

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Former Serck Radiator Services Ltd , Lambourne Drive

1 SUMMARY

Application No: 15/01997/PFUL3 for planning permission

Application by: Zenith Planning And Design on behalf of Wollaton Development Ltd

Proposal: New residential care home and associated works.

The application is brought to Committee because it has generated significant public interest.

To meet the Council's Performance Targets this application should be determined by 2nd November 2015

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions 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.

3 BACKGROUND

3.1 The application site has an area of approximately 2042 square metres. It lies on the west side of Lambourne Drive close to the junctions with Ellwood Crescent and Elvaston Road. The site shares its boundaries with a 1960's telephone exchange building to the south and residential properties to the north and west. Along Lambourne Drive there is a mix of residential properties, community and commercial facilities.

3.2 On the site there was formerly a single storey industrial building which was demolished in 2014. The site was previously occupied by Intertruck (a distributor of truck and trailer parts which also had a trade counter) and prior to that the site was occupied by Serck Radiators.

4 DETAILS OF THE PROPOSAL

4.1 Planning permission is sought for the erection of a 44 bed residential care home which would front onto Lambourne Drive.

4.2 It is proposed to provide 8 car parking spaces to the front of the building, together with a dedicated space for an ambulance or service vehicle. There would be an in and out access arrangement to the site from Lambourne Drive.

- 4.3 A private and secure garden for residents would be provided to the rear of the building.
- 4.4 The development comprises an L-shaped two storey building with a single storey wing at the rear and also adjacent to the northern boundary at the front of the site. The building has been positioned to follow the building line of other properties on the western side of Lambourne Drive. The development would have a pitched roof with a maximum ridge height of 8.5m and an eaves height of 5.3m.
- 4.5 The front elevation has been designed with full height gabled bays; these bays would be rendered and be fitted with deep inset panels of timber effect weather boarding. It is proposed to use buff/brown multi coloured bricks to the side and front elevation.
- 4.6 The developer is offering local employment and training opportunities during the construction phase of the development. The mechanism for providing these benefits will be by way of a S106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Forty- two letters notifying neighbours of the planning application were sent to addresses on Ellwood Crescent, Lambourne Drive and Coachmans Croft. A site notice was also posted and the application has also been advertised with a press notice.

Eighteen letters and e-mails have been received as a result of this publicity, the representations are summarised below:

- Lack of on site car parking provision;
- There are existing on-street car parking issues in the area due to commuter parking and visitor parking associated with other facilities in the area (a church, another care home, public house, vets, hairdresser and chiropodist). The proposed car home will exacerbate the existing situation;
- Requests have been received for the Council to implement car parking controls in the area by introducing residents only parking or to consider widening Lambourne Road or through providing a car park in the area;
- The existing care home in the area has resulted in an increase in on-street car parking;
- Queries over the traffic information submitted with the application;
- Querying the need for another care home in the area;
- There is a lack of infrastructure in the area to support a care home;
- Protected trees were removed from the site;
- The design of the building would be out of keeping with the surrounding area and the proposal would change the character of the area;
- The building proposed is too large for its plot size and there is insufficient amenity space for future residents

Additional consultation letters sent to:

Pollution Control: No objections to the proposal but request a condition to enable an assessment of land contamination to be carried out and appropriate measures put in place if there is a risk of contamination.

Lead Local Flood Team: No objection to the proposal subject to the inclusion of a planning condition relating to surface water drainage.

Highways: Initially requested the re-surfacing of the footway outside of the site; signage to indicate entrance and exits; to re-orientate car parking bays so that they encourage vehicles to reverse into rather than out of them; and to provide covered cycle parking facilities. Following the submission of revised plans Highways has raised no objections to the proposal, but have requested a condition relating to the provision of vehicular crossovers, re-surfacing of the footway beside the site and to ensure that cycle and car parking spaces are provided.

