

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of Ascot Works, Ascot Road

1 SUMMARY

Application No: 15/01928/PFUL3 for planning permission

Application by: Freeths on behalf of Westleigh Partnerships Ltd

Proposal: Residential development comprising 47 dwellings and associated works.

The application is brought to Committee because it is a major application on a prominent site and where planning obligations relating to public open space and education are proposed to be waived, subject to a viability appraisal.

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

2 RECOMMENDATIONS

Subject to:

1. (a) The receipt of satisfactorily amended plans for the layout;

(b) If determined appropriate following independent assessment of the applicant's viability appraisal, the prior completion of a Section 106 planning obligation to include financial contributions:

- in lieu of on-site open space provision for security and infrastructure improvements to the Mill and Windmill Allotment sites up to a maximum of £88,713.56, and
- for the provision of school places in the area up to a maximum of £55,346.00

GRANT PLANNING PERMISSION subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report. The power to determine the final details of the conditions of the planning permission to be delegated to the Head of Development Management and Regeneration.

2. The power to determine whether a Section 106 planning obligation is appropriate and if so the final details of the terms of the planning obligation to be delegated to the Head of Development Management and Regeneration subject to him being satisfied:

i) 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, and

ii) 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. In principle, and subject to the results of the viability appraisal assessment, that Councillors are satisfied that the considerations listed in paragraph 7.16 form sufficient reason to depart from the Council's normal policy in respect of any Planning Obligation which would normally be sought for this development.

3 BACKGROUND

- 3.1 The site was formerly occupied by the Speedo factory and offices, now demolished, leaving a cleared site. It is linear in form, and runs north to south with Ascot Road to the west and railway line to the east forming the boundaries. To the south are allotment gardens, whilst to the north and north east there is the road junction of Aspley Lane and Bobbers Mill Bridge. The bridge rises from its junction with Aspley Lane, over the railway line, such that a retaining wall forms the north east edge of the site.
- 3.2 To the west side of Ascot Road, opposite the site, there is Collins Cash and Carry, a large trade warehouse. To the east, beyond the railway line, are residential properties on Poulter Close. Further residential properties are to the north side of Aspley Lane.
- 3.3 The site is allocated for residential development in the emerging Nottingham City Land and Planning Policies (the LAPP, Part 2 Local Plan).
- 3.4 Part of the site is identified as being at risk from flooding from the River Leen, which runs north to south on the eastern side of Poulter Close.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is for a residential development comprising 47 dwellings and associated works. The proposal is an affordable housing scheme and comprises 14 x 3 bed houses, 19 x two bed houses, 12 x one bed apartments and 2 x two bed bungalows. Three cul-de-sacs and a private drive are proposed from Ascot Road. An area of amenity land is proposed to the southern part of the site.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

13 to 25 (inclusive) Meden Gardens
5, 17, 19, 20, 21, 22, 24, 26, 28, 30 and 32 Aspley Lane
Flat over 32 Aspley Lane
1, 1A, 7 and 9 Nuthall Road
The Wheatsheaf PH Nuthall Road
S Collins and Co Ascot Road
Aspley House Ascot Road
1 to 12 (inclusive) Poulter Close

A site notice was posted on the 7th August 2015 and an advertisement was placed in the press on 12th August 2015.

- 5.1 Six letters were received as a result of consultation. Matters raised are:
- Would welcome the development as it may deter intruders (to the allotments) from breaking into gardens and taking items of value.
 - As part of any Section 106 could the Mill Allotment Holders Association request a water connection as the water pressure from the current supply is reduced.
 - Would like clarification on any impact on vehicle access to allotments from Ascot Road.
 - Boundary enclosures need to be considered in order to maintain security of the allotments and safety of occupiers (in regard to the railway).
 - Would welcome involvement with the use of the proposed amenity land to the south of the site.
 - Would not like to see access restricted on Ascot Road as delivery vehicles need to access Collins site. Would like to see off road parking for those properties fronting Ascot Drive.

Additional consultation letters sent to:

Pollution Control: Require a pre-commencement condition relating to the remediation of contaminated land and a pre-occupation condition relating to sound insulation scheme.

Highways: A method statement would be required in regard to works within the vicinity of the railway bridge.

Environment Agency: No objections but require finished floor levels to be above the adjacent 1 in 100 year plus climate change level.

Drainage section: No objection.

Others:

Biodiversity and Greenspace Policy Officer: Bat friendly lighting and hedgehog fencing to be secured by condition. Landscaping should provide appropriate berry producing species, again to be secured by condition. The amenity space to the south of the site fails to comply with Policy R3 in that it is not overlooked and maintenance is unclear. Access is poor, with only one entrance/exit shown.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

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.

