

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site of Colwick Service Station, Daleside Road East

1 SUMMARY

Application No: 14/03073/PFUL3 for planning permission

Application by: Lace Market Properties Ltd

Proposal: 16 new dwellings and associated works.

The application is brought to Committee because it is a major application on a site where there has been previous Committee involvement, and where reduced planning obligation contributions are being offered.

To meet the Council's Performance Targets this application should be determined by 30th July 2015

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in this report, subject to:

1. (a) prior completion of a Section 106 planning obligation which shall include a financial contribution of between £24,635 and £46,401.60 (as may be agreed following independent viability appraisal) for improvements to the play area and path infrastructure at Colwick Country Park, in lieu of on-site open space provision.

(b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration.

2. That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.
3. That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site comprises the former Texaco filling station on the north side of Daleside Road East. The Nottingham to Lincoln railway line runs in an elevated position along the northern boundary. The site adjoins a public house to the east and an area of mature landscape to the west (part of which falls within the development site). The site takes the form of a 'wedge' shape, tapering from 50 metres at the eastern boundary to 4 metres at the western boundary.
- 3.2 An application for 81 apartments on the site was refused by the Planning Committee in January 2006, overturning the officer recommendation to grant planning permission. The development was subsequently allowed on appeal, however, work did not commence to implement the permission and the permission expired in 2011. An outline application for 25 dwellings was withdrawn in 2012 following concerns about the proposals and extensive pre-application discussions ensued. The current application for 16 dwellings has been submitted as a result of the outcome of pre-application discussions.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes 16 detached dwellings and associated works. The dwellings would be a mix of three and four bedroom dwellings with garages and would follow a linear building line, along the northern boundary of the site, returning along the east boundary of the site. The area of mature landscaping in the western section of the site would be retained, with some of the trees being encompassed into the rear garden of plot number 16.
- 4.2 Access would be provided via a dropped kerb entrance off Daleside Road. A shared surface is proposed for the main access road and private drives would branch off to the east and west providing access to the remainder of the dwellings.
- 4.3 The front (south) boundary of the site on Daleside Road would be enclosed by a mix of brick wall and railings whilst the front boundaries of individual properties would be enclosed by low level railings. Planting is proposed at strategic points adjacent to the southern boundary to soften the impact of the extent of the boundary enclosure.
- 4.4 The proposed dwellings would be constructed using traditional materials, namely red brick and clay tiles. Brick detailing around the windows and eaves of the properties would be used to articulate the elevations and add visual interest.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The Starting Gate Public House, Colwick Road
Living Accommodation over the Starting Gate Public House, Colwick Road
18-30 (even) and 62 Candle Meadow
1 and 2 Spring Moor
7 West Moor

A site notice was posted on 5th May 2015 and an advertisement was publicised in the press on 13th May 2015.

- 5.1 1 representation seeking further details of the development, was submitted in response to consultations.
- 5.2 A petition, signed by 63 local residents, was submitted to the Council in January 2015, in anticipation of and in objection to the proposed development. The grounds of objection relate to the potential for increased traffic as a result of the development and the impact that this will have upon the residents of the Colwick Park estate on the opposite side of Daleside Road.

Additional consultation letters sent to:

Pollution Control: No objection. Conditions requested relating to ground contamination and a noise assessment.

Highways: No objections subject to conditions. The proposed entrance to the site has been amended in accordance with recommendations to introduce a dropped crossing rather than a traditional bellmouth. This would prioritise pedestrian and vehicular movements along the A612. The access road has also been amended in line with recommendations and would now take the form of a shared surface which is welcomed. The redevelopment of this site from a petrol filling station, to a small residential cul de sac not only consolidates the number of access points out on to the A612 Daleside Road East but in comparison will also reduce the amount of traffic associated with the site in general. Each property is being provided with at least one parking space, plus specific cycle parking. The site is already fronted by an off road cycle track and future residents could easily cycle into the city as an alternative to using the private car. A condition requiring the submission of a Construction Management Plan is recommended.

