

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site West Of 206 Cinderhill Road, Occupation Road

1 SUMMARY

Application No: 13/01446/POUT for outline planning permission

Application by: CBP Architects on behalf of O'Keeffe Building Services Ltd

Proposal: 99 bed residential care accommodation and day nursery (outline).

The application is brought to Planning Committee because it is a major and complex development due to its location, scale and the nature of uses proposed.

To meet the Council's Performance Targets this application should be determined by 31st January 2014

2 RECOMMENDATIONS

GRANT OUTLINE PLANNING PERMISSION subject to the conditions, substantially in the form 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 Head of Development Management and Regeneration.

3 BACKGROUND

3.1 The application relates to a vacant site on the north side of Occupation Road. The site was previously occupied by a series of industrial buildings but following demolition of these buildings, has most recently been used to accommodate the site office of a building contractor and has become overgrown with dense shrubbery.

3.2 A number of industrial buildings remain to the west of the site. Beyond these industrial units to the west and to the north of the site, is the Stanton Tip site, which is allocated within the Nottingham Local Plan as a regeneration site. Also to the north of the site is a Biological Site of Importance for Nature Conservation (SINC). The north eastern corner of the application site falls within both the allocated Stanton Tip site and also the Biological SINC. To the east of the site are the rear boundaries of residential properties on Cinderhill Road and Anford Close.

4 DETAILS OF THE PROPOSAL

4.1 The application seeks outline planning permission for a 99 bed residential care facility and a day nursery, which the applicant describes as a 'care village'. The application is for outline planning permission, including the details of layout and access with all other matters reserved. The 99 bed residential care facility would comprise 66 beds for patients requiring 24 hour care, including 26 beds specifically

for residents with dementia and 33 extra care units, which effectively allow the occupants to lead independent lives with the benefit of shared services such as a laundrette and communal gardens.

- 4.2 The proposed residential care facility would be an 'L' shaped building with smaller projecting wings. The main wing running south to north would accommodate the 24 hour care facility and the wing running west to east would provide the extra-care units. The building would be 2.5 to 3 storeys in height and it is anticipated from the indicative 3D visuals that it would have a pitched roof, although appearance (design and architectural detailing) will be approved under the later reserved matters application.
- 4.3 The proposed day nursery would occupy a separate, octagonal shaped, two-storey building at the south western end of the site. The proposed car park, serving both the care facility and the day nursery, would be located in the eastern portion of the site and would provide 56 bays, including 10 disabled and one ambulance bay. Landscaped gardens would be located around the residential care building and would include a bowling green. A designated, secure garden for the nursery would be located at the south east corner of the site.
- 4.4 The site would have a single point of access (with vehicular and pedestrian gates) off Occupation Road.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

25 letters were sent to the following neighbouring addresses;

3-9 Anford Close
4-5 Dursley Close
1-2 Paddock Close
200-206 (evens), Park House Nursing Home, Cinderhill Road
Builders Yard and store rear of 200-206 Cinderhill Road, Workshop to rear of 200-206 Cinderhill Road, Garage 40 rear of 200-206 Cinderhill Road
E L Hurt and Co., J T Gilman Auto Engineers, Peter Smith Valve Co Ltd., Building North west of Main Garage, Garage South East of E L Hurt and Co., O'Keefe Building Services, Occupation Road.

Site notices were posted on 14th November 2013.

A press advertisement was published on 27th November 2013.

Two written representations have been received. The first is from Eastgate care facility (Church Street, Basford) objecting on the following grounds:

- The final scheme is 2.5-3 storeys high with a high pitched roof (compared with the surrounding 2 storey houses and bungalows). This is over intensive and overlooks existing houses and bungalows as well as dominating the skyline;
- The developer appears to be attempting to achieve maximum coverage on the site with little regard for existing neighbours and proposed occupants;
- The proposed uses (care home and day nursery) do not sit well alongside each other. The day nursery will generate heavy traffic and noise in the mornings and at departure times and the children will create noise during

external play;

- There appears to be no need for a care home of this scale in this location, particularly given the proximity of the existing Park House Care Home on the opposite side of Occupation Road;
- The proposals do not give sufficient consideration to design and massing, noise pollution and quality of living environment or the effects upon neighbours. The site is more suited to residential development than a care village.

The second is from the owner of a piece of adjoining land (rear of 206 Cinderhill Road) who is concerned about their right of access.

Additional consultation letters sent to:

Nottinghamshire Wildlife Trust: No objection. Support the recommendations within the Biodiversity Report and those of the Biodiversity Officer (requiring further surveys).

Pollution Control: No objection. Further noise assessments were requested and have been received. Results are considered to be satisfactory. Conditions are recommended requiring submission of further details relating to contamination remediation, noise assessment, sound insulation, ventilation and extraction equipment and renewable energy.

Highways: No objection. Conditions requiring the submission of a construction management plan, travel plan and further details of cycle parking, are recommended. A further condition to secure safe pedestrian access onto the site is also recommended.

Biodiversity Officer: No objection. Revised habitat surveys requested and received. Results are satisfactory to enable consideration of the proposals. However, conditions requiring further habitat surveys and mitigation measures are recommended.

Tree Officer: No objection. Trees on adjoining land need to be given consideration during construction phases. A condition requiring the submission of an Arboricultural Method Statement to address this issue is recommended.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2012):

- 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). Paragraph 17 also seeks to support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient cultural facilities and services for the benefit of local communities.
- 6.2 Paragraph 58 of the NPPF seeks to ensure that developments function well and

add to the overall quality of the area, not just for the short term but over the lifetime of the development, and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. It also states that development should aim to optimise the potential of a site to accommodate development which creates and sustains an appropriate mix of uses.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

BE2 - Layout and Community Safety

BE3 - Building Design

BE4 - Sustainable Design

BE5 - Landscape Design

CE1 - Community Facilities

E4 - Previously Used Employment Sites

MU9 - Stanton Tip

NE3 - Conservation of Species

NE4 - Biological/Geological SINCS

NE5 – Trees

NE9 – Pollution

T3 - Car, Cycle and Servicing Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Access and Layout
- (iii) Impact on residential amenity

Issue i) Principle of the development (Policies ST1, E4, CE1, MU9)

- 7.1 The site has previously been used for heavy and light industrial uses, however, these have ceased and the site has been vacant and neglected for a number of years. As such, the viability of further industrial or employment use on this site is questionable. Furthermore, the site directly adjoins the rear boundaries of residential properties to the east and as such, the proposed use, which would be less noise intensive than an industrial or wholly employment use, is considered to be an appropriate form of alternative development on this site. Conditions requiring ground contamination investigations and remediation are recommended.

- 7.2 The proposal would create in the region of 65-70 jobs and as such, although not a conventional employment use, would constitute sustainable development and re-generate jobs within the city. In view of the above, it is considered that the proposal would comply with policies ST1 c) and E4 of the Local Plan. A memorandum of understanding, which sets out the applicant's commitment to Employment and Training opportunities in relation to both the construction and operational phases of the development, has been agreed.
- 7.3 A small portion of the application site falls within the Stanton Tip regeneration site. The Local Plan identifies this site for redevelopment for open space, residential and employment uses. Being located on the periphery of this relatively large regeneration site, it is not considered that the proposed development would compromise the comprehensive redevelopment of the Stanton Tip site in the future and would in fact, create an appropriate buffer between existing residential properties to the south and east of the site and any future development on the wider Stanton Tip site. The proposal would therefore comply with policy MU9 of the Local Plan.
- 7.4 The proposal would create a multi function care facility on the edge of an established community and would provide a mix of accommodation appropriate for disabled people and others, enabling them to stay within their community. It would be safely and easily accessible by a choice of means of transport, including well served public transport links.
- 7.5 The proposed combination of care for the elderly and infants is not common but the uses are considered to be compatible within a mixed used scheme and compatible with adjoining and nearby properties. In view of the above, it is considered that the proposal would comply with policy ST1 a), b) and d) and CE1a), b) and c) of the Local Plan.

Issue ii) Access and Layout (Policies BE2, BE3, BE5, CE1 d), NE5 and T3)

- 7.6 The proposed care village would be accessed via the existing vehicular access to the site on Occupation Road. The application has been accompanied by a Transport Assessment which demonstrates that the proposal would not result in significant congestion or increased traffic congestion. This is supported by the fact that the site is within walking distance of a well served local and city wide bus routes and the Cinderhill Tram stop. Conditions requiring the submission and implementation of a Travel Plan are recommended.
- 7.7 Occupation Road is not currently adopted and does not provide any pedestrian footway leading up to the site. However, the applicant has purchased some of the land on Occupation Road which will allow a footway immediately to the front of the site to be formed. This would bring this section of Occupation Road up to adoptable standards and it is therefore likely to be offered to the highway Authority for formal adoption. A condition requiring the footway to be constructed to adoptable standards, prior to the occupation of any buildings, is recommended. Separate pedestrian and vehicular access gates are proposed and a designated pedestrian route is to be delineated within the site.
- 7.8 The nature of accommodation to be provided is such that levels of car ownership are likely to be low. Taking account of this, in addition to the anticipated staffing levels for each of the uses within the scheme, the proposed parking provision of 56 bays is considered to be acceptable and has been justified within the submitted

Transport Assessment. The ratio of disabled parking spaces is acceptable and is appropriate for the nature of the development. Further details of cycle and motorcycle parking as well as a comprehensive Travel Plan would be required by condition. In view of the above and subject to the recommended conditions, the proposals would comply with policies BE2, CE1d) and T3 of the Local Plan.

- 7.9 Concerns have been raised by a third party in relation to the potentially overbearing impact upon existing residential properties adjoining the site. However, the position of the proposed buildings within the site is considered to be appropriate. Details of the design evolution process have been provided within the Design and Access Statement to demonstrate how the applicants arrived at the final scheme. Consideration has been given to the massing in relation to adjacent residential properties and to the proximity to adjacent industrial uses, reducing heights and increasing separation where necessary, in order to minimise any potential negative impacts upon neighbours residential occupiers and future occupiers of the development.
- 7.10 The position of the buildings within the site would be such that they would have minimal street presence on Occupation Road. However, there is little opportunity to do this due to the shape and position of the site. The current proposals would contain the development within the site and minimise the visual impacts of a 2.5 -3 storey building upon the wider area. The proposals indicate that the front site boundary would be enclosed and screened by planting. Details of the means of enclosure are to be requested by condition.
- 7.11 The proposed internal layout of the care facility, with a wing for 24 hour care and a wing for extra care would seem appropriate and all bedrooms have adequate access to the natural light and sufficient outlook. The proposed nursery would adopt a relatively contemporary design and the layout is not conventional, but that is not to say it would not work. An appropriate level of external play area would be provided. In view of the above, it is considered that the proposals would comply with policy BE3 a) and f) of the Local Plan.
- 7.12 The plans show a degree of indicative landscaping and this is sufficient to demonstrate that there will be an appropriate level of external amenity space for future occupiers. However, a condition requiring the submission of a comprehensive landscaping scheme is recommended. A condition requiring the submission of an Arboricultural Method Statement which demonstrates that the development will not impact upon trees within adjoining land, is also recommended. Subject to this condition, the proposals would comply with policies BE5 and NE5 of the Local Plan.

Issue iii) Impact on Residential amenity (Policies BE3, CE1, NE9)

- 7.13 The application site adjoins the rear boundaries of residential properties on Cinderhill Road and Anford Close. The proposed location and massing of the buildings and the proposed site layout has taken account of this relationship and it is not considered that any significant impact upon the amenities of the occupiers of existing residential properties, through loss of light or overbearing impact, would result.
- 7.14 The site is adjacent to industrial uses to the west of the site that will remain, with the potential to generate noise and disturbance. However, following pre-application discussions with officers, the building has been significantly reduced in scale

allowing it to be set in from the western boundary to create sufficient separation distance between the new buildings and the established industrial uses. Furthermore, extensive noise assessments have been carried out which demonstrate that the impacts of noise from the adjoining industrial uses would not be significant and can be mitigated through the use of an appropriate sound insulation scheme. Conditions requiring submission of relevant details are recommended.

- 7.15 The proposed use is likely to be far less noise intensive than previous industrial uses and as such is considered to be appropriate in terms of its proximity to residential properties. Concerns have been raised by an objector in relation to the potential noise from the proposed nursery. However, the proposed nursery is to be located to the west side of the site, away from the boundaries with residential properties to the east. The nursery would be set well within the site and proposed landscaping along the front boundary would reduce the impacts of any noise for occupiers of residential properties to the south of the site (on the opposite side of Occupation Road). Conditions requiring additional Noise assessments and sound insulation schemes are recommended. As the proposal provides adequate on site parking provision and is considered to be in a sustainable location with regard to its proximity to public transport links, it is not considered that any significant detrimental impacts upon parking would result, in the circumstances it is unlikely that the proposal would impact negatively upon the living conditions of nearby residents. In view of this, it is considered that the proposal would comply with policies BE3b), NE9 and CE1e) of the Local Plan.
- 7.16 Concern has been raised by an adjoining land owner in relation to the right of access over their land. Whilst this is not a material planning consideration, it is noted that the proposals do not appear to prevent any right of access onto adjoining land.

8. SUSTAINABILITY / BIODIVERSITY (policies NE3, NE4 and BE4)

- 8.1 The application is accompanied by an Energy statement which identifies viable options for the use of renewable technologies within the development. A condition requiring the submission of a further Energy Statement, demonstrating how the development will achieve a 10% reduction in Carbon emissions, is recommended.
- 8.2 A drainage strategy has been submitted at the request of Drainage engineers. A condition requiring further details of proposals for surface water drainage, to include the use of Sustainable Drainage Systems, is recommended.
- 8.3 A small portion of the site at the north eastern corner falls within a biological Site of Importance for Nature Conservation and the northern boundary of the site, borders the remainder of this SINC. This has called for extensive survey work to establish the presence of protected species in and around the site. The submitted surveys have eliminated the possibility of certain species but have identified potential for certain amphibians and reptiles to be present on the site. However, it is not considered that even in the event that these species are discovered within the site, that this would significantly compromise the overall development of the site. Conditions requiring further survey work and necessary mitigation measures in relation to this, are recommended.

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

Improve health and wellbeing – Providing a modern care facility for elderly residents with varying degrees of needs within a safe environment.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/01446/POUT - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MOA6VNLVCB000>
2. Letter of objection from JW Day (Eastgate Care) dated 2.12.13
3. Email from Mr M. Smith dated 6.1.14
4. Email from Nottinghamshire Wildlife Trust dated 9.12.13
5. Highways comments dated 22.11.13, 18.12.13 and 8.1.14.
6. Biodiversity Officer comments dated 25.11.13 and 17.12.13
7. Drainage Engineer comments dated 19.12.13
8. Pollution Control comments dated 27.11.13 (x 2 emails) and 19.12.13
9. Tree Officer comments dated 18.11.13

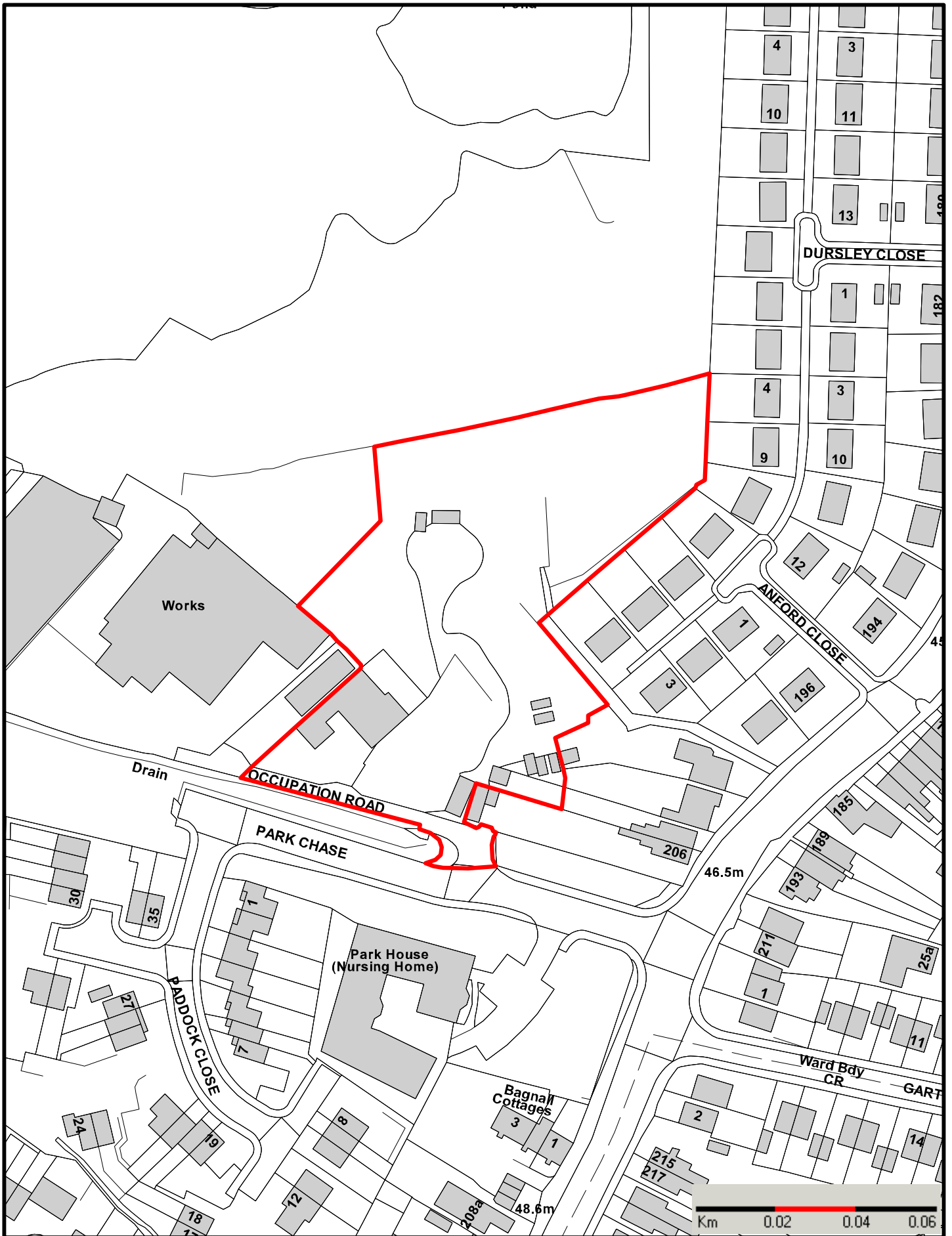
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

Email: zoe.kyle@nottinghamcity.gov.uk Telephone: 0115 8764059



© Crown Copyright and database right 2014. Ordnance Survey License number 100019317



Nottingham
City Council

My Ref: 13/01446/POUT (PP-02701612)
Your Ref:
Contact: Mrs Zoe Kyle
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

CBP Architects
Mr Simon Birch
44 The Ropewalk
Nottingham
NG1 5DW

Date of decision:

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

Application No: 13/01446/POUT (PP-02701612)
Application by: O'Keeffe Building Servies Ltd
Location: Site West Of 206 Cinderhill Road, Occupation Road, Nottingham
Proposal: 99 bed residential care accommodation and day nursery (outline).

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. Approval of the details of the appearance and scale of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

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.

2. Application for the approval of any reserved matters 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)



DRAFT ONLY
Not for issue

Continued...

3. The development hereby permitted shall not be begun until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, has been submitted to and 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 gas contamination at the site.
 - b) A Site Investigation Scheme, based on the Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The results of the Site Investigation and the Detailed Risk Assessment referred to in the Site Investigation Scheme and, based on these, an options appraisal and Remediation Strategy 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 the Remediation Strategy are complete.

Any changes to these components require the express written approval of the Local Planning Authority.

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

4. The development hereby permitted shall not be begun until details of the sound insulation scheme for the development and a noise impact assessment of the proposed plant and equipment has been submitted to and approved in writing by the Local Planning Authority. The scheme and noise impact assessment shall have regard to report reference dBC/AA/683/JB/001 by dB Consultation Ltd dated 11/12/2013.

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

5. The development hereby permitted shall not be begun until details of any mechanical ventilation equipment and means of discharging fumes from any kitchen(s) within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To safeguard the amenities of occupiers of adjacent properties and future occupiers of the development in accordance with Policy NE9 of the Local Plan.

6. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing as part of the reserved matters submissions required by Condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the sustainable development of the site, in accordance with Policy BE4 of the Nottingham Local Plan.

7. Notwithstanding the submitted details, the development shall not be begun until a survey or surveys to establish the presence or absence of protected species, including (but not limited to) Great Crested Newts and other amphibians, reptiles and bats, has been submitted to and agreed in writing with the Local Planning Authority.

Where the survey(s) indicate that protected species are, or are likely to be, present, the development shall not be begun until a scheme of mitigation measures, to include measures for their protection during construction, details of any habitat replacement to be incorporated into the development, a timetable for implementation, and subsequent habitat management arrangements has been submitted to and agreed in writing with the Local Planning Authority.

The development shall thereafter be carried out in accordance with the details of the agreed mitigation scheme.

Reason: In the interests of nature conservation in accordance with Policies NE3 and NE4 of the Local Plan.

8. Notwithstanding the submitted details, the development hereby permitted shall not be begun until a scheme for ecological enhancements within the site, in line with the recommendations within the amended Habitat and Protected Species Walkover Survey dated 21.11.13, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of appropriately located bird and/or bat bricks and boxes and details of how the bird boxes would be cleaned out after use in the winter months.

Reason: In the interests of nature conservation in accordance with Policies NE3 and NE4 of the Local Plan.

9. Notwithstanding the submitted details, the development hereby permitted shall not be begun until a method statement for preventing pollution of the nearby pond and onsite ditches, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation in accordance with Policies NE3 and NE4 of the Local Plan.

10. Notwithstanding the submitted details, the development hereby permitted shall not be begun until details of the means of enclosure of the site have been submitted to and approved in writing by the Local Planning Authority.

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

11. Notwithstanding the details contained within the submitted drainage strategy, the development hereby permitted shall not be begun until details of surface water drainage proposals, to include the provision of Sustainable Drainage Systems, have been submitted to and approved in writing by the Local Planning Authority.

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

12. The development hereby permitted shall not be begun until a detailed landscaping and planting scheme, for the development indicating the type, height, species and location of proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policies BE3 and BE5 of the Local Plan.

13. The development hereby permitted shall not be begun until an Arboricultural Method Statement relating to the protection of trees on adjoining land, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the trees to be retained on adjoining land in accordance with Policy NE5 of the Local Plan.

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

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

Pre-occupation conditions

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

15. No part of the development hereby permitted shall be brought into use until 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, has been submitted to and approved in writing by the Local Planning Authority.

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

16. No part of the development hereby permitted shall be brought into use until the sound insulation measures detailed in the scheme approved pursuant to condition 4 have been put in place.

Reason: To protect the amenities of occupiers of nearby properties and future occupiers of the development in accordance with Policy NE9 of the Local Plan.



17. No kitchen shall be brought into use until the extraction/ventilation measures approved pursuant to condition 5 have been put in place.

Reason: To protect the amenities of occupiers of nearby properties and future occupiers of the development in accordance with Policy NE9 of the Local Plan.

18. No part of the development hereby permitted shall be brought into use until contact details for the Travel Plan Coordinator have been provided to the Local Planning Authority. Thereafter any changes to the details shall be reported to the Local Planning Authority.

Reason: To promote sustainable travel in accordance with Policy T3 of the Local Plan.

19. No building hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 15 metres behind the southern boundary in accordance with approved plan reference [cbp architects 4282 (20) 202 rev E].

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to reduce the possibility of deleterious material being deposited on the public highway in accordance with Policies BE2 and T3 of the Local Plan.

20. No building hereby permitted shall be brought into use until a 2m footway, constructed to adoptable standards, has been provided on Occupation Road as shown on plan (cbp architects 4282 (20) 202 rev E).

Reason: In the interests of pedestrian safety in accordance with Policies BE2 and T3 of the Local Plan.

21. No building hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plan (cbp architects 4282 (20) 202 rev E). The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, to enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety in accordance with Policies BE2 and T3 of the Local Plan.

22. No building hereby permitted shall be brought into use until provision has been made within the application site for parking of 20 cycles and 2 powered two wheelers in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The parking provision shall be covered and that area shall not thereafter be used for any purpose other than the parking of cycles and powered two wheelers.

