers that insufficient consultation has taken place and that the community should have been involved during the design stage of the scheme. However, the building would look pleasant in its surroundings and compliments the St Ann's Valley Centre opposite. The versatility of the proposed retail space is good and the car parking spaces are considered to be sufficient.

- 5.4 Nottingham Local Access Forum (the Forum) have commented that the development is adjacent to the Robin Hood Chase, public footpath and associated open space set out under the Enclosure Act 1845 and consider it important that the development does not encroach upon it. The design of the development means that access roads, parking and bin will face the Robin Hood Chase, with the potential to damage its character and environment and as a result it is seen as essential that hard and soft landscaping is carefully used to lessen its impact, whilst not creating opportunities for anti-social behaviour. The proposed development involves the closure of a number of public footpaths and the Forum considers it important that good access is maintained between the Robin Hood Chase and its adjacent areas. The proposal to open up the site by creating a new public square that creates a sense of place, and provides a more permeable route through the site, is welcomed. The proposed improved footpath, running alongside this square should be well designed, of the appropriate width and feel safe for all uses if it is to effectively replace the paths which will be lost. It is seen as also important to maintain safe pedestrian access between Robin Hood Chase and the adjacent areas whilst construction is underway. The Forum state that if these requirements are satisfactorily met, there would be no objection to the closure of the other footpaths. If the application is granted planning permission, appropriate conditions should be imposed, to take account of the above issues.

Additional consultation letters sent to:

- 5.5 **Planning Policy** – No objections. The development as a mixed use scheme involving retail and residential development is considered to accord with the policies of the NPPF and the Nottingham Local Plan and will assist towards regeneration of the area.
- 5.6 **Pollution Control:** No objections. Conditions relating to ground contamination, gaseous emissions and noise are recommended.
- 5.7 **Highways:** No objections. Highways support in principal the stopping up of the 3 Public Right of Ways which cross the site and the enhancement of one right of way to link the Chase with the surrounding area to the north east. Details of the proposed public square and areas of public realm and how they relate to the public highway will need to be agreed by condition. Other conditions relating to the submission of a construction management plan, access details, provision of car and cycle parking, servicing facilities, drainage details and implementation of the submitted travel plan are also recommended.
- 5.8 **Environment Agency:** No objections. The site is located in Flood Zone 1 and is therefore at low risk of flooding. The proposed surface water drainage strategy for the site should be designed to take account of the EA's standing advice and based on sustainable drainage principles.

- 5.9 **Urban Design:** The development has been the subject of extensive discussions regarding its design and layout and the current scheme is fully supported. Revisions have been made to ensure that the existing telephone box fronting St Ann's Well Road is fully incorporated into the scheme. Details of the proposed boundary treatment are considered to be acceptable. Additional work is required to ensure that the area of the proposed landscaping treatment and levels of the public realm at the corner of St Ann's Well Road and Livingstone Street relate well to the street and provide easier pedestrian access. The potential of more glazing on the retail frontage is considered to be essential.
- 5.10 **Tree Officer:** No objections. The submitted tree survey shows that the development would not have significant implications on trees along the Chase. New tree planting along the frontage with St Ann's Well Road is welcomed. Conditions relating to an agricultural method statement and landscaping are recommended.
- 5.11 **Nottinghamshire Wildlife Trust:** The habitat survey contains a recommendation that a further dawn activity survey be carried out in respect of certain existing buildings on the site. The Trust recommend that this be carried out this survey is carried out prior to the demolition of the buildings.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development, the deliverance of a strong competitive economy and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to encourage the effective use of land that has been previously developed (brownfield land).
- 6.2 Paragraph 23 recognises the town and local 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.
- 6.3 Paragraph 50 recognises the need to deliver a wide choice of high quality homes to create sustainable, inclusive and mixed developments.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