Environment Agency: No objection subject to conditions relating to contamination remediation.

Biodiversity: No objection. A Condition requiring hedgehog corridors in boundary fencing is recommended. The retention of the hedge along the eastern boundary of the site is encouraged. The applicant should be advised of appropriate times for site clearance in order to avoid harm to habitats.

Housing Strategy: The development will bring forward a vacant site for the delivery of larger market housing which would bring some tenure/property diversity to the broader area and city overall.

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 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):

H2 - Density.

NE3 - Conservation of Species.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE14 - Renewable Energy.

R2 - Open Space in New Development.

ST1 - Sustainable Communities.

T3 - Car, Cycle and Servicing Parking.

T11 - Cycling

Aligned Core Strategy (September 2014)

Policy 1 – Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 – Design and Enhancing Local Identity

Policy 16 (2 c) i– Green Infrastructure, Parks and Open Space

Policy 17 – Biodiversity

Policy 19 – Developer Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the Development
- (ii) Layout and Design
- (iii) Traffic and Parking

Issue i) Principle of the development (Policies ST1, H2 of the NLP and Policy 8 of the ACS)

- 7.1 The application site is not within an area of protection or an area of land designated for particular land uses in the Saved Nottingham Plan. However, it has been identified as suitable for residential development within the emerging Land and Planning Policies Document (although not a preferred option at the current stage). This has not yet been subject to Government review by an Independent Inspector from the Planning Inspectorate, and so cannot be given undue weight.
- 7.2 The principle of residential development on this site has also been established through the granting of planning permission, on appeal, 05/02261/PFUL3, for 81 self-contained apartments. However, the 5 year time limit condition lapsed prior to any works commencing on site.
- 7.3 Policy ST1 aims to secure the creation and maintenance of balanced communities, including a balanced mix of housing size, type, and affordability. The policy supports the use of previously developed land and buildings and development at an appropriate density to help support local services and to ensure the efficient use of land.
- 7.4 Policy H2 recognises that development should aim to be compatible with the characteristics of the site and its surroundings, whilst also recognising that higher densities will be particularly appropriate where there is a good level of accessibility, including public transport and services.
- 7.5 Policy 8 of the Aligned Core Strategy emphasises the need to develop sustainable communities and, in Nottingham's case, places further emphasis on the provision of innovative family housing on the fringes of the city centre and a broader mix of housing elsewhere. Policy 8 also recognises that the appropriate housing mix will be informed by a number of factors including local housing strategies, demographics, need and demand, site specifics and accessibility.
- 7.6 The proposed development is faced with a number of constraints due to the former use of the site and the unusual shape of the land and this has dictated the final layout and density. The proposal would deliver quality housing of an appropriate

size and design for occupation by families, offering a mix of three and four bedroom properties with garages and private rear gardens. Housing Strategy have identified that the type of dwellings proposed would bring some tenure diversity to the broader area and city overall. The development would benefit from good public transport links to the city centre and to the suburbs to the east of the city, being located on a primary bus route. The site is also within walking distance of Colwick Country Park. It is therefore considered that the proposed development would comply with policies ST1 and H2 of the Nottingham Local Plan and Policy 8 of the Aligned Core Strategy.

Issue ii) Layout and Design (Policies 8 and 10 of the Aligned Core Strategy)