Responses have also been received from:

Biodiversity Officer: Notes that the Protected Species Report submitted does not highlight any constraints with respect to protected or notable species. They have advised that conditions be used to secure the provision of bat friendly lighting, bird boxes and to ensure that appropriate measures are taken during construction to safeguard badgers present in the area.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

H8 - Residential Homes and Hostels. Seeks to grant permission for residential, rest and care homes subject to there being adequate transport and services, no over-concentration and a satisfactory residential environment for occupants. Specialist accommodation should be built to be accessible to those with impaired mobility.

E4 - Previously Used Employment Sites. Has a presumption in favour of proposals that enable the regeneration of previously used employment premises where they would not be likely to inhibit or prejudice the activities of any neighbouring occupier or business, and where the applicant has undertaken an economic and market assessment which demonstrates that there is no demand for the premises or that it is no longer capable of providing an acceptable standard of accommodation.

T3 - Car, Cycle and Servicing Parking. Seeks to minimise car parking levels on new development sites subject to criteria on neighbour amenity, public transport provision, generation of extra traffic, land use and likely levels of car ownership.

Aligned Core Strategy (September 2014):

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 - development proposals will be expected to mitigate against and adapt to climate change.

Policy 4: Employment Provision and Economic Development - aims to strengthen and diversify the local economy.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 17: Biodiversity - seeks to increase biodiversity by, amongst other things, supporting the need for the appropriate management and maintenance of existing and created habitats and by mitigating harm to biodiversity.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

The main issues in relation to this proposal are:

- (i) Principle of Development
- (ii) Acceptability of the design
- (iii) Impact on neighbouring properties and future occupants
- (iv) Adequacy of car parking provision

Issue (i) Principle of Development (Policies H8 and E4 of the Local Plan and Policy 4 of the ACS)

- 7.1 Lambourne Drive is identified as a Primarily Residential Area on the Proposals Map of the Local Plan; however the application site does not form part of this designation and is one of a number of non-residential premises along this stretch of road.
- 7.2 Policy H8 requires consideration of whether there would be an over concentration of care homes in the area. Although there is another care home located further up Lambourne Drive, nearer the junction with Wollaton Road, it is felt that given this distance and the character of the area that an additional care home would not result in an over-concentration of this use, which is clearly demand driven.
- 7.3 Policies E4 and 4 seek to retain employment uses. Under policy 4 employment sites can be considered for release if the site is not attractive to the employment market, if it is not an important source for jobs and would not provide potential grow on or start up space. In regard to Policy E4 the loss of employment sites is required to be assessed in relation to whether:-
 - there is an adequate supply of employment uses;
 - the proposal is a comprehensive redevelopment of the site which has wider benefits;
 - the proposal includes job generating uses;
 - the proposal would not inhibit or prejudice activities of any neighbouring occupier or business
- 7.4 The site was formerly used for employment purposes, but is not located within a designated employment area. The only other employment uses in the vicinity of the site are the adjacent Telephone Exchange and the Siemens Office which is located further north adjacent to the railway line. As such the site is not felt to be attractive to employment uses. The development would assist in bringing forward a vacant

brown field site and employment would be associated with the use. The loss of the site for employment purposes is therefore considered to be acceptable.

- 7.5 Overall the provision of a care home at this location is considered to be acceptable in principle and would not conflict with policies H8 and E4 of the Local Plan or policy 4 of the ACS.

Issue (ii) Acceptability of the Design (Policy 10 of the ACS)

- 7.6 The design of the development has been carefully considered in response to the context of the surrounding area. The building is positioned on the same building line of other properties on Lambourne Drive and would be two storeys in height which would reflect the scale of surrounding houses. The design of the building gives a more domestic impression than that usually associated with a care home. The use of brown/buff brick would replicate that used in the surrounding housing which dates from the 1950s and would not detract from the red brick houses built in the 1990s. Many of the houses from the 1950s have gabled bays which are half timbered or have render, tile hanging or weatherboarding to their bays; the use of render and weatherboarding within the proposed development is therefore considered to be acceptable.
- 7.7 The design of the development is supported and would assist in enhancing the character and appearance of the area in accordance with policy 10 of the ACS.

Issue (iii) Impact on neighbouring and future occupants (Policy 10 of the ACS)

- 7.8 The houses on Ellwood Crescent (to the north of the site) have relatively small rear gardens; the proposed development has responded to this by stepping down to a single storey building with a flat roof. A light study has accompanied the application which indicates that there is no overshadowing of rear gardens in the summer. There is limited overshadowing in mid march around 9am in the morning, however this impact is too short lived to raise significant amenity issues. The study indicates that none of the rear windows of neighbouring properties on Ellwood Crescent would be affected by the proposed building in regard to loss of light. The window separation distances between the building and properties on Ellwood Crescent would be approximately 35m which would be sufficient to prevent any adverse loss of privacy.
- 7.9 The building has been located in an offset position away from 21 Ellwood Crescent, which is located to the west of the site; the single storey element of the building proposed to the Lambourne Drive would be set at distance of 30m from no.21. The residential properties on Coachmans Croft (also to the west of the site) are set 33m away and the properties opposite the site on Lambourne Drive would be set 38m from the front of the building. At these distances the new building would not cause any adverse overlooking or overshadowing of these neighbouring properties.
- 7.10 The servicing and kitchen areas are proposed adjacent to the BT building and the car parking would be accessed from Lambourne Drive. As a result of this it is not considered that the proposal would give rise to any excessive noise or disturbance for the occupants of neighbouring properties.
- 7.11 A rear garden area of approximately 369 square metres would be provided, which would be accessed from the communal lounge and dining area. The bedrooms located to the rear of the building would overlook this garden area. There are seven

bedrooms proposed to the southern side of the site which would overlook the existing BT building; these rooms would have windows within 5.5m of the boundary and 13m of the BT building. The lower ground floor windows of these rooms would be partially obscured by 2.1m high fencing. It is considered that residents of the development would be provided with a good standard of living conditions.

- 7.12 In light of the above it is felt that the proposed development would have no adverse impact on the level of amenity enjoyed by the occupants of neighbouring properties or future occupants of the facility, and that the proposal would comply with policy 10 of the ACS.

Issue (iv) Adequacy of Car Parking Provision (Policy T3 of the Local Plan)

- 7.13 There are no specific car parking standards set for residential care homes, but Policy T3 states that in considering proposals for on site parking in new development, lower provision will be pursued taking into account the following factors:
- The extent to which the amenity of occupiers of neighbouring property would be affected;
 - Whether practical measures can be taken to reduce the use of private car travel to and from the site;
 - The location of the development in relation to public transport and whether existing public off street spaces could adequately cater for the development;
 - Whether the traffic generated by the proposed development would be prejudicial to highway conditions.
- 7.14 The objections received in relation to this proposal relate mainly to the existing on-street car parking issues that exist in the area and whether the proposed development would exacerbate existing problems. Eight car parking spaces are proposed as part of this development.
- 7.15 As indicated above in paragraph 7.8, it is not considered that the location of the car park in itself would give rise to any adverse impacts on the amenity of neighbouring properties, however consideration does need to be given to whether the proposal would increase demand for on-street car parking in the area which could adversely affect the amenity of neighbouring occupants.
- 7.16 Highways have not objected to the proposal and have not raised any issues with the level of car parking proposed or with the Highway Statement that has been submitted with the application. The Highway Statement indicates that the proposed development would not give rise to any excessive movements to and from the site which would affect highway conditions in the area and that it is likely that there would be a maximum of five vehicles attending the site at any one time. On this basis the provision of eight car parking spaces is considered to be appropriate and should ensure that there is no increased demand for on-street car parking spaces.
- 7.17 It is noted that the site is close to a number of bus stops which operate reasonable services within the local area and to/from the City Centre; it is therefore felt that the site has good public transport connections which will assist in increasing choice in relation to the mode of travel to and from the site.
- 7.18 The information submitted as part of the application indicates that applicant has forty full time and twenty part time employees. For the proposed care home it is

indicated that there would be a maximum of 8 employees at the site at any one time who would work on a rota basis. Measures could be taken to assist in reducing the demand for on site car parking spaces by employees and as such it considered appropriate to impose a condition requiring the submission of a travel plan.

- 7.19 It is considered that the provision of eight car spaces is appropriate for the proposed development having taken into account the factors set out in Policy T3.

Sustainability

- 7.20 An Energy Report has been submitted with the application which recommends that the actual methods utilised to reduce carbon emissions at the site should be conditioned for future approval, when further details of the building are available at Building Regulations stage. It is considered that such a condition is reasonable and will assist in ensuring that the proposal would accord with policies a and 1 of the ACS. It is also recommended that conditions are used to secure appropriate bat friendly lighting, the provision of bird boxes and to ensure that appropriate measures are taken during construction to safeguard local wildlife. In this regard the proposal would also accord with policy 17 of the ACS.

Other Issues Raised

- 7.21 A number of objectors have requested that car parking controls be implemented within the area. However, given the conclusion that the proposed development would not exacerbate the existing situation, it would be unreasonable in this instance to require the developer to contribute towards such provision. The matters raised are issues that need to be considered separately and if necessary, pursued with the appropriate Council Team.

8. SUSTAINABILITY / BIODIVERSITY (Policies A, 1 and 17 of the ACS)

- 8.1 An Energy Report has been submitted with the application which recommends that the actual methods utilised to reduce carbon emissions at the site should be conditioned for future approval, when further details of the building are available at Building Regulations stage. It is considered that such a condition is reasonable and will assist in ensuring that the proposal would accord with policies a and 1 of the ACS. It is also recommended that conditions are used to secure appropriate bat friendly lighting, the provision of bird boxes and to ensure that appropriate measures are taken during construction to safeguard local wildlife. In this regard the proposal would also accord with policy 17 of the ACS. The proposal would deliver sustainable development and would not give rise to any issues in relation to bio-diversity.

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

Transforming Nottingham Neighbours – Helping to support sustainable communities.

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: 15/01997/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NS8M7HLYCB000>

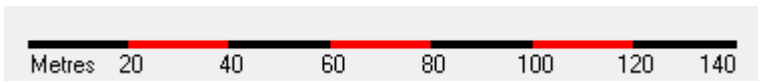
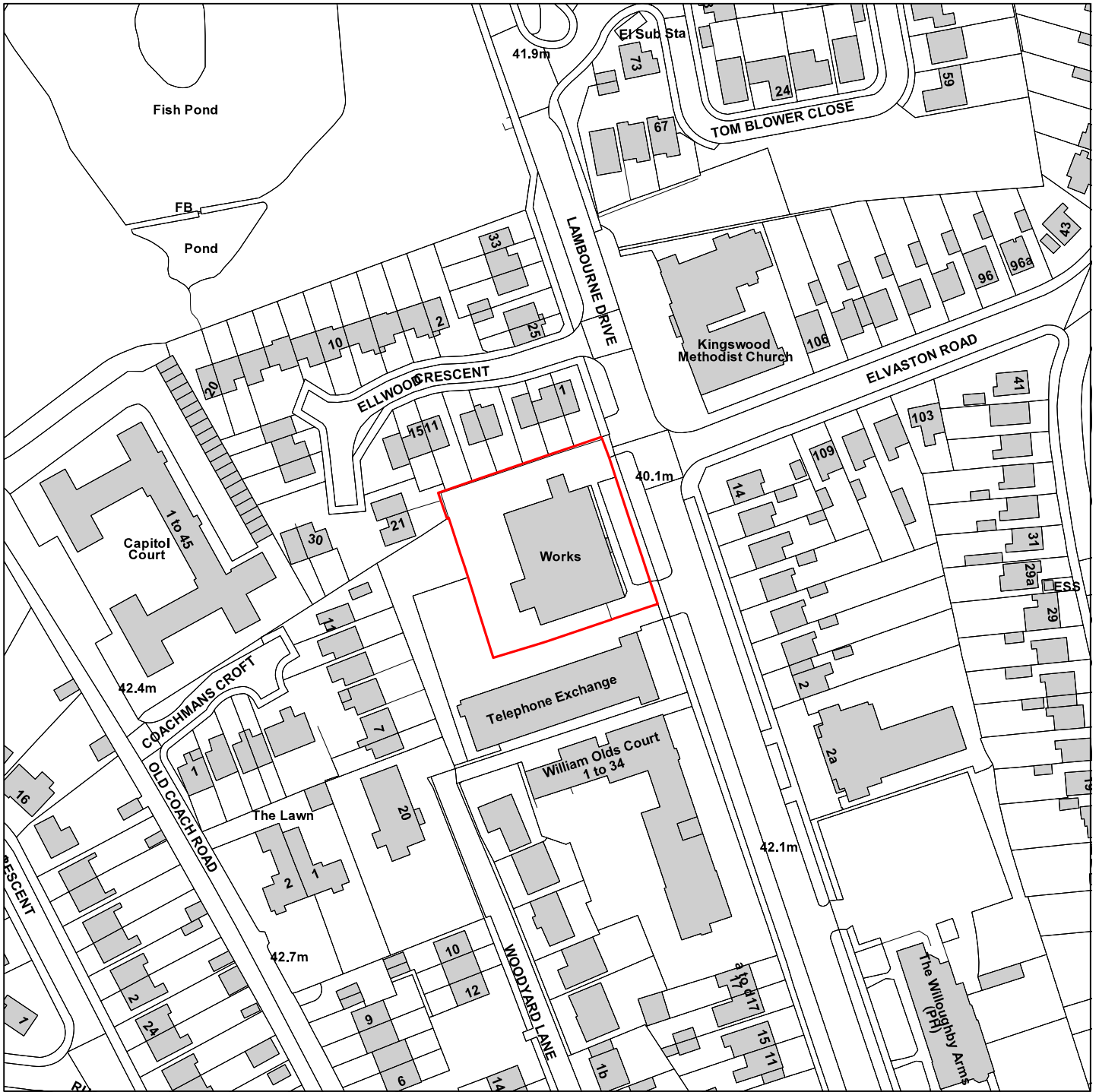
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Miss Jennifer Cole, Case Officer, Development Management.

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My Ref: 15/01997/PFUL3 (PP-04384722)
Your Ref:
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www.nottinghamcity.gov.uk

Zenith Planning And Design
FAO: Mrs Alison Dudley
38 Greenhills Road
Eastwood
Nottinghamshire
NG16 3DG

Date of decision:

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

Application No: 15/01997/PFUL3 (PP-04384722)
Application by: Wollaton Development Ltd
Location: Former Serck Radiator Services Ltd , Lambourne Drive, Nottingham
Proposal: New residential care home 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 precise details of the external materials of the building have been submitted and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the appearance of the development will be satisfactory in order to accord with policy 10 of the ACS.



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3. The development shall not be commenced until a drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall be designed to achieve a greenfield run off rate of 5/l/s/ha. The development shall be constructed in accordance with the approved details and permeable paving, underground storage, hydro brakes, gullies and aco drains shall at all times be maintained in accordance with the Management and Maintenance Plan set out in the Drainage Strategy Statement v01 P15-014 dated August 2015.

Reason: The site is within the River Leen and Daybrook Catchment Area and as such greenfield run off rates are required to assist in reducing the risk of flooding and to accord with policy NE10 of the Local Plan.

4. The development shall not be commenced until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the following components to deal with the risks associated with ground, groundwater and ground contamination of the site:

a) A Site Investigation, based on the submitted Phase I Desk Study Report (Project No. 15-0649.01, Delta-Simons July 2015), and a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

Reason: To reduce the risk of pollution in accordance with policy NE9 of the Local Plan.

5. The development shall not be commenced until a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations Approved Document L2A Conservation of Fuel and Power 2013 has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the sustainable development of the site and to accord with policy 1 of the Aligned Core Strategy.

6. The development shall not be commenced until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the development and shall provide for:

a) Details of the type, size and frequency of vehicles to and from the site.

b) The parking of vehicles of site operatives and visitors.

c) Loading and unloading of plant and materials.

d) Storage of plant and materials used in constructing the development.

e) Wheel washing facilities and other measures to prevent the deposit of debris onto the highway.

f) Measures to control the emission of dust and dirt during construction.

g) Measures to prevent mammals such as badgers from entering the site and for covering up excavations overnight.

h) Site security.

i) A timetable for its implementation.

Reason: In the interests of highway safety, to safeguard the amenities of neighbouring occupants and to safeguard protected species within the local area in order to comply with policy NE9 of the Local Plan and policies 10 and 17 of the Aligned Core Strategy.

Pre-occupation conditions

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

7. The development shall not be occupied until a Verification report demonstrating completion of works set out in the approved Remediation Strategy and the effectiveness of the remediation carried out, has been submitted and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any long term monitoring and maintenance plan required for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that the measures approved under condition 4 above are implemented appropriately to reduce the risk of pollution in accordance with policy NE9 of the Local Plan.



8. The development shall not be occupied until a scheme of hard and soft landscaping and boundary enclosures for the site has been submitted to and approved in writing by the Local Planning Authority. The provision of hard and soft landscaping and boundary enclosures shall be carried out in accordance with the approved details. The scheme shall include:
- a) precise details of the materials to be used to surface car parking areas and footpaths.
 - b) details of the height, species and location of any proposed trees or shrubs.
 - c) the precise details of the materials to be used in the construction of the boundary wall to the Lambourne Drive frontage together with details of any proposed directional signage.
 - d) precise details of any proposed external lighting of the site including luminance level details.
 - e) a timetable for the implementation of the scheme.

Any trees or plants which die, are removed or become seriously damaged, diseased within the period of five years from planting shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

{i Reason: In the interests of ensuring that the finished quality of the development enhances the visual amenity of the surrounding area in order to accord with policies 10 and 17 of the Aligned Core Strategy.}

Reason: In the interests of ensuring that the finished quality of the development enhances the visual amenity of the surrounding area in order to accord with policies 10 and 17 of the Aligned Core Strategy.

9. The development shall not be occupied until the following have been provided:
- a) The vehicular accesses have been constructed (to take the form of vehicular crossovers).
 - b) The footway beside the site (along the Lambourne Drive frontage) has been resurfaced.
 - c) The cycle and vehicular parking spaces have been provided in accordance with the details set in drawing number 2052 (08) G01 Rev B.

Reason: In the interests of pedestrian safety along Lambourne Drive, to promote sustainable travel and to ensure that adequate off-street parking is made and, to accord with policy T3 of the Local Plan and policies 10 and 14 of the Aligned Core Strategy.

10. The development shall not be occupied until the bin storage facilities have been provided in accordance with the details set in drawing number 2052 (08) G01 Rev B.

Reason: To ensure that appropriate bin storage facilities are provided in order to accord with policy 10 of the Aligned Core Strategy.

11. Within 6 months of first occupation a Travel Plan and implementation strategy shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: To promote sustainable travel and to reduce the need for on-street car parking to occur and, to accord with policy T3 of the Local Plan and policy 14 of the Aligned Core Strategy.

12. The development shall not be occupied until bird boxes have been installed within the application site in accordance with the details specified within the submitted Protected Species Report dated July 2015.

Reason: In the interests of bio-diversity and to accord with the aims of policy 17 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

There are no conditions in this section.

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 2052 (08) E01 revision B dated 20 July 2015, received 28 September 2015
Drawing reference 2052 (08) G01 revision B dated 20 July 2015, received 28 September 2015
General reference 20152 (08) 002 revision A, received 28 September 2015

Reason: To determine the scope of this permission.

Informatives

1. 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



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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.

2. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on this site you must contact Highways Network Management on 0115 876 5284 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.

To carry out the off-site highway works (amended accesses in the form of driveway crossovers and footway resurfacing) on Lambourne Drive associated with the planning consent, 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 876 5293 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 on anything deemed over and above what is required to secure the safe and satisfactory operation of the highway network.

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: 15/01997/PFUL3 (PP-04384722)

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.