ST2 - A Successful Economy

H2 - Density

H3 - Appropriate Housing Types

H5 - Affordable Housing

S4 - Retail Development, Town/Local Centres

S6 - Non Retail Uses, City/Town/Local Centres

R2 - Open Space in New Development

CE1 - Community Facilities

BE1 - Design Context in the Public Realm

BE2 - Layout and Community Safety

BE3 - Building Design

BE4 - Sustainable Design

BE5 - Landscape Design

BE7 - Public Open Spaces in the City Centre

NE3 - Conservation of Species

NE5 - Trees

NE9 - Pollution

NE14 - Renewable Energy

T3 - Car, Cycle and Servicing Parking

T12 - Public Rights of Way

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the mixed use development
- ii) Design and Layout Considerations.
- iii) Highway Considerations

i) Principle of the mixed use development (NPPF, Policies ST1, S4, S6, H2, H3, H5 and R2)

- 7.1 Robin Hood Chase has been suffering slow decline resulting from a range of economic and environmental issues associated with its design and layout. In addition, there are significant problems with crime and anti-social behaviour. It has therefore been a long established aspiration of the City Council to revitalise and regenerate the Robin Hood Chase Local Centre. The local shopping centre now has several shops lying vacant, including the recent closure of the Co-op convenience store and future closure of the post office in the northern part of the centre.
- 7.2 The current proposal relates to Phase Two of the comprehensive mixed use scheme of the existing local centre and peripheral land to create a new heart to

Robin Hood Chase. The principal uses, namely retail, health care and public services, community facilities and residential, already exist in the centre and on adjacent sites. Outline planning permission for a mixed use scheme followed by the subsequent permission and construction of the Valley Centre as Phase One of the scheme has established the principle for this type of development and forms a key element of regeneration proposals for The Chase. The main intention of the proposed scheme is therefore to restructure the existing functions of the centre to provide a more coherent layout and location for these current uses to aid its economic and environmental revitalisation and provide greater accessibility to local services.

- 7.3 The existing shops are due to be demolished and their removal would create a local demand for retail, including the need for a convenience store to replace the Co-op. The development aims to fulfil this demand with the provision of 3 retail units, including a new supermarket and post office within it. The supermarket is also proposed to provide other important services such as a cash point and payment facilities identified as part of the community consultation. The new retail units have prime frontage to the St Ann's Well Road to maximise their visibility and potential to attract passing trade. Their proximity to the Valley Centre aims to create a hub of local facilities with and good accessibility for the local community it serves.
- 7.4 The NPPF recognises that residential development can play an important role in ensuring the vitality of centres and where centres are in decline recognises that positive plans, which restore economic activity should be encouraged. The Chase has historically had an element of residential use within it, with the maisonettes being located above the existing shops. This is therefore an appropriate site for the proposed mixed use development, which is in compliance with the NPPF and policy ST1, it would contribute towards a sustainable community. The development would provide 45 one bedroom and two bedroom elderly persons apartments. It would serve an identified need for this type of accommodation and would allow the elderly to continue to live independently at the heart of their local community, in specially designed accommodation. The apartments would be affordable housing rented from ASRA, the registered provider of social housing, promoting the scheme and which has secured HCA funding to unlock the viability of the scheme.
- 7.5 The removal of the row of shops and maisonettes to the rear of the existing community centre has provided the opportunity to create a new public square at the heart of The Chase. The direct relationship between the new public square and existing community centre aims to create a public space, through consultation, with the local community to meet their aspirations and needs to further enhance the amenity of future users of the local centre. The provision of the public square is considered to meet the open space requirement required by policy R2 of the Local Plan.
- 7.6 It is therefore considered that the principle of this mixed use redevelopment scheme is acceptable and would comply with policies ST1, S4, S6, H2, H3, H5 and R2 of the Local Plan and relevant principles of the NPPF.

ii) Design and Layout Considerations (Policies BE2, BE3, BE5 and BE7)

- 7.7 Many of the problems associated with the existing centre are a direct result of its existing layout particularly with:
- Lack of any commercial presence, unattractive visual frontage and connection

to St Ann's Wells Road,

- Poor configuration of existing retail units which face Robin Hood Chase but then turn their back on the car parking areas and surrounding residential areas – unattractive blank rear facades, stark parking areas, lack of surveillance.
- Poor pedestrian connections through the centre, which are not well lit.
- General run down nature of this 70's shopping centre, poorly maintained and vacant units.