- 7.7 The NPPF recognise the importance of design in making places better. It 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. Policy 10 of the Aligned Core Strategy states that all new development should aspire to the highest standards of design, make a positive contribution to the public realm and create an attractive, safe, inclusive and healthy environment.
- 7.8 The layout of the proposed development has been largely dictated by the shape of the site and the fact that a significant portion of the land to the western side of the site does not lend itself to residential development. Extensive pre-application discussions have taken place to arrive at the final layout and it is considered to be substantially better than the previous approval for flats and the subsequent outline application for 25 dwellings. It is considered that the proposed development responds well to the constraints of the site and would present a permeable and legible layout with an appropriate number of dwellings. The dwellings have been orientated to make the best use of the developable land available without compromising design or amenity.
- 7.9 The proposed architectural treatment is fairly simple with a traditional palette of materials, but effective use of brick detailing and features such as porches will add sufficient interest to the front elevations. A condition requiring the submission of materials is recommended.
- 7.10 Although the submitted Design and Access statement infers that landscaping across the site will be minimal with no planting along the front boundary, this has since been negotiated and planting has been introduced at strategic points along the boundary with Daleside Road. This has been included within private front and rear gardens to ensure future maintenance. A condition requiring the submission of a full landscaping scheme is recommended.
- 7.11 It was initially proposed to enclose the front boundary with a mix of brick wall with railings and brick wall with fencing. However, concerns were raised about the overall quality of the enclosure and the future maintenance of the timber fencing and it has therefore been amended. A mix of full height brick wall and railings are now proposed, which is considered to be appropriate in the semi-rural context.
- 7.12 Bin storage would be incorporated within the rear gardens of all properties. In view of the above, it is considered that the proposals would comply with policies 8 and 10 of the Aligned Core Strategy).

Issue iii) Traffic and Parking (Policies T3 and T11 of the NLP and Policy 10 of the ACS)

- 7.13 Policy 10 of the ACS requires all new development to reflect the need to reduce the dominance of motor vehicles. The proposed development would provide cycle storage within all rear gardens which is particularly important in this location given that the site fronts onto an existing off road cycle track . The site will also eventually front onto the Eastern Cycle Corridor; works will commence on this at the beginning of the next financial year.
- 7.14 The provision of a shared surface and a dropped kerb crossing into the site would prioritise pedestrian and cycle movements. Strategically placed pedestrian access points have been incorporated within the front boundary enclosure on Daleside Road.
- 7.15 Concerns were raised by local residents of the Colwick Park estate prior to the submission of the current application in relation to the amount of traffic that would be generated by the proposed development and the impact that this would have upon the Colwick Park estate. A petition of 63 signatures was submitted in January 2015.
- 7.16 It is acknowledged that Daleside Road carries high volumes of traffic, particularly at peak times. However, the site was previously used as a petrol filling station and had two points of access off/on to Daleside Road. Highways have confirmed that the proposed residential development would result in significantly less traffic than the former petrol station, particularly as the development proposes only one point of access on/off Daleside Road. Furthermore, each dwelling within the proposed development would benefit from at least one off-street parking space. Garages within the development have been increased in size to ensure that they would be large enough to accommodate a standard car. The Colwick Park estate is on the opposite side of Daleside Road, at some distance from the development site and as such it is not considered that displacement parking to the streets within this estate would be likely. In view of this, it is not considered that the proposed development would have any significant impacts upon the residents of the Colwick Park estate in terms of its effects upon traffic and parking.
- 7.17 Daleside Road will eventually form part of the Eastern Cycle Corridor, implementation of which is set to commence in 2016. It is not considered that the proposed development would prejudice this in any way and as such would comply with policy T11 of the Nottingham Local Plan.
- 7.18 Traffic Regulation Orders/ Speed Orders in the form of junction protection and a 20mph speed limit would be proposed but would be dealt with under separate Highways powers, if deemed appropriate.
- 7.19 In view of the above and subject to compliance with conditions, it is considered that the development complies with policy T3 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy).

Other Matters (Policy R2 of the NLP and Policy 19 of the ACS)

- 7.20 The number of dwellings proposed is well below the threshold (25) for the requirement of affordable housing. Whilst the overall site area exceeds 1 hectare, this the developable area is substantially lower (around 0.5Ha) because the site

includes a long strip of undevelopable land alongside Daleside Road. Affordable housing is therefore not justifiable in this case.

