

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Western Section Of Former Coach Station, Park Lane

1 SUMMARY

Application No: 15/01102/PFUL3 for planning permission

Application by: IG Estates Limited on behalf of Sycamore Developments

Proposal: Residential development comprising 32 dwellings and associated works.

The application is brought to Committee because it is a major application and where a planning obligation is to be waived as a consequence of viability appraisal and review.

To meet the Council's Performance Targets this application should be determined by 23rd July 2015

2 RECOMMENDATIONS

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

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

3 BACKGROUND

3.1 The application site is located off Bulwell Lane proximate to its junction with Vernon Road. It is the western third of what was a former bus depot. The central and eastern part of the depot has been previously developed for housing, which is now Weave Close (05/01521/PFUL3). The site is bounded to the west by the rear of the properties on Weave Close. To the north is the Council's business/industrial estate on Northern Court. To the south is Southwark Primary School and to the south and east are residential properties on Bulwell Lane.

3.2 The site is currently bounded by a galvanised palisade fence, with a gated access point on Bulwell lane. There is a further gated access point to the site off Northern Close. There are trees and other vegetation within the site across the boundary of the site to Bulwell Lane, with the remainder of the site being cleared. A significant feature and influence upon the development of the site is the 5-6 metre difference in level between Bulwell Lane and the higher plateau section of the site.

3.3 Planning permission was granted on 2 July 2008 for the redevelopment of the site for the "Erection of 16 new B1 light industrial units and creation of associated parking" (08/00940/PFUL3). This permission has now expired.

- 3.4 An application for outline planning permission for a residential development of up to 26 dwellings with access off Bulwell Lane was submitted in November 2011 (11/03511/POUT). The indicative layout showed a mix of 2, 3, and 4 bed semi-detached and terrace houses. A resolution to grant outline planning permission was made subject to the prior completion of a S106 to provide a contribution towards the provision of public open space and 10% affordable housing if the scheme exceeded the 25 dwelling threshold for provision. Planning permission has not yet been issued and is expected to be withdrawn subject to a resolution to grant this current application.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is for a development of 32 dwellings that would be served by a private central spine road off Bulwell Lane. The dwellings would be a mix of semi-detached and short terraces of three houses, with one block of four linked units. The dwellings would all be two storeys, with the exception of those onto Bulwell Lane, which would be three storeys, including dormers.
- 4.2 There would be four house types A to D, with house types A to C each having three bedrooms and house type D having two bedrooms. There would be either one or two parking spaces to each dwelling. Short sections of low boundary walls with railings are also to be provided to the frontages.
- 4.3 The access road is proposed as a private drive due to the proposed gradient that would preclude its adoption. It is being designed as a shared surface road, to be broken with sections of setts along its length and including build outs with trees.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

8– 12 & 14 Weave Close
1 – 5 Shardale Gardens, Bulwell Lane
Unit 1 – 6 Vernon Place
Catchems Corner & Living Accommodation Over, Vernon Road
30 Northern Court
Southwark Academy, Park Lane

The application has also been advertised by a site and press notice. No neighbour responses have been received.

Additional consultation letters sent to:

Pollution Control: A greater depth of 'clean' soil is required in garden areas than specified in the recommendations of the report. 1m of 'clean' soil will be required in these areas. A Remediation Strategy is required and conditions are recommended. The development is adjacent to an industrial area and a public house therefore an appropriate Environmental Noise Assessments will be required prior to building commencing on site.

Highways: No objection subject to conditions. This is a brownfield development site which our drainage section have identified as a major development within Flood Zone 1 but also within the River Leen catchment so the River Leen and Daybrook Strategic Flood Risk Assessment will apply. Highways Drainage

recommend planning conditions. It has been suggested to the applicant that a shared surface, broken up with features, and tree pits would be a way forward and we await revised drawings accordingly. It will be necessary to alter the footway along Bulwell Lane so that the proposed parking spaces can be accessed via vehicular crossovers as opposed to the existing, redundant bell mouths. Recommend cycle parking is provided as a pre-occupation condition and that parking space sizes are increased.

Urban Design: Bin storage is easily accessible along individual drives. A mixture of car parking solutions is proposed, within curtilage: to the side and front and on street towards the rear of the site. The different car parking solutions allows for a variety of densities and positioning of houses within individual plots, adding to the interest of this difficult site. Trees are proposed both within curtilage and the street for visual interest and to calm vehicular traffic. Officers are satisfied these will have every chance of thriving. The width of the highway has been reduced as much as possible with strips of block paving adding to the visual interest and increasing the sustainable drainage. Overall the scheme reaches 11 out of the 12 Building for Life criteria.

Nottingham Civic Society: Development seems very intensive, with all the street frontages dominated by open parking across narrow spaces. The front curtilages are very tight, with the number of suggested trees looking very optimistic - the streets will be dominated by hard surfaces. The gaps between dwellings seem very tight, with bin accesses shared with neighbouring driveways. The scheme falls well short of the Built for Life aspirations the Council had for new housing developments.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraph 49 states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

E4 - Previously Used Employment Sites.

H2 - Density

H5 - Affordable Housing

MU8 / 8.6 - Other Regeneration Sites

NE9 - Pollution.

NE12 - Derelict and Contaminated Land.

R2 - Open Space in New Development

T3 - Car, Cycle and Servicing Parking

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 4 - Employment Provision and Economic Development

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity.

Policy 19 – Developer Contributions

Development Brief - Dunn Line Coaches, Park Lane, Basford (August 2002)

Land and Planning Policies Document (LAPP) – Preferred Option (September 2013)

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Loss of employment land and the suitability of the site for residential purposes.
- ii) Density and design.
- iii) Highway considerations.

Issue i) Loss of employment land and the suitability of the site for residential purposes. (ACS Policy 4 and Policies E4, MU8/8.6)

- 7.1 The previous report on the outline planning application for residential development noted that the site forms part of a mixed-use development allocation in the Local Plan (MU8.6 - Dunn Line Coaches, Park Lane, Old Basford). The adopted Development Brief for the site (August 2002) proposed the development of a residential led scheme with some employment space. This led to the development of the residential scheme at Weave Close on the central and eastern parts of the site (05/01521/PFUL3) and planning permission for the redevelopment of the remaining western section of the site for Class B1 light industrial units (08/00940/PFUL3).
- 7.2 Planning permission for the Class B1 units expired on 2 July 2011. In submitting the previous outline planning application for residential development (11/03511/POUT), the applicant had stated that the site had been actively marketed for sale since January 2008 but there had been no serious business development interest. In resolving to grant outline planning permission for an alternative residential use of the site Committee has therefore, accepted that a housing development would benefit the regeneration of the area and accords with Policy E4 of the Local Plan.
- 7.3 The Land and Planning Policies Development Plan Document has since been prepared and consultation carried out (September 2013). The plan is yet to be submitted to the Government for review by an Independent Inspector from the Planning Inspectorate, and as such cannot be given undue weight. The LAPP identifies that application site as now being suitable for the development of Class C3 family housing. Whilst the proposed development would not accord with Policy MU8 / (8.6) and the Development Brief for the site, as employment uses are no longer included, it is considered that the residential development of the site is appropriate to the area and is in accordance with the emerging land use designation and ACS Policy 4h) iii), which recognises that sites may be released where they are no longer attractive or are of sufficient quality to the employment market.
- 7.4 The neighbouring commercial premises on Northern Court already co-exist in close proximity to residential properties on Weave Close and it is considered that proposed development would not inhibit the activities associated with these commercial uses.

Issue ii) Density and design (ACS Policies 8, 10 and Policy H2)

- 7.5 The proposed layout is substantially based upon the indicative layout that was developed for the previous outline planning application, with the primary difference being the density of proposed development which has been raised from the previous maximum of up to 26 to the current proposal for 32 dwellings (approx. 56 dwellings per hectare). This increased density has primarily been achieved by

adjusting the size of the dwellings, omitting the four-bed units that were indicated on the previous layout that accompanied the outline planning application and by introducing the block of four linked units (House Type D). Whilst it is considered that this increase in density is to the limit of its acceptable development, it is considered that the proposed layout demonstrates that there is capacity for this density of development and that the range of family sized dwellings to be provided will be appropriate to the area. Separation distances between the rear elevations of existing properties on Weave Close and the rear elevation of the new properties are also considered to be appropriate.

- 7.6 The design of the proposed dwellings has been discussed and revised by the applicant. These are to a common architecture, with the four house types expressing individual designs. Most are to be constructed in red brick with pitched grey tile roofs. There are, however, also units of the same house types that are to receive rendered finishes to their front elevations in order to break up the street scene. All units are to have pre-cast cills and heads to their windows, 75mm window reveals, dentil brickwork detailing to the eaves and gables, restrained flat canopies to the doorways and contemporary styled doors. It is considered that the combination of proposed house types and detailing will provide an appropriate quality of built finish to the development and its own identity within the area.

It is considered that the proposed highways layout accords with Policies 8, 10 and Policy H2.

Issue iii) Highway considerations (ACS Policy 10 and Policy T3)

- 7.7 The proposed access road into the site has been reviewed by Highways, who have advised that it would need to remain as a private drive due to the proposed 1:12 gradient off Bulwell Lane, which is in excess of the 1:20 gradient that would otherwise make it adoptable. The applicant has stated that it would not be viable to develop to the preferred gradient due to the amount of earth moving that would be required. Accordingly, Highways have advised that they would not object to the proposed access road subject to an undertaking that it would be maintained by a management company and that householders are advised that the Highway Authority has no obligation to maintain the access road at public expense. Refuse collection would also be required as a private arrangement. The applicant has confirmed that a management company will be set up to ensure that the development is maintained, with resident paying an annual sum towards general maintenance costs.
- 7.8 The design of the proposed access road has been revised in conjunction with Highways and Urban Design to provide a shared surface finish in tarmac, with sections of setts at intervals along its length and street trees in build outs. It is considered that the proposed highways layout will provide an appropriate finish to the scheme, subject to planning conditions relating to its ongoing private maintenance.
- 7.9 It is considered that the proposed highways layout accords with Policy 10 and Policy T3.

Other Material Considerations

Planning Obligations (ACS Policy 19, and Policies H5 and R2):

- 7.10 In accordance with the above policies, the proposed development would be expected to provide on-site affordable housing and a commuted sum contribution towards the provision of public open space in the vicinity of the site by way of a planning obligation. It is to be noted that the previous resolution to grant outline planning permission agreed that the affordable housing provision would be reduced to 10% due to viability issues discussed at that time.
- 7.11 The applicant has submitted a viability appraisal in support of the current application. The assessment asserts that the proposed development would not be viable based upon the provision of a S106 planning obligation for the provision of on-site affordable housing and a financial contribution towards the provision of off-site open space. The appraisal has been assessed by Property Plus surveyors who have concluded that the scheme is far from viable even without an open space contribution and that a sufficient case has been made to waive the policy requirement in this instance. It is, therefore, considered that the proposed development accords with ACS Policy 19, and Policies H5 and R2.

Pollution and Contamination (Policies NE9 and NE12):

- 7.12 Pollution Control advise that the geotechnical investigation and contamination assessment reports provided are satisfactory. It is advised that a greater depth of 'clean' soil is required in garden areas than specified in the recommendations of the report and that recommendations for landscaped areas is also required. Gas protection measure proposals need to be confirmed. A noise assessment is also required in relation to the neighbouring business/industrial estate on Northern Court and Catchems Corner public house on Bulwell Lane. Subject to the inclusion of appropriate planning conditions to address these matters, it is considered that the proposed development accords with Policies NE9 and NE12.

8. SUSTAINABILITY / BIODIVERSITY (Policy BE4)

The Energy Statement submitted with the application identifies that a range of technologies will be used to achieve CO2 reductions including:

- i) Higher specification of insulation (fabric first approach to be beyond current Building Regulations standards).
- ii) Installation of A or A+ rated energy efficient domestic appliances.
- iii) 100% energy efficient lighting.
- iv) Higher specification of energy efficient heating.

It is advised that, when these four energy efficiency measures/technologies specified are installed, this will equate to a 16.7% reduction in CO2 compared to standard building scenario. It is therefore considered that, subject to implementation in accordance with the Energy Statement, the proposed development complies with Policy 1.

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

Ensuring Nottingham's workforce is skilled.

14 CRIME AND DISORDER ACT IMPLICATIONS

Providing a residential development with secure property boundaries and streets and spaces that facilitate good natural surveillance.

15 VALUE FOR MONEY

None.

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

1. Application No: 15/01102/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NN7LSCLYCB000>

2. Pollution Control, 1.6.15

3. Nottingham Civic Society, 21.5.15

4. Urban Design, 7.7.15

5. Highways, 9.7.15

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

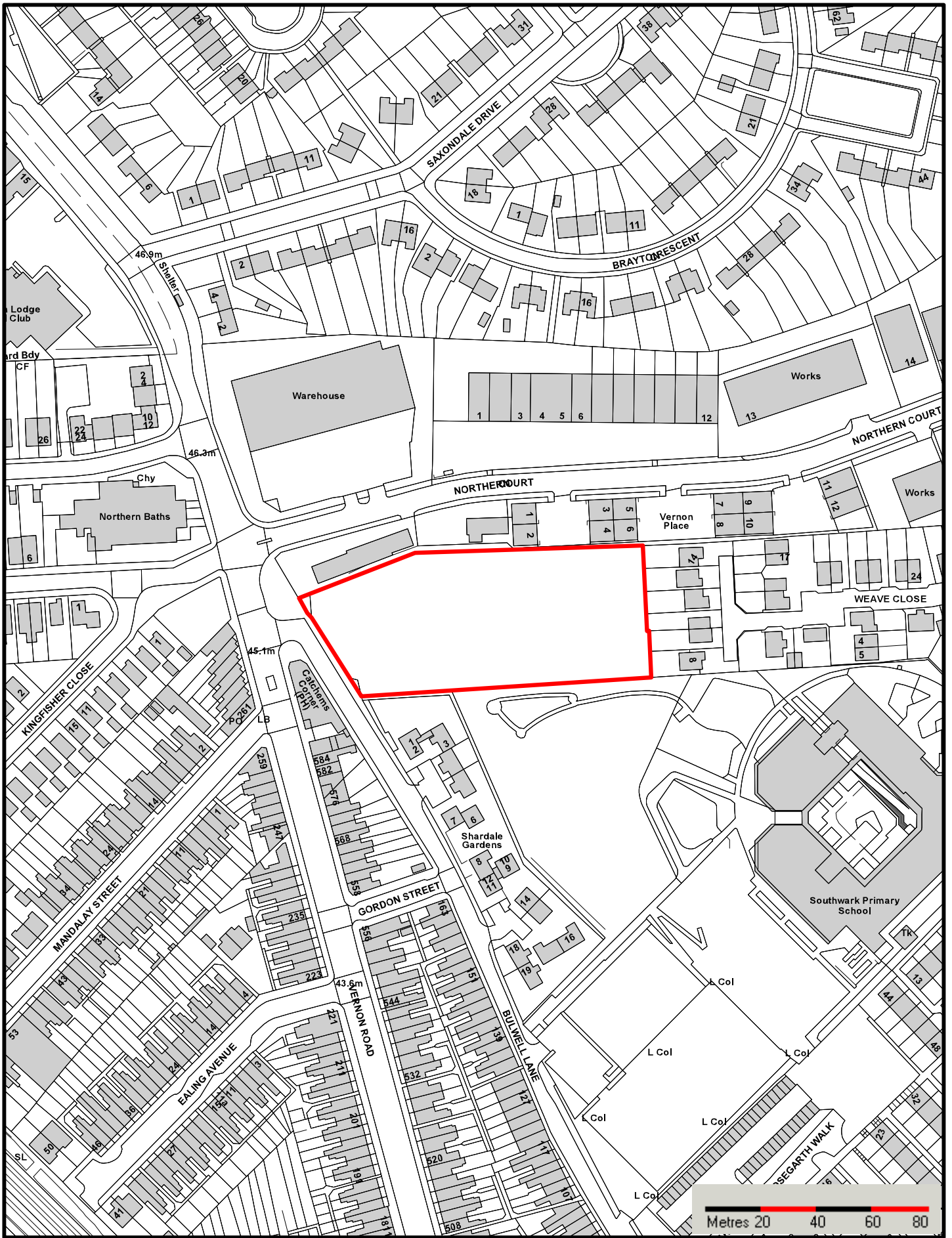
Development Brief - Dunn Line Coaches, Park Lane, Basford (August 2002)

Land and Planning Policies Document (LAPP) – Preferred Option (September 2013)

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Date of decision:

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

Application No: 15/01102/PFUL3 (PP-04103399)
Application by: Sycamore Developments
Location: Western Section Of Former Coach Station, Park Lane, Nottingham
Proposal: Residential development comprising 32 dwellings and associated works.

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

Time limit

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

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. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Remediation Plan, based on Geotechnical Investigation and Contamination Assessment Report by Ruddlesden geotechnical Ltd dated August 2012 (ref: SR/JW/DT/07273/GICAR), giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: 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, and the surrounding water environment in accordance with Policy NE12 of the Nottingham Local Plan.

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

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

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

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

4. No development shall be commenced until the detailed design for the disposal of the surface water has been submitted and approved in writing by the Local Planning Authority. The run off rate from the development shall be 5l/s and SUDS techniques must be used. It is recommended that more than one SUDS technique is used in order to improve water quality. Details of how the on-site surface water drainage systems are to be maintained and managed after completion for the lifetime of the development shall also be submitted to and approved by the Local Planning Authority. The approved surface water scheme shall be constructed in accordance with the approved plans and documents.

Reason : In the interests of sustainable development and to reduce flood risk to third party properties in accordance with Policy NE10 of the Nottingham Local Plan.

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

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policy NE9 of the Nottingham Local Plan.

6. No development shall commence until samples of the external materials of the buildings and details of the windows, including sections to show the reveal depths (min. 75mm), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

7. The development shall not be commenced until details of areas to be hard landscaped 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.

8. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, the development shall not commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy and NE5 of the Nottingham Local Plan.

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

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

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

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

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

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground 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 users of the development, and/or adjoining occupiers, and the surrounding water environment in accordance with Policy NE12 of the Nottingham Local Plan.

11. No part of the development hereby permitted shall be occupied until the proposed vehicular and pedestrian accesses, internal access road, private drives, on site car and cycle parking provision for that part of the development have all been implemented. These areas shall be retained for the life of the development.

Reason: To promote sustainable travel, 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.

12. No individual dwelling shall be occupied until the parking provision for that dwelling has been completed and is available for use.

Reason: In the interests of the amenity of occupants of the development and in accordance with Policy T3 of the Nottingham Local Plan.

13. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

14. No individual dwelling within the approved development shall be occupied unless it has been constructed in accordance with the construction specification and other details included within the Energy Statement that is approved as part of this consent unless otherwise varied in writing by the Local Planning Authority.

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

15. No dwelling shall be occupied until such time as all of the off-site highway works have been completed to the satisfaction of the Local Planning Authority. This shall include the reinstatement of redundant accesses to footway, provision of vehicular crossovers to access



on plot parking spaces and provision of a dropped vehicular footway crossing for vehicular access into the wider site.

Reason: In the interests of pedestrian safety, 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 Policy 10 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

16. The approved landscaping scheme for the approved development shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, 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 10 of the Aligned Core Strategy.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on (as amended – drawings list TBC).

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. Contaminated Land, Ground Gas & Groundwater

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

§ 'Cut and fill' operations on site

§ How trees retained on site will be dealt with

§ How gas precautions will be validated

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

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

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

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

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

4. Environmental Noise Assessment

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: 2014 Sound Insulation and Noise Reduction for Buildings.

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

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

6. Planning consent is not consent to work on the highway. To carry out the permanent off-site works associated with the planning consent on Bulwell Lane, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd

7. Temporary and permanent Traffic Regulation Orders (20mph speed limit on internal access road) will be required during the construction process and for the life of this development site. These have separate legal processes and the Orders can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the processes to be completed; please contact Traffic Management on 0115 876 5245 to instigate the process.

8. 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 Highways Network Management on 0115 876 5293 at the earliest opportunity to begin the process. In the event that the access road remains within private ownership, the Highway Authority may require further evidence including but not limited to:-

- 1) the deposit of a map identifying the road which is to remain private;
- 2) the erection and maintenance thereafter of signage indicating that the road is unadopted;
- 3) evidence that future occupiers are aware that the road is unadopted, that the future maintenance of the road has been secured and to indemnify Nottingham City Council against future petitioning by residents to adopt their road; and,
- 4) the boundary between the adopted highway and private highway is cleared marked.

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: 15/01102/PFUL3 (PP-04103399)

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.