- 7.8 The layout of the development has been designed in close consultation with the City Council to resolve the above issues with the existing layout. The linear form of the development focuses the retail element of the scheme to the sites frontage with St Ann's Well Road and Livingstone Street to provide a strong active frontage and maximise accessibility to local services. Residential apartments located to the rear and above the retail units would continue to provide an active frontage to all sides of the building with particular emphasis being placed upon connecting the development to Livingstone Street and Robin Hood Chase. A service area for the retail units has had to be accommodated within the scheme and this would be located to the front western side of the building adjoining the Chase. Additional landscaping and strong boundary treatment is proposed to minimise its visual impact.
- 7.9 The scale and massing of the building in conjunction with the position of the building on the site has been carefully designed to use the rising ground levels of the site and the surrounding area to break down its scale and mass. Parking to serve the retail units has been positioned to the front of the building to specifically take account of level differences on this frontage and align the building with the Valley Centre. The building whilst being 3 storey in height would appear to be lower adjacent to the neighbourhood centre due to the 'cut' in to the slope'. Towards St Ann's Valley Well Road the height of the building would reflect the height of the adjacent Valley Centre.
- 7.10 The building is of a simple contemporary design and palette of materials which would compliment the adjacent Valley Centre. The rectangular footprint of the building has been specifically chosen to reduce construction costs and maintain the viability of the scheme and ensure its deliverability.
- 7.11 The existing community centre forms an important local facility. This will remain and the introduction of a new public square adjoining it will further reinforce the focus of community uses in the central part of The Chase. The aim will be to create a welcoming multifunctional meeting space which relates well to the community centre, which feels safe, is well lit and use a simple palette of good quality materials with landscaping. The detailed design of the public square would be secured by condition.
- 7.12 The development would continue to provide strong pedestrian connections between The Chase, Livingstone Street and surrounding residential areas. Pedestrian routes have been rationalised, with an enhanced pedestrian route being provided to the north of the development alongside the Neighbourhood Centre into the new public square and directly to the retail units and apartment building.
- 7.13 The apartment building will be enclosed by metal railings, with elements of brick retaining walls and soft landscaping behind to provide privacy and security for residents of the building. A brick retaining wall with railings above is proposed along the frontage with St Ann's Well Road. The landscape strategy proposes new

areas of public realm to connect the scheme into The Chase and compliment the area of public realm on the opposite corner to the front of the Valley Centre, the details of which will be dealt with by condition.

- 7.14 It is considered that this approach will help to improve the layout, functioning, community safety and overall attractiveness of the centre to accord with policies BE2, BE3 and BE5.

iii) Highway Considerations and Public Rights of Way (Policies BE2, T3 and T12)

- 7.15 A Transport Assessment has been submitted with the application and has concluded that the proposal would not generate a material increase in traffic and proposed traffic movements could be accommodated within the existing highway network. Furthermore the development would provide excellent opportunities for access by walking, cycling and public transport for both staff and the public. The preparation and submission of a detailed travel plan will be secured by condition.
- 7.16 Dedicated parking has been provided for the retail and residential apartments each of which would be served by separate vehicular access points to ensure that parking is available for each use. Given that the site is well served by public transport, cycle and pedestrian routes and is centrally located within its catchment area the level of parking proposed is considered to be acceptable.
- 7.17 A stopping up order has been made to close the existing pedestrian routes across the site and is currently out for consultation. The provisions of the stopping up order, together with the proposals to provide alternative enhanced, well lit pedestrian routes through the site are considered to be in principle satisfactory to the Highways team.
- 7.18 The detailed design of the internal layout, servicing and parking provision serving the development are proposed to be dealt with by condition as requested by Highways.
- 7.19 The development is therefore considered to comply with policies BE2, T3 and T12 of the Local Plan.

Other Material Considerations

- 7.20 **Impact on Residential Amenity** (Policies BE3 and NE9): Existing residential properties adjoin the site to the north and east, with closest properties being at Beverley Square located directly opposite the new public square and to the rear of the Valley Centre. It is considered that the position of the development would not result in any material impact on the residential amenities of these nearby properties.
- 7.21 Conditions relating to external lighting, submission of a noise report, details of external plant, hours of opening and delivery times are recommended, to further safeguard against any detrimental impact on the residential amenity of nearby properties.
- 7.22 **Flood Risk and Drainage** (Policy NE10): The Flood Risk Assessment (FRA) submitted with the application concluded a low risk of flooding. It proposes a surface water drainage strategy which would seek to attenuate the peak discharge

to a flow rate not exceeding the existing. The use of sustainable drainage systems, such as permeable surface treatments as part of a detailed drainage scheme is to be secured by condition.

- 7.23 **Planning Obligations:** (Policies H5, R2 and ST1): The overall scheme delivers a supported independent living scheme of 45 affordable dwellings above and behind the new retail premises. This more than satisfies the requirement for a minimum of 20% affordable housing to be provided on the site in accordance with Policy H5. The mechanism for securing this will be by way of the land ownership agreement with the City Council.
- 7.24 Financial appraisals have demonstrated that the overall development is unable to meet the other planning obligation requirements which would usually be expected for a development of this nature, namely a financial contribution towards off site open space. The findings of the appraisal have been validated by previous independent assessment and are considered to be justified. In order to ensure that the development proceeds the Council is providing gap funding from Affordable Housing Contributions from other sites within the city to support the financial viability of the scheme. Funding for the new public square will be from existing Council resources. Having regard to the issue of viability and the overall benefit of this development it is considered that a relaxation of the policy requirements is justified in this instance.
- 7.25 The developer has committed to work with the Council's Employment and Skills Team to deliver local employment and training opportunities during the construction of the development. These would be secured as part of the terms of the land ownership agreement with the City Council.
- 7.26 **Contamination** (Policy NE9): The submitted desk top contamination study indicated that previous uses would result in the potential for ground and gas contamination to be present on the site. Further intrusive soil, gas and groundwater investigation would therefore be required with regards to policy NE9.

8. SUSTAINABILITY / BIODIVERSITY (Policies BE3, BE4, BE5 and NE14)

- 8.1 The development of a regenerated local shopping centre with integrated public services and additional housing at the heart of the local community it serves would by its very nature form a highly sustainable development.
- 8.2 The submitted energy report identifies that the development would best meet its 10% renewable energy target through the application of fabric first approach with additional solar panels to the roof. The residential element of the scheme would achieve Code for Sustainable Homes Level 4.
- 8.3 The submitted ecological appraisal highlighted the need for an additional bat survey of some of the buildings prior to their demolition and for development to be undertaken outside the bird breeding season. Demolition of existing buildings has already been granted permission and will be carried out separately by the City Council.
- 8.4 Given the poor ecological credentials of the existing centre this development provides an opportunity to enhance biodiversity across the site and strengthen green linkages with Robin Hood Chase.

8.5 The development would not encroach upon the Robin Hood Chase and Enclosure Act land.

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

Providing facilities to meet a wide range of community needs.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: the development would provide high quality and sustainable residential development, improve local services within the neighbourhood centre and strengthen community cohesion in neighbourhoods.

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

Working Nottingham: the development will provide local employment opportunities.

14 CRIME AND DISORDER ACT IMPLICATIONS

The proposals seek to enhance natural surveillance of the area.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/02738/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MW91OQLY00L00>

2. Pollution Control comments 05.12.13.

3. Environment Agency comments 04.12.13.

4. Highway comments 04.12.13 and 19.12.13

5. Email from Nottingham Local Access Forum 16.12.13.

6. Tree Officer comments 11.12.13

7. Planning Policy comments 10.12.13

8. Nottingham Wildlife Trust comments 27.11.13.

9. Urban Design comments 10.12.13

10. Comments from local resident of Belvue Court 18.11.13.

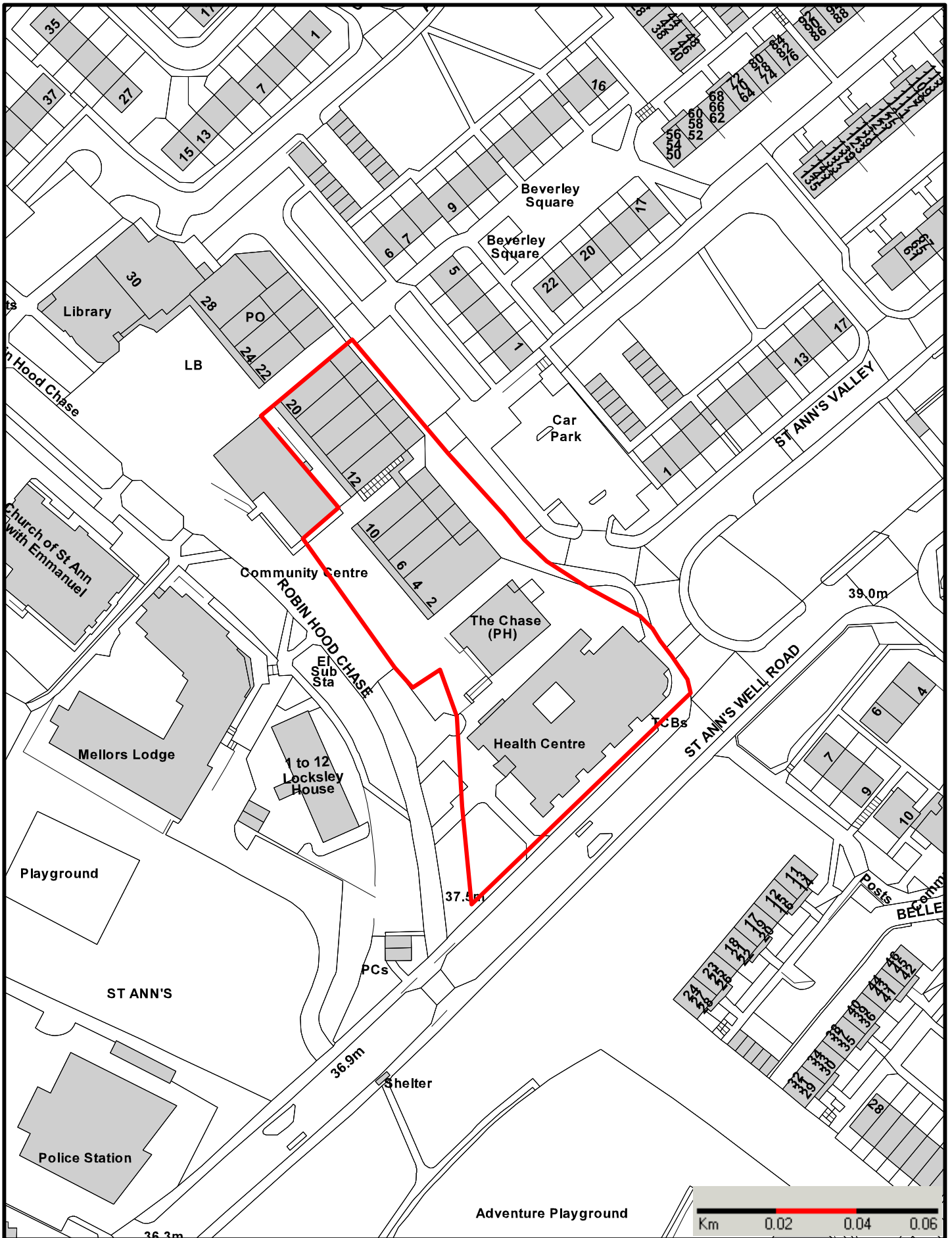
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

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Date of decision:

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

Application No: 13/02738/PFUL3 (PP-02998485)
Application by: Willmott Dixon And NCC
Location: 2-20 (evens) Robin Hood Chase, The Chase Public House And Former St Anns Health Centre, St Anns Well Road, Nottingham
Proposal: 45 apartments, three retail units (2 no. Class A1 use and 1 no. Class A1/Class A2 use) and public square.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until 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 and adjoin the site on Robin Hood Chase.

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

3. The development shall not be commenced until a Construction Management Plan detailing how the proposed development works are to be carried out, including details of the type, size and frequency of vehicles arriving and leaving the site, how the site will be accessed by construction vehicles, contractor parking provision, traffic management plans, and the phasing of works, has been submitted to and approved by the Local Planning Authority. The approved Construction Management Plan shall be implemented throughout the period of construction.

Reason: In the interests of highway safety and to protect the amenities of neighbouring occupiers in accordance with Policies BE2 and BE3 of the Local Plan.

4. The development shall not be commenced until details of an environmental noise assessment and sound insulation scheme have been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be suitable and sufficient and shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. The sound insulation scheme shall include the glazed areas of the property and any complementary acoustical ventilation scheme and shall include 1/3rd octave band analysis, all assumptions made (e.g. glazing and façade areas) and be designed to achieve the following internal noise levels:

- i) Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.
- ii) Not more than 45dB L_{Amax} (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.
- iii) Not more than 55dB LAeq(1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

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

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

The noise assessment shall be undertaken with regard to BS 7445:2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

Reason: To protect the amenities of the occupiers of the development in accordance with Policy NE9 of the Nottingham Local Plan.

5. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
 - ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
 - iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
 - iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

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

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

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

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

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

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

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

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

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

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

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

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

10. Notwithstanding the submitted plans, the development shall not be commenced until details of enclosure of the site, including retaining walls, have been submitted to and approved in writing with the Local Planning Authority.

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

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

11. The development shall not be commenced until details of the proposed area of public realm at the corner of the St Ann's Well Road and Livingstone Street, which shall include details of finished levels, surfacing treatment, landscaping and enclosure details, have been submitted to and agreed in writing with the Local Planning Authority.

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

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

12. The development shall not be commenced until details of external lighting and security measures, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of crime prevention and community safety, and to ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

Pre-occupation conditions

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

13. No part of the development shall be occupied until the facilities for refuse storage and cycle and motorcycle storage have been provided in accordance with the details shown on the approved plans or other such details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there are adequate facilities for the storage of refuse bins and cycles in the interests of the amenities of the occupiers of the development, adjoining residential occupiers in accordance with Policies BE2, BE3 and T3 of the Local Plan.

14. No part of the development shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

16. No part of the development shall be occupied until details of a landscaping scheme with proposals for management and maintenance, including the type, height, species and location of the proposed trees and shrubs, have been submitted to and approved in writing by the Local Planning Authority.

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

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

17. No part of the development shall be occupied until the proposed access, parking spaces and servicing areas for that part of the site have been provided and surfaced with porous or permeable materials and, where appropriate, individual spaces marked out in accordance with the approved plans.

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

18. No part of the development shall be occupied until:

- a) the sound insulation scheme and complementary acoustical ventilation scheme for the development have been implemented in accordance with the details approved pursuant to condition 4;
- b) the external parts of the site have been surfaced in accordance with details approved pursuant to condition 8;
- c) the method to dispose of surface water has been provided in accordance with details pursuant to condition 9;
- d) the site has been enclosed in accordance with details approved pursuant to condition 10;
- e) the area of public realm at the corner of St Ann's Well Road and Livingstone Street has been provided in accordance with details approved pursuant to condition 11; and
- f) the external lighting and security measures, have been implemented in accordance with details approved pursuant to condition 12.

Reason: To ensure that the appearance of the development will be satisfactory, to ensure a satisfactory standard of accommodation is provided, in the interests of a sustainable development and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policies BE2, BE4, NE9 and NE10 of the Local Plan.

19. No part of the development shall be occupied until details of the proposed solar panels and their position on the building 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 plans prior to 50% occupation of the residential apartments.

Reason: In the interests of providing a sustainable development in accordance with Policies BE4 and NE14 of the Local Plan.

20. Prior to the retail units first being brought into use details of the siting of any plant and/or air handling equipment, its type and model, acoustic specification of the plant, and shielding proposed and relevant calculations shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include a noise assessment report demonstrating that the noise from all plant and/or air handling equipment on site meets the following criteria at the nearest noise sensitive properties:

- a. For 24hr operation - Noise Rating NR35 (see BS 8233:1999)
- b. For operation between 07:00 and 23:00 - Noise Rating NR45 (see BS 8233:1999)

The approved equipment shall be installed prior to the retail units first being brought into use.

Reason: In the interests of amenity of residents of the development and nearby residents and in accordance with Policy BE3 and NE9 of the Local Plan.

21. No part of the development shall be occupied until details of the public square, to include finished levels, surfacing treatment, landscaping, lighting and street furniture have been submitted to and agreed in writing with the Local Planning Authority.

The public square shall then be built in accordance with the approved plans prior to 50% occupation of the residential apartments.

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

Regulatory/ongoing conditions

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

22. The public square shall then be built in accordance with the approved plans prior to occupation of the 23rd residential apartment, unless otherwise agreed in writing with the Local Planning Authority.

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

23. The retail units shall not be open to customers outside the hours of 07.00 to 23.00 on any day.

Reason: To protect the amenities of the occupiers of the development in accordance with Policy NE9 of the Nottingham Local Plan.

24. Servicing shall not take place outside the hours of 07.30 to 19.00 Monday to Friday, 08.00 to 19:00 Saturday only and not on Sundays and Bank Holidays.

Reason: To protect the amenities of the occupiers of the development in accordance with Policy NE9 of the Nottingham Local Plan.

25. A full travel plan with up-to-date staff and resident travel survey data shall be submitted for approval by the Local Planning Authority once 50% of the residential units have been occupied. This travel plan shall be based on the Framework Travel Plan submitted as part of this planning application and will make reference to schemes and developments that have occurred during the interim period. The full travel plan will use travel plan survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan coordinator, responsible for ensuring the activities and schemes included in the full Travel Plan are delivered and to monitor its performance targets, and annual travel plan surveys shall be carried out on an annual basis for a minimum not less than 3 years following initial occupation, with a Travel Plan update to be submitted and to the Local Planning Authority for approval within 3 months of each survey date.

Reason: In the interests of sustainable transport to comply with Policies BE2 of the Nottingham Local Plan (2005) .

26. Prior to the installation of the shop frontages in the retail units full details of any roller shutter, including details to demonstrate that the shutter will be internally housed, shall be submitted to and agreed in writing with the Local Planning Authority.

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

<p>27. The open areas of the site shall not be used for any form of storage of goods, merchandise, plant or materials of any description.</p> <p><i>Reason: To protect the amenities of the occupiers of the development and to ensure that the appearance of the building will be satisfactory in accordance with Policy BE3 and NE9 of the Nottingham Local Plan.</i></p>
<p>28. Any gates placed at the Livingstone Road and St Ann's Well Road accesses shall be designed to open inwards only and set back a minimum of 5 metres from the back of the highway.</p> <p><i>Reason: In the interests of highway safety in accordance with Policy T3 of the Local Plan</i></p>
<p>Standard condition- scope of permission</p>
<p>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: Planning Layout reference 52254 D120 revision B, received 8 January 2014 Planning Layout reference 52254 D121 revision C, received 8 January 2014 Planning Layout reference 52254 D122 revision C, received 8 January 2014 Elevations reference 52254 D130 revision D, received 8 January 2014 Elevations reference 52254 D131 revision D, received 8 January 2014 Plan reference 52254 D140 revision C, received 8 January 2014 Plan reference 52254 D141 revision B, received 8 January 2014 Planning Layout reference 52254 D101 revision B, received 8 January 2014 Plan reference 52254 D150 revision A, received 8 January 2014 Plan reference 52254 D160, received 8 January 2014</p> <p><i>Reason: To determine the scope of this permission.</i></p>

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.
3. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is strongly recommended to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial preventive or precautionary measures. The developer will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.
4. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).



DRAFT ONLY
Not for issue

Continued...

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

6. Please note the following informatives from the Highways Team:

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

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

- Prior to works commencing on site the Highways Network Management team at Loxley House should be notified regarding when the works will be carried out. Please contact them on 0115 8765238. All associated costs will be borne by the applicant. It is strongly advised to contact them at the earliest possible opportunity to discuss the requirements of the Construction Management Plan.

- The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring. Please contact them on 0115 8765238.

- The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

7. In relation to condition 26 relating to roller shutters, the shutter, shutter box and guides should be designed and colour finished to form an integral part of the shop fronts. The shutter box must be internally housed and the shutters should be open grill in design.

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

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

RIGHTS OF APPEAL

Application No: 13/02738/PFUL3 (PP-02998485)

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.