Aligned Core Strategy

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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

Nottingham Local Plan (November 2005):

E4 - Previously Used Employment Sites

H2 - Density

H5 - Affordable Housing

NE10 - Water Quality and Flood Protection

NE12 - Derelict and Contaminated Land

NE5 - Trees

NE9 - Pollution

R2 - Open Space in New Development

ST1 - Sustainable Communities

R6 - Allotments

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the Development
- (ii) Layout and Design
- (iii) S106 Developer Contributions
- (iv) Impact on Neighbours

Issue (i) Principle of Development (ACS Policy 8, LP Policies ST1, H2, H5 and E4)

- 7.1 Although previously occupied by an employment use, the site is a long term vacant site and not designated for any particular use within the saved Local Plan. However

the site is allocated for residential development in the emerging LAPP which clearly reflects its suitability for such a use at both a strategic level and in terms of its compatibility with its surroundings.

- 7.2 The development would consist entirely of affordable housing units for a registered provider. The mix of housing sizes would provide homes for a range of households from small one bed apartments to the larger three bed houses, thus contributing to the creation of a sustainable community.
- 7.3 Policy H2 recognises that development should aim to be compatible with the characteristics of the site and surroundings, whilst also recognising that higher densities will be particularly appropriate where there is a good level of accessibility, including public transport and services. The site is adjacent to a well-served public transport route and within easy access to local facilities such as shopping and education.
- 7.4 The proposed development is faced with a number of constraints including the railway running to the east of the site, the River Leen which poses a flood risk for parts of the site, and the busy road junction at Aspley Lane and Bobbers Mill Bridge. These matters are considered elsewhere in the report.

Issue (ii) Layout and Design (ACS Policy 10 and LP Policy NE9)

- 7.5 The NPPF recognises 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.
- 7.6 The layout has been designed to take the constraints outlined in paragraph 7.4 into account, by leaving the area at risk of flooding, to the south, free of development and having the side elevations of properties facing the railway and main road, which would help to minimise noise for the future occupiers of the dwellings.
- 7.7 The parking areas of the originally submitted scheme were remote from their respective plots resulting in poor natural surveillance and the potential for inappropriate parking from tenants parking on the road outside their houses. The revised layout now shows the majority of parking spaces to be within the curtilage of their respective plots, resulting in an improved layout to the benefit of the public highway.
- 7.8 The proposed architectural treatment is fairly simple with a traditional palette of materials, but effective use of brick detailing and features such as render panels would add sufficient interest to the front elevations. A condition requiring the submission of materials is recommended.
- 7.9 The boundary treatment to the front of the plots would be metal railings, with rear plots being brick walls. Trees would also be introduced between some of the plots where they face Ascot Road. Full details of boundary treatments and landscaping would be required by condition.

- 7.10 Bin storage would be either within the rear gardens of plots or, where there are apartments or terraces, within a designated bin storage area. Further details of these would be secured by condition.
- 7.11 There would be an amenity area to the southern part of the site, which would not be developable as it is at risk of flooding. This area is proposed to be used as a community space or as part of the adjacent allotments.
- 7.12 Further minor amendments are being sought to the layout and the requirement for these is reflected in the recommendation.

Issue (iii) S106 Developer Contributions (ACS Policies 16 2c i and 19, LP Policies R2 and R6)

- 7.13 Policy R2 of the 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 site, financial contributions towards the provision and maintenance of off-site 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 £88,713.56 to be sought by way of a Section 106 Agreement. However, the developers have presented a viability appraisal with the application which suggests that any contribution would make the scheme unviable. Officers are seeking independent assessment of this viability appraisal and an update will be provided at the meeting. Subject to the outcome of this process, the proposal complies with R2 of the Local Plan and Policy 19 of the Aligned Core Strategy.
- 7.14 The Parks and Open Space team have advised that any financial contribution towards open space will be used to enhance security and infrastructure on the adjacent Mill and Windmill Allotments. These allotments have 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.
- 7.15 A contribution of £55,346.00 towards the provision of school places, both at primary and secondary stages, would also be required. However, as with the open space contribution, the viability appraisal suggests that this contribution would make the scheme unviable. Subject to the outcome of the assessment of this viability appraisal, the proposal complies with ACS Policy 19.
- 7.16 Should the independent assessment conclude that reduced or zero contributions for open space and education are justified from a viability perspective, the recommendation to approve the application is maintained. It is recognised that the proposed development faces viability challenges and the benefits of delivering this affordable family housing in a sustainable location and on a long term vacant brownfield site, are felt to outweigh the inability of the scheme to meet these S106 requirements.