Reason: To promote sustainable travel in accordance with Policy T3 of the Local Plan.

Regulatory/ongoing conditions

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

23. No later than 5 months after the first occupation of the development, a revised Travel Plan shall be submitted to the Local Planning Authority. This shall include the results of a full staff and resident travel survey which shall be carried out no later than 3 months post occupation and annually thereafter for a minimum of 5 years. All measures contained within the revised Travel Plan shall be implemented at all times.

Reason: To promote sustainable travel in accordance with Policy T3 of the Local Plan.

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

Reason: To ensure that the appearance of the development is satisfactory, in accordance with Policies BE3 and BE5 of the 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:
Drawing reference 4282(20)202 revision E, received 8 January 2014
Drawing reference 4282(30)301 revision A, received 5 November 2013
Drawing reference 4282(30)302 revision A, received 5 November 2013
Drawing reference 4282(50)501-518 revision A, received 18 November 2013

Reason: To determine the scope of this permission.

Informatives

1. 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.

2. The Remediation Strategy (including its component elements) must be undertaken and implemented by competent persons and must be conducted 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 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.



The applicant is advised to contact Pollution Control to discuss measures to ensure that no construction work, landscaping or other activity will compromise the remediation measures implemented to deal with ground gas contamination of the site. Please contact Mr Joe McElhinney on 0115 8761453.

3. The site is in Radon Class 3 and as such between 3% & 5% of buildings have radon levels above the action level of 200 Bq m⁻³. Therefore basic radon protective measures are required under building regulations in any new construction 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 (Radon: Guidance on Protective Measures for New Buildings BRE 211 (2007) & Approved Document C). The applicant is advised to discuss the outcome of any ground gas monitoring before deciding on the appropriate precautions to deal with radon on site.

4. The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having 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.

5. 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).

It is the duty of the applicant 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.

It is strongly recommended that the ventilation system is designed, installed and maintained by a competent ventilation engineer.

It is strongly recommended that the ventilation system includes the following:-

- i. A canopy of adequate size, sited over the cooking appliances,
- ii. Washable or disposable grease filters. Additional odour-reducing filters will be needed in some circumstances.
- iii. A fan of adequate capacity capable of achieving a minimum of 40 air changes per hour in the kitchen area, connected to a variable fan speed control switch is provided
- iv. Ducting to convey cooking fumes and steam to a suitable point for adequate dispersal into the atmosphere. A cap and or cowl at the point of discharge should therefore not be provided.
- v. Permanent make up air facilities which are fitted with back-draught shutters, are insect proof and are sited to ensure efficient circulation of air into the kitchen
- vi. The ventilation system must be maintained by a competent ventilation engineer, to include regular cleaning or changing of any filters and sufficient access points to enable periodic cleaning of the system are provided.

The onus for ensuring that the system does not cause odour nuisance rests with the applicant. If the system is found to be causing an odour nuisance at any point, then this department will require suitable modification works to be carried out and an abatement notice may be served.

6. For advice on Travel Plans please contact Matthew Price on 0115 876 3947 or by email at matthew.price@nottinghamcity.gov.uk

7. The Drainage Section advise that further investigative work would be highly recommended in designing the surface water drainage proposals. The applicant is welcome to contact Nick Raycraft on 0115 876 5279 or by email at nick.raycraft@nottinghamcity.gov.uk for advice

8. Prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring. Please contact them on 0115 8765238. It is also 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

9. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. All works to the existing public highway will need to be carried out under a Section 278 Agreement. All costs associated with the highway improvements must be borne by the developer. The applicant should contact in the first instance Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293 to instigate the Section 278 Agreement process. The scheme will go through a full Road Safety Audit as part of the Section 278 and as such minor amendments may occur

10. The developer should contact the Highway Authority as early as possible with regard to the issuing of a Section 37 agreement under the Highways Act 1980 in relation to the streetworks (2 metre pedestrian footway along the eastern edge and carriageway immediately in front of the site boundary brought up to adoptable standards) on Occupation Road. Please contact Mr Chris Capewell on 0115 876 5277 or Mrs Liz Hiskens on 0115 876 5293. All costs associated with the improvements must be borne by the developer.

11. 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.

12. 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.

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: 13/01446/POUT (PP-02701612)

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.