- 7.21 Policy R2 of the Nottingham Local Plan requires the provision of Open Space in Development of 10 or more dwellings. Where it is not feasible to provide Open Space on the development site, financial contributions towards the provision and maintenance of Open Space in the Local Area can be made. In accordance with the Supplementary Planning Guidance supporting this policy, the proposed development requires a financial contribution of £46,401.60 to be sought by way of a S.106 Agreement. However, the developers have presented a viability appraisal with the application, which suggests that this contribution would make the scheme unviable. They have suggested that in order to make their scheme viable, their maximum contribution towards Open Space would be £24,635. Officers are seeking independent validation of this, and an update will be given at the meeting. Subject to the outcome of this process, the proposal complies with R2 of the Local Plan or Policy 19 of the Aligned Core Strategy.
- 7.22 Parks and Open Spaces have advised that the financial contribution towards Open Space will be used to improve play areas and the footpath infrastructure within Colwick Country Park. This park has not benefited from any financial contributions from S.106 obligations previously and as such, the contributions sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.
- 7.23 The developer has offered local employment opportunities through the construction phase and to a financial contribution of £3168 towards Employment and Training.

8. SUSTAINABILITY / BIODIVERSITY (Policies NE3 and NE10 of the Nottingham Local Plan and Policies 1, 16 (2(c)) and 17 of the Aligned Core Strategy)

- 8.1 Due to the nature of the site and its previous use, there is a good refuge habitat provided. This could be used by amphibians, reptiles, hedgehogs and potentially nesting birds. Due to the above, it is recommended that the optimal timing for the site clearance would be October when reptiles are still active and birds are no longer breeding. A condition requiring the use of hedgehog friendly fencing is recommended.
- 8.2 A section of hedgerow along the eastern site boundary is now to be retained following recommendation by the biodiversity Officer. Subject to the recommended condition, it is considered that the proposal would comply with policy NE3 of the Nottingham Local Plan and Policy 17 of the Aligned Core Strategy.
- 8.3 Whilst the application site is identified as being within a sub-regional green infrastructure corridor, as defined within the Aligned Core Strategy, it is a brownfield site that has been identified as suitable for residential development. As such, it is not considered that the proposals would have any adverse impact upon the established green infrastructure and would therefore comply with policy 16 (2(c)) of the Aligned Core Strategy.
- 8.4 The proposed development would be constructed using a fabric first approach to provide highly insulated buildings to reduce energy at source. This would ensure that the 10% reduction in carbon emissions target, would be exceeded.

- 8.5 A Flood Risk assessment has been submitted with the application as parts of the site falls within flood zones 2 and 3. Conditions to ensure that the development is carried out in accordance with the recommendations of the FRA are recommended. Drainage Engineers have also recommended conditions requesting further details in relation to the management of the Sustainable Drainage Systems on site. Subject to compliance with the conditions, the development would accord with policy NE10 of the Nottingham Local Plan and Policy 1 of the Aligned Core Strategy.

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: requirement to provide a high quality and sustainable residential development.

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

Safer Nottingham: designing a development that that contributes to safer and more attractive neighbourhoods.

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: 14/03073/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NGVQQ9LYCB000>