Issue (iv) Impact on Neighbours (ACS Policy 10)

- 7.17 The nearest residential properties to the site are to the north of Aspley Lane, opposite the site. There are residential properties to the east, on Poulter Close, but these properties are separated from the application site by the rail line. It is

considered that there would be no significant impact on the amenities of the occupiers of nearby residential property. There is a commercial business to the opposite side of Ascot Road. There would be little impact on the operation of that business in regard to access and servicing. Properties fronting Ascot Road, on the route to the business' car park and serviced area, have off street parking which would contribute to helping to maintain a clear access.

Other Matters (LP Policy NE12)

- 7.18 The site has previously been used for manufacturing and as such the land could be contaminated. A remediation strategy would need to be approved prior to the commencement of the development.

8. SUSTAINABILITY / BIODIVERSITY

ACS Policy 17 and LP Policies NE5 and NE10

- 8.1 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.
- 8.2 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 and Drainage team are recommended. 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.
- 8.3 Trees would be introduced to the front of some plots and within the wider development. Notwithstanding this, a landscaping plan and management would be secured by condition.
- 8.4 Ecological enhancements would be required in accordance with the recommendations of the Biodiversity and Greenspace Policy Officer.

9 FINANCIAL IMPLICATIONS

The Section 106 developer contributions are to be subject to the viability appraisal.

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: Redevelopment of a long term vacant site within a sustainable residential development.

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

Safer Nottingham: The development is designed to contribute 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: 15/01928/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NRTSU4LYCB000>

2. Environment Agency, 19.08.15 and 07.09.15

3. Highways, 18.08.15

4. Pollution Control, 01.09.15

5. Biodiversity Officer, 01.09.15

6. Drainage, 20.08.15

17 Published documents referred to in compiling this report

National Planning Policy Framework (2012)

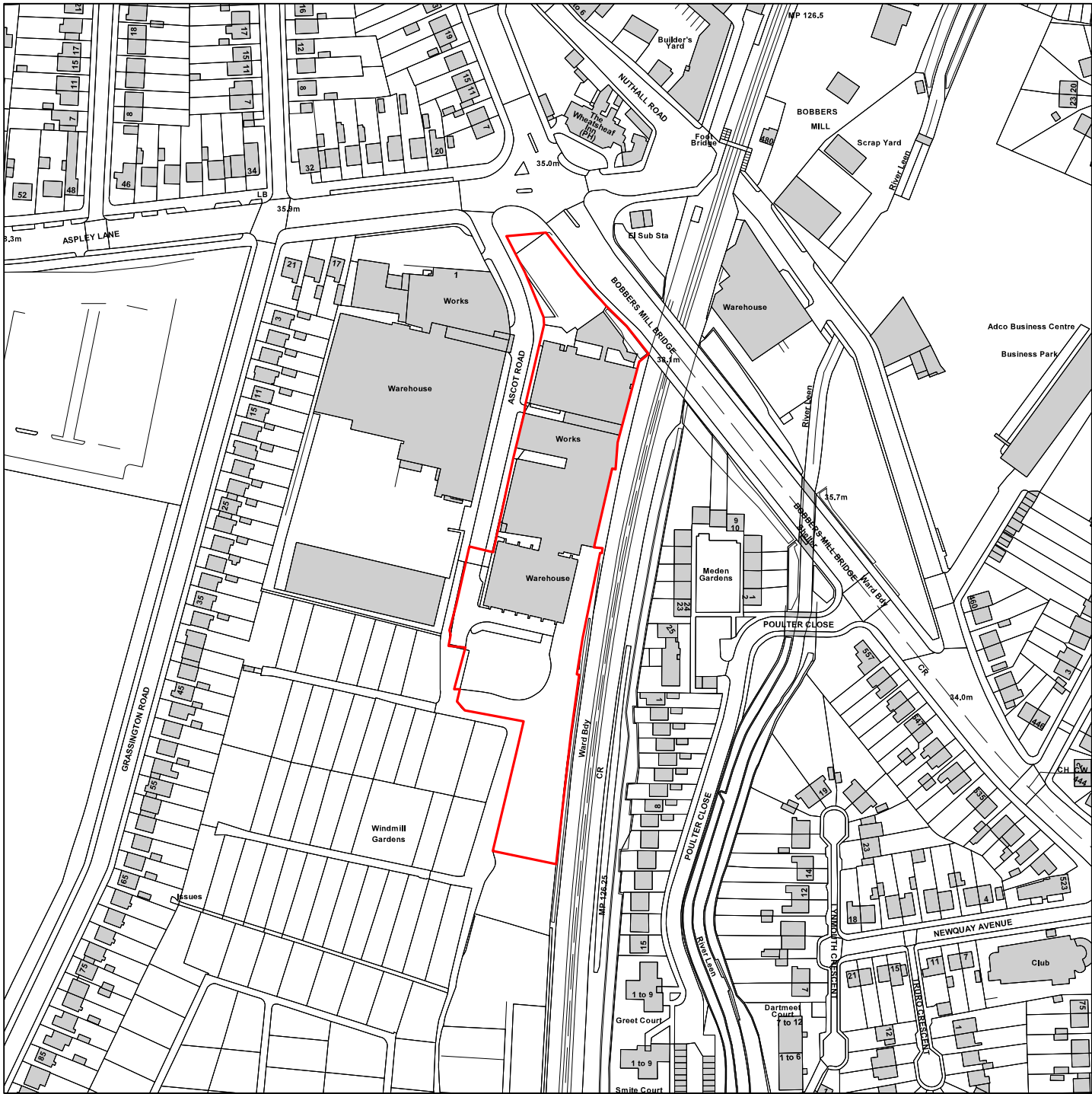
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Contact Officer:

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My Ref: 15/01928/PFUL3 (PP-04358440)
Your Ref:
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Date of decision:

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

Application No: 15/01928/PFUL3 (PP-04358440)
Application by: Westleigh Partnerships Ltd
Location: Site Of Ascot Works, Ascot Road, Nottingham
Proposal: Residential development comprising 47 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. The development shall not be commenced until details of all external materials including render, bricks and tiles 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 is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

3. The development shall not be commenced until details of all doors, windows and dormers, including details of reveal depths, 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 is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

4. The development shall not be commenced until details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority. The fencing shall allow for the movement of hedgehogs.

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

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

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

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

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

6. The development shall not be commenced until details of bin storage including siting have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

7. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs and a management and maintenance plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

8. The development shall not be commenced until details of a Remediation Strategy that includes the following components to deal with the risks associated with ground gas contamination of the site has been submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan, based on the Phase I & II Geo-Environmental Ground Investigation (Report 35069, GeoDyne July 2015), 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 a) 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 safeguard the health and residential amenity of the occupants of the proposed dwellings to comply with Policy NE9 of the Nottingham Local Plan.

9. The development shall not be commenced until details of a scheme to ensure compensatory flood plain storage within the site boundary has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development reduces the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.

10. The development shall not be commenced until sections through the proposed site have been submitted to and approved in writing by the Local Planning Authority.

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

Pre-occupation conditions

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

11. With reference to the submitted noise and vibration assessment (Report ref 1820, Acute Acoustics, June 2015), 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 safeguard the health and residential amenity of the occupants of the proposed dwellings to comply with Policy NE9 of the Nottingham Local Plan.

12. 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 and groundwater contamination of the site has been fully implemented and completed.

Reason: To protect users against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas, to comply with Policy NE12 of the Nottingham Local Plan.

13. No dwelling shall be occupied until the car parking, other hard landscaping areas, boundary enclosures and bin storage associated with that dwelling have been completed.

Reason: In the interests of highway safety and the appearance of the development to comply with Policy 10 of the Aligned Core Strategy.

14. No dwelling shall be occupied until the hard landscaped areas have been carried out in accordance with the details approved by the Local Planning Authority.

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

15. The dwellings shall not be occupied until the compensatory flood plain storage has been implemented in accordance with the details approved by the Local Planning Authority.

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

Regulatory/ongoing conditions
 (Conditions relating to the subsequent use of the development and other regulatory matters)

16. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment and the Drainage Strategy submitted as part of this application.

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

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

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

Standard condition- scope of permission



DRAFT ⁴ ONLY
Not for issue

Continued...

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:
Plan reference PL 02, received 6 October 2015
Elevations reference PL 03, received 6 October 2015
Plan reference PL 04, received 6 October 2015
Elevations reference PL 05 revision B, received 6 October 2015
Elevations reference PL 06 revision B, received 6 October 2015
General reference PL 07, received 6 October 2015
General reference PL 08, received 6 October 2015
Planning Layout reference PL 11 revision B, received 6 October 2015
Elevations reference PL 12, received 6 October 2015

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 officer's delegated 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. Our Biodiversity Team advise:

Hedgehogs are a NERC Act (2006) Species of Principal Conservation Importance. A suitable 5 inch gap at the bottom of fences either side of the rear garden or boundaries throughout the development will improve a connecting habitat for hedgehogs and other small mammals. Any lighting should be bat friendly.

4. All site clearance work should be undertaken outside of the bird-breeding season (March to September inclusive) because all birds' nests (except pest species) are protected from disturbance and destruction by the Wildlife and Countryside Act 1981 (and as amended). If work has to take place during the bird breeding season it is recommended that searches are carried out by an experienced ecologist before work begins. If nesting birds are present, work will have to be suspended and the nest left undisturbed.

5. 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 how gas precautions will be validated.

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 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.

6. 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.

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: 15/01928/PFUL3 (PP-04358440)

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.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue