

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site At Saffron Gardens And Beardsley Gardens And Site Of The Former Cromarty Court (Site A), Site At Middle Furlong Gardens (Site B), Site At Tarbert Close (Site C) And Bosworth Walk (Site D),

1 SUMMARY

Application No: 14/02092/PFUL3 for planning permission

Application by: Arcus Consulting LLP on behalf of Nottingham City Homes

Proposal: Demolition of existing units on site and construction of 54 new build houses and bungalows

The application is brought to Committee because it is a major development where there are complex design considerations.

To meet the Council's Performance Targets this application should be determined by 3rd December 2014.

2 RECOMMENDATION

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

The site consists of four separate areas containing 66 dwellings, which are mainly 3 and 4 storey maisonettes and flats in the Meadows West area to the east of Meadows Way. These comprise:

Site A: Properties on Saffron Gardens, Crammond Close and Risley Drive. The northern section of this site currently contains 35 dwellings. The properties are 3 and 4 storey terraced, linked blocks. There is an area of cleared land between the properties and Risley Drive to the south which was formerly Cromarty Court.

Site B: 14 dwellings on Middle Furlong Gardens which are 3 and 4 storey terraced, linked blocks.

Site C: 11 dwellings on Tarbert Close which are 3 and 4 storey terraced, linked blocks.

Site D: 6 dwellings on Bosworth Walk which are 3 and 4 storey terraced, linked

blocks.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a full planning application submitted by Nottingham City Homes (NCH). It seeks permission for the redevelopment of four sites following the demolition of the existing dwellings. The proposed development comprises a total of 54 new dwellings which are a mix of two storey, two and three bedroom detached, semi detached and terraced family houses, and two bedroom bungalows.
- 4.2 The redevelopment of Site A proposes the extension of the existing cul de sac serving Saffron Gardens to link it to Beardsley Gardens. The scheme comprises street frontage development which would be accessed from the new road and from the existing roads serving Crammond Close and Risley Drive. The dwellings proposed in this area comprise 6 bungalows and 28 two-storey primarily semi-detached houses. Each dwelling would have one in plot car parking space either at the side or the front of the house. The new road proposed as part of the scheme also provides the opportunity for some of the existing properties on Crammond Close to be provided with an in plot car parking space.
- 4.3 The redevelopment of Site B on Middle Furlong Gardens would comprise 3 bungalows and a pair of semi detached two storey houses. Each dwelling would have one in plot car parking space at the front of the house.
- 4.4 The redevelopment of Site C on Tarbert Close would comprise two pairs of semi detached houses and a terrace of three, all to be two storey. Five of the dwellings would have in plot car parking at the front of the house. The remaining two would have the use of a small parking area to be constructed at the head of the existing cul de sac.
- 4.5 The redevelopment of Site D proposes the creation of a new length of highway which would connect Thrumpton Drive and Ainsworth Drive. The intention is that the new length of road would have a Home Zone type treatment which, by its design and choice of materials, would ensure that priority is given to pedestrians and cyclists. A terrace of eight two storey houses is proposed, each of which would have in plot parking located at the front, accessed from the new length of road.
- 4.6 It is the intention that the houses will meet the Code for Sustainable Homes Level 4 and the Lifetime Homes Standard.
- 4.7 Employment opportunities would be created in the construction phase of the development. The developer is committed to working with the Council's Employment and Skills team to deliver the opportunities for local people.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by site notices and advertisement in the local newspaper. The applicant's have also held a number of community consultation events for existing nearby residents prior to the applications being submitted.

The following properties have been notified of the planning application directly:
1 -17 Hope Close

1 -24 Crammond Close and Meadows Police Station
1 -15 (odds) Castleton Close
31 -61 Beardsley Gardens
1 – 23 Middle Furlong Gardens
6 and 7 Middle Furlong Mews
1 – 2 Lybster Mews
1 - 3 Lothmore Court
37 -40 Kelso Court
1 – 31 Bosworth Walk
Clifton Colliery Miners Welfare Ainsworth Drive
1 – 4 Hawthorn Court, Thrumpton Drive
10 -28 (evens) Meredith Court
2 - 10 Barra Mews
20 - 40 Hawthorn View
1 -22 Tarbert Close
13 -44 Saffron Gardens

In response three comments have been received from nearby residents raising the following issues: disruption, particularly during the demolition period; particular concerns about noise pollution, dust and disturbance during the demolition period; objection to the proposed new access road between Saffron Gardens and Beardsley Gardens as this will increase traffic flow through Saffron Gardens turning a safe area into a potentially dangerous one.

Additional consultation letters sent to:

Highways: No objection. Recommend conditions requiring a construction method statement, the submission of detailed highway design matters and the proposals for the disposal of surface water. In particular further details are required to understand the treatment of various vehicular access routes including the treatment of the through route to Hope Close from Saffron Gardens and the accesses for Ainsworth Drive and Thrumpton Drive. Seeking assurance that the pedestrian and cycling routes through the finished development will link in to the existing provision.

Noise and Pollution Control: No objection. Require conditions to address potential contamination for all sites. Specifically identify that where existing trees are to be retained in soft landscaped areas within the garden/curtilage of the dwellings further testing around the root protection zone is required to determine if/what remediation is necessary.

Tree Officer: No objection. Requires an arboricultural method statement to be submitted which covers both the demolition and the construction phases. Further clarity required about the number of trees which would need to be removed.

Environment Agency: No objections. Recommend conditions requiring that the development be carried out in accordance with the approved Flood Risk Assessment, the submission of details of the disposal of surface water, based upon sustainable drainage principles and addressing any contamination which may be found to be present on the site

Biodiversity and Greenspace Officer: No objections. Recommends that the development should include bat sensitive lighting, the erection of bat and bird boxes, the provision of hedgehog boxes and that the landscaping should include native species planting.

Housing Strategy: No objection. Satisfied with the type, tenure and location of this proposed scheme.

Notts Wildlife Trust: No objection. The submitted reports make recommendations with regard to protection of ecological features as well as opportunities to make enhancements to the biodiversity value of the site. The NWT are supportive of these recommendations which should assist in achieving a net gain in biodiversity. Recommend conditions be imposed to secure the main enhancements identified.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, to encourage the effective use of land by reusing land that has been previously developed (brownfield land), and by supporting the transition to a low carbon future.
- 6.2 Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. Paragraph 63 adds that great weight should be attributed to outstanding or innovative designs.
- 6.3 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities

H2 – Density

H5 - Affordable Housing

R2 - Open Space in New Development

NE3 – Conservation of species

NE5 – Trees

NE12 - Derelict and Contaminated Land

NE14 - Renewable Energy

T3 - Car, Cycle and Servicing Parking

T12 – Public rights of way

Aligned Core Strategy (ACS) (September 2014)

The Nottingham City Core Strategy was formally adopted by the council on 8th September 2014. The following policies are considered relevant:

Policy 1 Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 –Managing Travel Demand

Policy 17 - Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

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

(i) Principle of the development and the appropriateness of the mix of house types and tenure (Local Plan policies ST1, H2 and H5 and ACS policy 8)

- 7.1 The NPPF supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that Local Planning Authorities should plan for a mix of housing and identify the size, type and tenure and range of housing to meet local needs and affordable housing if required.
- 7.2 This 100% affordable housing scheme would contribute towards meeting local housing needs and would be in keeping with the NPPF and the City Council's strategic objectives to create more sustainable communities. The scheme replaces the 1 and 2 bed flats which are currently on the two sites with a mixture of houses and bungalows and thereby diversifies the range of housing types in this area. Additionally, the development is located in a sustainable location, close to local facilities and public transport. It therefore accords with Policies ST1, H2 and H5 of the Local Plan and ACS policy 8.

(ii) Layout and design considerations (Local Plan policies NE5 and T3 and ACS policy 10)

- 7.3 Local Plan policies, the ACS and the NPPF all recognise the importance of design in making places better. The NPPF advocates the achievement of high quality and inclusive design for all development, including individual buildings, public and

private spaces and wider area development schemes. It also states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.

- 7.4 The proposed layout for all four sites is in the form of dwellings with street frontages to provide a clear definition between the public and private realm throughout. This frontage development will introduce casual surveillance of the street and it is considered the scheme cumulatively will significantly improve community safety in the area when compared to the current layout. The majority of the dwellings will have an off street car parking space and the front garden which will be enclosed. Details of the enclosure will be secured by condition.
- 7.5 The elevational treatment of the dwellings together with the palette of materials, will create a clear and straightforward architectural language. The proposed materials for the new houses, which would be a mix of red and buff bricks and render panels, are considered to be appropriate. The palette of materials is used in a number of ways to provide variety in the streetscene and deep reveals to the windows will provide depth and articulation.
- 7.6 Bin storage, including waste recycling provision, and secure cycle storage will be provided to the rear of the houses.
- 7.7 It is anticipated that the completed housing scheme will achieve a green 'Building for Life' standard.
- 7.8 Overall, the layout and design of the four sites is considered to be a welcome improvement to the area and would therefore accord with Local Plan policies NE5 and T3 and policy 10 of the ACS.

(iii) Highway considerations (Local Plan policies T3 and T12 and ACS policy 14)

- 7.9 The layouts for the four sites have been designed to create dwellings with pedestrian and vehicular access being from the front of each property. Car parking would be provided largely on plot at the front or side of the dwellings and the overall provision is considered to be acceptable given the proximity of the development to bus services and NET Phase 2. There are a number of detailed highway matters to be resolved and these can be satisfactorily addressed by condition and through the Highways Act S.278 Agreement.
- 7.10 The proposals will affect a number of existing public rights of way which cross the sites and the process of these being stopping up under the Town and Country Planning Act 1990 has already commenced. The most notable change is the closure of the existing footpath/cycle route along part of Bosworth Walk and its replacement with a length of highway which will connect Thrumpton Drive and Ainsworth Drive. This proposed design adopts Home Zone principles which will create a separate route for pedestrians and cyclists that will connect to the existing network. Overall, it is considered that the proposed layouts for the four sites will result in adequate provision of public rights of way through the new development.
- 7.11 The development therefore accords with Local Plan policies T3 and T12 and ACS policy 14.

(iv) Impact on residential amenity (ACS policy10)

- 7.12 The proposed layouts for the four individual sites have been designed to take into account the existing residential properties which abut the sites, to ensure that there would be no adverse impact upon the amenities of nearby existing residents or future occupants of the new development in terms of light, outlook and privacy.
- 7.13 The comments of the local residents concerning disruption during the demolition period are noted and have been relayed to Nottingham City Homes. Hours of working are specified by Noise and Pollution Control will be included as an informative on the decision notice. With regard to the concern expressed by one occupier of Saffron Gardens in relation to the creation of a through route to Beardsley Gardens, it is considered that the new road enables the new development to address the street frontage and to overcome issues relating to community safety and the lack of legibility associated with the existing layout. It is acknowledged that this will result in more vehicle movements on Saffron Gardens but the new road has been designed to ensure that vehicle speeds will be low and pedestrian safety should not be compromised.
- 7.14 It is therefore considered that the development would comply with ACS policy 10.

(v) Section 106 considerations (Local Plan policies R2 and H5)

- 7.15 As there will be a greater number of units decommissioned than replaced this development will not place an additional pressure on open space or education provision in the area. Planning obligations in relation to these matters will therefore not be required.
- 7.16 The proposal involves the demolition of existing housing stock and its replacement with a new higher quality scheme of social housing on a site to be developed solely for affordable housing which is secured under the land development agreement with the City Council. Therefore the Affordable Housing policy which usually secures a minimum 20% Affordable Housing through a planning obligation will not be required in this instance.

8 SUSTAINABILITY / BIODIVERSITY (Local Plan policies NE3, NE5 and NE14 and ACS Policies 1, 10 and 17)

- 8.1 The developments have been designed to meet the requirements of Code for Sustainable Homes Level 4. This requires a 25% improvement on carbon savings over the Building Regulations Part L.
- 8.2 The scheme proposes the retention of the main trees of high amenity value and the planting of further trees which will be predominantly native species.
- 8.3 The Biodiversity and Greenspace Officer and the Notts Wildlife Trust have both identified the potential to improve the biodiversity of the four sites by the inclusion of a number of different enhancement measure within the scheme. It is recommended that the details of these be secured by condition.
- 8.4 Local Plan policies NE3, NE5 and NE14 and ACS policies 1, 10 and 17 are therefore satisfied.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None

12 RISK MANAGEMENT ISSUES

None

13 STRATEGIC PRIORITIES

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

Safer Nottingham – Improved security, legibility and natural surveillance.

14 CRIME AND DISORDER ACT IMPLICATIONS

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

15 VALUE FOR MONEY

None.

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

Application No: 14/02092/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NAYUXALYCB000>

Highway comments dated 17.09.2014

Email from Noise and Pollution Control dated 18.09.2014

Email from Tree Officer dated 18.09.2014

Email from Biodiversity and Greenspace Officer dated 16.09.2014

Letter from Notts Wildlife Trust dated 24.09.2014

Comments from four local residents

17 Published documents referred to in compiling this report

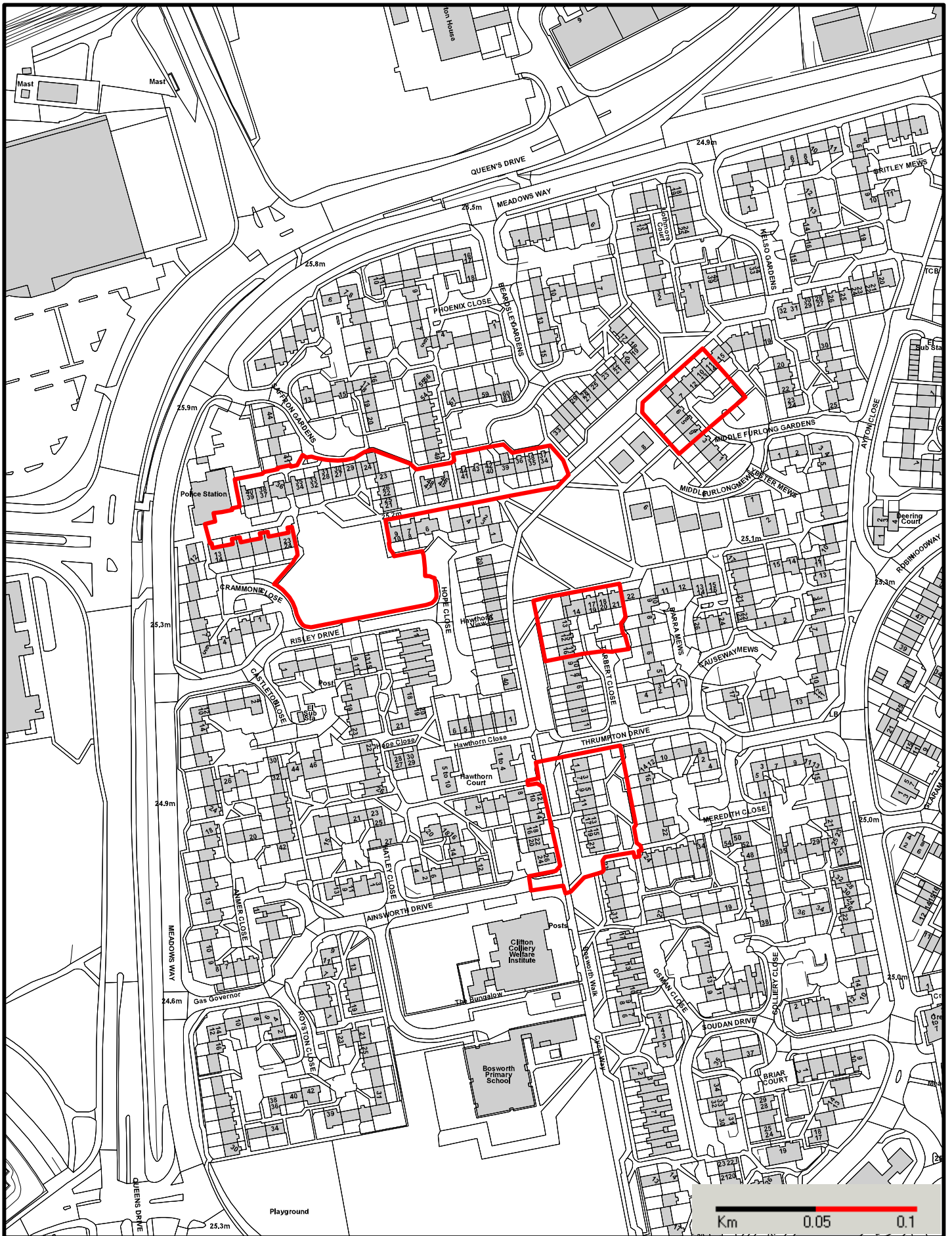
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Contact Officer:

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Nottingham
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Date of decision:

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

Application No: 14/02092/PFUL3 (PP-03612119)
Application by: Nottingham City Homes
Location: Site At Saffron Gardens And Beardsley Gardens And Site Of The Former Cromarty Court (Site A), Site At Middle Furlong Gardens (Site B), Site At Tarbert Close (Site C) And Bosworth Walk (Site D), ,
Proposal: Demolition of existing units on site and construction of 54 new build houses and bungalows

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)



DRAFT ¹ ONLY
Not for issue

Continued...

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

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

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

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

(a) details of the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit;

(b) details of dropped kerbs and ramps, suitable for wheelchairs and prams to be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings.

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

Reason: In the interests of highway safety and to ensure a satisfactory layout in accordance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

4. The development shall not be commenced 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, which has regard to the Phase 1 Desk Study by Curtains dated December 2013 (ref EB12221/AW/3424), has been submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation, based on the Desk Study above, and a detailed assessment of the risk to all receptors that may be affected, including those off site;

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

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

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

Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy NE12 of the Local Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. The development shall not be commenced until a scheme to achieve a minimum of 10%

reduction in carbon emissions over and above the Building Regulations 2010 parts L1A and L1B, has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order to ensure that these measures are incorporated into the approved development and, therefore, in the interests of the sustainable development of the site in accordance with Policy NE14 of the Local Plan and Policy 1 of the Aligned Core Strategy.

Pre-occupation conditions

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

12. Prior to the first occupation of any phase of the development, the following (for that phase) shall be submitted to and be approved in writing by the Local Planning Authority:

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

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Local Plan.

13. No phase of the development shall be occupied until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs for that phase, 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 NE5 of the Local Plan and Policy 10 of the Aligned Core Strategy..

14. No dwelling shall be occupied until the site boundary and boundaries relevant to that individual plot have been enclosed in accordance with the approved details.

Reason: In the interests of the occupiers of nearby property in accordance with Policy 10 of the Aligned Core Strategy.

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

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

16. No dwelling in any phase shall be occupied until the measures approved in relation to Condition 11 for that phase have been installed and, where relevant, are able to provide renewable/low carbon energy to serve the development.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policy NE14 of the Local Plan and Policy 1 of the Aligned Core Strategy.

17. No part of the development shall be occupied until details of a scheme for the inclusion of bird, bat and hedgehog boxes within the development have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the type, number and position of the bird, bat and hedgehog boxes.

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

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

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

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

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

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 3 September 2014.

Reason: To determine the scope of this permission.

Informatives

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

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

3. Highway related

1) 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 from occurring.

2) As the proposal includes works adjacent to the highway, the Highways Network Management Team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway will occur. Please contact them on 0115 876 5238 at the earliest convenience.

3) The right to charge commuted sums is reserved in respect of ongoing maintenance where the materials used for adopted highway are above and beyond what is required for the safe and satisfactory functioning of the highway. Commuted sums for trees planted within the highway are required, (costs for these vary) as well as materials used for traffic calming schemes such as the raised platform at the junction. For further information regarding the collection of commuted sums the applicant should contact Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

4) Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

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

6) The redundant footway crossings and/or damaged or altered areas of footway or other highway shall be re-instated.

7) The applicant is strongly advised to contact John Lee to discuss Public Right Of Way on 0115 8765246.

4. Noise Control: hours of work and equipment during demolition/construction

To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0830-1700)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

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

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

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: 14/02092/PFUL3 (PP-03612119)

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.