2. Petition, 8.1.15

3. Environment Agency, 26.06.15

4. Highways, 20.5.15

5. Highways 3.7.15

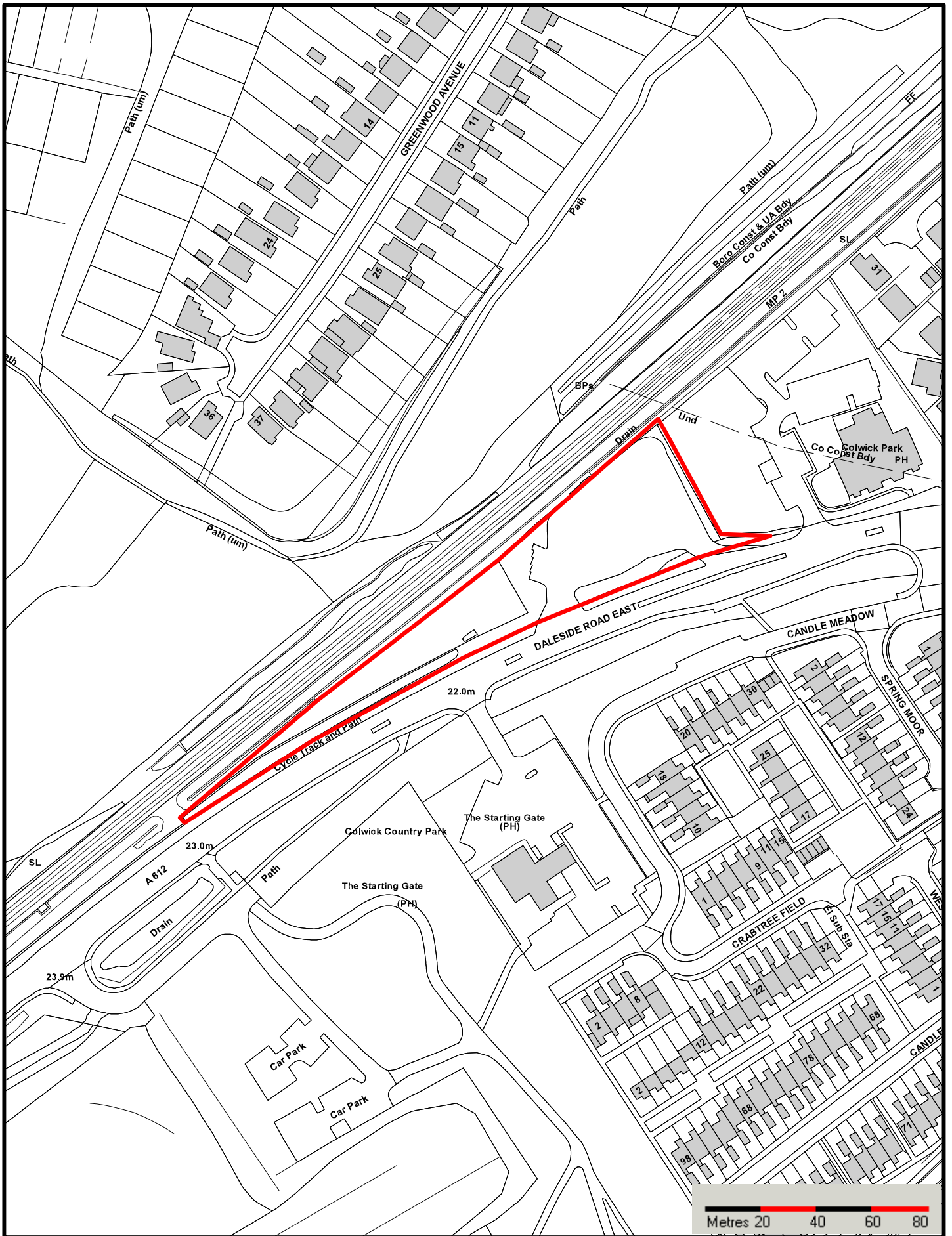
6. Pollution Control, 26.5.15
7. Housing Strategy, 29.5.15
8. Biodiversity Officer, 15.5.15
9. Drainage, 3.7.15

17 Published documents referred to in compiling this report

National Planning Policy Framework (2012)
Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)

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

Application No: 14/03073/PFUL3 (PP-03862168)
Application by: Lace Market Properties Ltd
Location: Site Of Colwick Service Station, Daleside Road East, Nottingham
Proposal: 16 new 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. No development shall commence on any phase of the approved development 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 in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

3. No development shall commence until a Remediation Strategy to deal with the risks associated with ground contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall have regard to soil assessments by BWB consulting; Phase 1 and 2 reports (Ref : LMP509SE/01/V3 Date: June 2005) and shall include:
- a) 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).

b) 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 Nottingham Local Plan.

4. No development shall commence until a Remediation Strategy to deal with the risks associated with ground and groundwater contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall have regard to contaminated land assessments by BWB consulting; Phase 1 and 2 reports (Ref : LMP509SE/01/V3 Date: June 2005) and; Further gas monitoring results (Ref IDN/DLJ/LMP509SE with accompanying letters Dated: November and December 2005), and shall include:

a) A Remediation Strategy shall include that all buildings on the site will have a suitable 2000 gauge gas resistant membrane (all joints and penetrations sealed) and ventilated under floor 150mm void. Details of how they are to be included in the building shall be submitted.

b) 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 Nottingham Local Plan.

5. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and 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 L_{Amax}(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.

6. Notwithstanding the submitted details, prior to the commencement of the development, details of maintenance schedules for the Sustainable Drainage systems on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with policy NE10 of the Local Plan.

7. 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, 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.

8. No development shall commence on any phase of the approved development until details of materials and means of construction of all hard surface areas, including the roads, footways, riverside walkway, public realm and parking areas, 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.



9. Notwithstanding the details included on the submitted plans, no development shall commence until a detailed 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 (with a preference towards the use of native species and suitable species that will attract/create ecological assets) and location of the proposed trees, hedges and shrubs, the tree pits, and a timetable for the implementation of the scheme.

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

10. Notwithstanding the details shown on the submitted plans, details of hedgehog friendly timber fencing to be installed along the side boundaries of private rear gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To improve habitats for hedgehogs in accordance with policy NE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference CL1412/05/01 prepared by Clear Environmental Consultants in June 2015 and the following mitigation measures detailed within the FRA:

(i) The internal finished floor level shall be set no lower than 22.65 mAOD (Above Ordnance Datum).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy NE10 of the Local Plan.

12. No dwelling shall be occupied until the following information has been submitted to and approved by the Local Planning Authority:

i) 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.

ii) 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 users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.



13. 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.

14. 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 and off-site highway works on the A612 Daleside Road East as shown on Truelove Property & Construction Ltd drawing number TL-010-21-01 rev M for indicative purposes only have been constructed to the satisfaction of the Local Planning Authority.

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 in accordance with policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy

15. 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..

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution in accordance with policy NE10 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking and re-enacting that Order with or without modification), the integral garage parking spaces within the dwellings hereby permitted shall remain permanently available for the parking of motor vehicles and shall not be converted or used for any other purpose. The integral garage parking spaces shall be used solely for the benefit of the occupants of the dwelling or their visitors and for no other purpose.

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 and in the interests of general highway safety in accordance with policy 10 of the Aligned Core Strategy

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification);

- i) The dwellings hereby permitted shall not be enlarged;
- ii) No buildings or structures requiring foundations greater than 30cm depth shall be erected within the curtilage of any dwellings;
- iii) No landscaping or other operations resulting in excavations deeper than 30cm shall be undertaken within the curtilage of any dwellings.

Reason: To ensure that later development does not give rise to health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

19. The approved landscaping scheme for each phase of 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 following drawings/documents: Drawing reference TL-010-21-01 revision Rev L, received 2 July 2015

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 optimal time for scrub/vegetation/materials clearance would be October when reptiles are still active and birds are no longer breeding.

3. Highways Advise:

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

The 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.

Planning consent is not consent to work on the highway. To carry out the permanent off-site works associated with the planning consent on the A612 Daleside Road East, 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.

Temporary and permanent Traffic Regulation Orders (20mph speed limit on internal access road, and junction protection at the new access junction with the A612 Daleside Road East) will be proposed 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.

The site will also eventually front onto the Eastern Cycle Corridor; works will commence on this at the beginning of the next financial year and thus the developer will need to be in regular dialogue from our Project Manager - John Carnell on 0115 876 5292.

4. 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 and groundwater contamination of the site has been addressed satisfactorily.

5. 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.

6. 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: 14/03073/PFUL3 (PP-03862168)

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.