

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Leengate Building, Leen Gate**

**1 SUMMARY**

Application No: 14/00141/PFUL3 for planning permission

Application by: AEW Architects on behalf of Ronald McDonald House Charities (UK)

Proposal: Ancillary managed accommodation (59 bedrooms) for the families of hospital patients.

The application is brought to Committee because it is a major application on a prominent site where there are important design considerations.

To meet the Council's Performance Targets this application should be determined by 30th April 2014.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the conditions substantially in the form listed in the draft decision notice at the end of this report.

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

**3 BACKGROUND**

3.1 The application site is located on the north side of Leen Gate and is currently occupied by a two storey office building which was constructed in the 1980s. It was originally used by the Queen's Medical Centre (QMC) housing the Trust's Estates and Facilities section together with limited treatment facilities but is now being used temporarily as offices by the NET Phase 2 project. There are currently 20 car parking spaces on the site and it has a number of trees within it on all four sides. Access to the site is from Leen Gate and then along a private access road which is also used by a nearby commercial occupier (Bell Fruit) to access their detached car park and hospital staff to access temporary car parking areas. It also provides vehicular and pedestrian access to the neighbouring residential complex, Leen Court.

3.2 The application site is bounded to the north by the former Western Club site. This is currently being used a temporary car park for hospital staff but outline planning permission was granted in 2013 for residential development. To the west is an area of surface car parking partly used by Bell Fruit with the remainder used by the hospital. To the west of this is the River Leen with the hospital campus beyond. To

the east and south is Leen Court which is an L-shaped three storey former industrial building which has been converted into apartments with car parking. Leen Gate provides one of the main access routes into the hospital campus.

#### **4 DETAILS OF THE PROPOSAL**

- 4.1 Planning permission is sought for the demolition of the existing office building and its replacement with a building to be used as managed accommodation for the families of hospital patients. The intention is to provide temporary free “home away from home” accommodation for the families of sick children who are patients in the hospital to enable them more easily to stay close to their children throughout their treatment. This would be operated by a charitable trust. There are currently 14 similar facilities elsewhere in the country and the aspiration is provide this facility in Nottingham.
- 4.2 The proposal involves the erection of a T-shaped four storey building on the site with the entrance to the building on the west elevation accessed from the private access road. It is proposed that the building be constructed in two phases. The total number of bedrooms to be provided is 59 with 39 to be built in Phase 1 and the remaining 20 to be built in Phase 2. Phase 1 would comprise the front western portion of the building and Phase 2 would be a projecting wing at the rear. In addition to the bedrooms the accommodation provides communal living facilities on each floor for the shared use of the occupiers.
- 4.3 The bulk of the building is of red multi facing brick construction but the front elevation in particular also includes glazed bricks (in four shades of green) in vertical panels in and around the main entrance, with a protruding curtain walling glazed box on the upper levels above the main entrance. The building entrance wraps around the south and west elevations to create a feature corner. The use of green glazed bricks is also carried into the south elevation which will be visible on the approach to the building.
- 4.4 To the rear of the building a landscaped garden space is proposed for the use of families staying in the accommodation. The proposal involves the retention of existing trees around the edge of the site where possible but some trees are proposed to be removed.
- 4.5 It is proposed that the 10% renewable energy requirement will be achieved by the installation of a combined heat and power (CHP) unit.
- 4.6 A total of four car parking spaces are proposed on the site frontage. These would comprise two drop-off spaces, one disabled parking space and one staff space. Six staff will be present on the premises at any one time.
- 4.7 Employment and training opportunities will arise from this development and the applicant has committed to working with the Council’s Employer Hub to deliver local construction employment opportunities.

## 5 **CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

The application has been advertised by means of a site and press notice and the following occupiers consulted:

5 -11 (odds) Martinmass Close;

1- 8 The Bayley, 1-6 The Babington, 1-9 The Galeb, 1-6 The Garland ,1- 10 The Victor ,1- 5 The Trinity, 1- 6 The Stretton, 1- 13 The Hamilton, 1- 8 The Gregory, all Leen Court

University Hospital NHS Trust Queens Medical Centre Derby Road

Bell Fruit Manufacturing, Leen Gate

T Visaman & Sons Ltd 575 Melton Road, Leicester (owners of the Western Club site)

In response one email has been received from a resident of Nottingham supporting the proposal. Considers the existing building is of no architectural importance, it is important the planned development is sympathetic to the setting of Leen Court, welcomes the use of the green coloured feature panels in the new building and considers that the colour of the brickwork should match Leen Court.

### **Additional consultation letters sent to:**

**Noise and Pollution Control:** No objection. Require further details of the proposed CHP unit and recommend the inclusion of ground contamination and gaseous emissions conditions.

**Highways:** No objection. The proposal is likely to reduce the existing number of trips on the network. Recommend a condition requiring the submission of a construction management plan.

**Environment Agency:** Object. The submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the development. Parts of the site lie within Flood Zone 2, and the whole site is surrounded by Flood Zone 2. The access via Leen Gate lies entirely within Flood Zone 2, and the eastern end is within Flood Zone 3. The Flood Risk Assessment should therefore consider in detail the risks of flooding from the River Leen to the property and residents, and the provision of safe access and egress from the site.

**Drainage:** Concerns. Notes that the Flood Risk Assessment is not adequate and that the submitted Drainage Strategy for the development does not include any SUDS techniques for the disposal of surface water. A condition is recommended requiring further details of the disposal of surface water.

**Tree Officer:** Recommends that the possibility of further tree retention be investigated. In particular, identifies the benefits of retaining three lime trees which would soften and screen the building to the benefit of the apartments to the south. A schedule of tree works should form part of the Arboricultural Method Statement.

**Councillors Piper and Trimble:** As ward councillors wish to make a number of points. Whilst they support the initiative to open a hotel for the parents of children receiving treatment at the QMC, feel there are a number of issues which need to be addressed with the application. The proposal is too intensive for the nearby existing residential buildings and future residential buildings which they hope will be built on the Western Club site. The proposal is for a four-storey construction which will overshadow Leen Court apartments at the front of the site and the houses on the Western Club site at the rear. Suggest the following: a set back on the upper storeys be incorporated to reduce the visual impact on neighbouring residences; need to ensure that sufficient distance exists between the rear gardens of future houses at the Western Club and the new development and ensure that existing trees are retained.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

The primary emphasis of the NPPF is that all Local Plans and decisions on planning applications should reflect a 'presumption in favour of sustainable development'. In this respect the NPPF sets out a number of core planning principles (paragraph 17), the most relevant to the proposed development are set out below:

- to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk, and encourage the reuse of existing resources and encourage the use of renewable resources;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans.

### **Nottingham Local Plan (November 2005):**

The following policies have been saved and are considered to be relevant to assessment of the application. The policies are considered to be consistent with the NPPF and therefore should be attributed full weight in the decision making process.

ST1 - Sustainable communities.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE5 - Landscape Design.

NE3 - Conservation of Species.

NE5 - Trees.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 – Derelict and contaminated land.

T3 - Car, Cycle and Servicing Parking.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of development;
- (ii) Layout and design considerations;
- (iii) Impact on residential amenity;
- (iv) Transport related issues.

#### **(i) Principle of development (Policy ST1)**

- 7.1 The application concerns a brownfield site with the existing building of no architectural merit and there is therefore no objection to its clearance and redevelopment. The proposed development is complementary to the neighbouring QMC and in very close proximity to its Leen Gate entrance. It is anticipated that the families using the accommodation would be from a wide area and the site is ideally located in close proximity to both the ring road and public transport links, particularly to the NET Phase 2 extension which is currently under construction and will include a tram stop within the hospital site. The nature of the use is such that it is also compatible with the neighbouring residential premises. Policy ST1 is therefore considered to be satisfied.

#### **(ii) Layout and design considerations (Policies BE2, BE3 and BE5)**

- 7.2 Both Local Plan policies and the NPPF recognise the importance of design in making places better. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. It also states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.

- 7.3 The main body of the building which will comprise Phase 1 has been sited on the front part of the site and addresses the access road which runs across the frontage. This is the elevation of the building which is more publicly accessible and visible. It includes the entrance to the building and active ground floor uses contributing to community safety in this area. The rear of the building overlooks the private garden area to be created for the users of the building.

- 7.4 The building is proposed to be four storeys. The adjacent Leen Court development is three storeys with a pitched roof and the overall height of the proposed building is marginally higher than this. However, it is considered that taking into account the separation distance between the two, that a four storey building will be compatible with the character and scale of Leen Court, and indeed the wider mixed commercial and residential character of Leen Gate. The future character of the residential development of the Western Club site to the north of the application site will be derived from the more suburban character of the existing housing development to the east. The relationship of the proposed development with this site is addressed in para. 7.11.
- 7.5 The design of the building is conceived in two parts. The more visible and public west elevation has the most distinctive design and through the use of a variety of materials, including glazed green bricks and an area of glazed curtain wall will present a well mannered and attractive building. The east elevation of the building facing the garden will be more traditional in appearance with symmetrical windows providing a vertical emphasis.
- 7.6 The proposal would result in the loss of a number of trees on the site but it is proposed to retain others and also to undertake replacement planting. The siting of the building also ensures that five trees just outside eastern boundary of the site would be unaffected by the development. Three of the replacement trees are along the southern boundary of the site and will in part mitigate for the loss of a group of three trees in the vicinity. The area at the rear of the building will be a private garden area for the users of the accommodation and the submitted soft landscaping plans indicate that this will be high quality. Conditions relating to landscaping and tree protection measures will be included.
- 7.7 Overall, it is therefore considered that the proposals will satisfy Policies BE2, BE3, BE5 and NE5.
- (iii) Impact on residential amenity (Policies BE3 and NE9)**
- 7.8 The residential properties nearest the site are those within the Leen Court apartment complex which is located to the south and east of the proposed development. There is also an extant outline planning permission for residential development for family housing on the former Western Club site to the north. Consultation on the planning application has generated no response from existing residents.
- 7.9 The distance between the southern wing of Leen Court and the proposed building is 16m at the closest point. It is considered, taking into account the siting of the proposed building and the location of the nearest part of Leen Court to the south, that the scale and mass will not unduly impact upon the outlook, daylight or overshadowing of the apartments directly opposite. There are three existing trees adjacent to the southern boundary of the application site which are proposed to be removed. Consideration has been given to the possibility of these being retained but this has proved impractical. Their loss is mitigated with replacement planting elsewhere within the site and the scheme now also includes additional landscaping and climbing plants in this area, which would help to ease and soften the relationship between the southern side elevation of the proposed building and Leen Court.
- 7.10 The proposed use of the building will generate activity through the comings and goings of its occupants and servicing arrangements but bearing in mind the

previous and current use of the site it is considered that this will not significantly impact upon the amenity of the occupiers of Leen Court. The former Western Club site has outline planning permission for family housing and as part of considering the current application it needs to be ensured that the proposal would not prejudice that residential scheme.

- 7.11 Following advice given at the pre-application stage the building was pulled away from this neighbouring site and currently provides a minimum separation distance of 8m to the shared boundary. It remains, however, that the proposal is for a four storey building to the south of the Western Club and that this will have some impact on any future development of this site. The planning permission for the Western Club is in outline form only and although an indicative layout for 29 dwellings was included as part of the scheme, this was not an approved layout and there will be the opportunity for this to alter and adapt at the time of a reserved matters submission, or a future full planning application. Furthermore, the impact of the proposal upon the Western Club site is confined to the very south western corner of the site, which equates to only one plot on the indicative layout. There is also a group of four substantial existing trees close to the northern boundary of the application site which are to be retained and will help to screen the building when viewed from this adjacent residential site. Overall it is considered that the proposal will not prejudice a residential scheme on the Western Club site which will be able to respond and adapt to this more advanced development. The proposal therefore accords with Policies BE3 and NE9.

**(iv) Transport related issues** (Policies BE2 and T3)

- 7.12 There are no specific highways concerns about this proposal on the basis that the proposed use would be likely reduce the existing number of trips on the highway network as the trips to the hospital as a result of families being able to stay in the accommodation rather than travel to and from home every day.
- 7.13 The site is also well located in relation to public transport, particularly following the completion of NET Phase 2 which will serve the hospital. Policies BE2 and T3 are therefore satisfied.

**Other matters** (Policies NE3, NE9, NE10 and NE12)

- 7.14 The Environment Agency has objected to the application on the basis of the absence of a satisfactory Flood Risk Assessment, as parts of the site lie within Flood Zone 2. The applicant is now addressing this issue and an update will be provided at Committee. Further details of surface water drainage are to be conditioned to ensure that the possibility of incorporating SUDS techniques into the development is fully considered.
- 7.15 Noise and Pollution Control, whilst not objecting to the development, have raised a number of issues which can be satisfactorily dealt with by conditions relating to ground contamination and gaseous emissions.

**8. SUSTAINABILITY / BIODIVERSITY** (Policies BE4 and NE3)

- 8.1 A sustainability statement has been submitted with the application which states that the CHP unit, together with other measures such as a fabric first approach, would achieve a 16% saving on carbon emissions when both Phases 1 and 2 are complete. Phase 1 in isolation would achieve an 18% saving on carbon emissions. As such the proposals comply with Policy BE4.

- 8.2 An ecological survey and assessment has been submitted with the application which indicates that the site is of low ecological value. It recommends, however, that there is scope of ecological enhancements through the planting of native species and the provision of bird boxes. The landscaping scheme submitted with the application includes the former and the provision of bird boxes will be secured by condition.

**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**

The building would be fully accessible.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

World Class Nottingham and Healthy Nottingham - Enhancing the facilities of a regionally important hospital

**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: 14/00141/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MZPE7QLYCB000>

Email from local councillors dated 25.02.2014

Email from Noise and Pollution Control dated 06.02.2014

Email from Tree Officer dated 12.02.2014



Email from Nottingham resident dated 04.02.2014

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

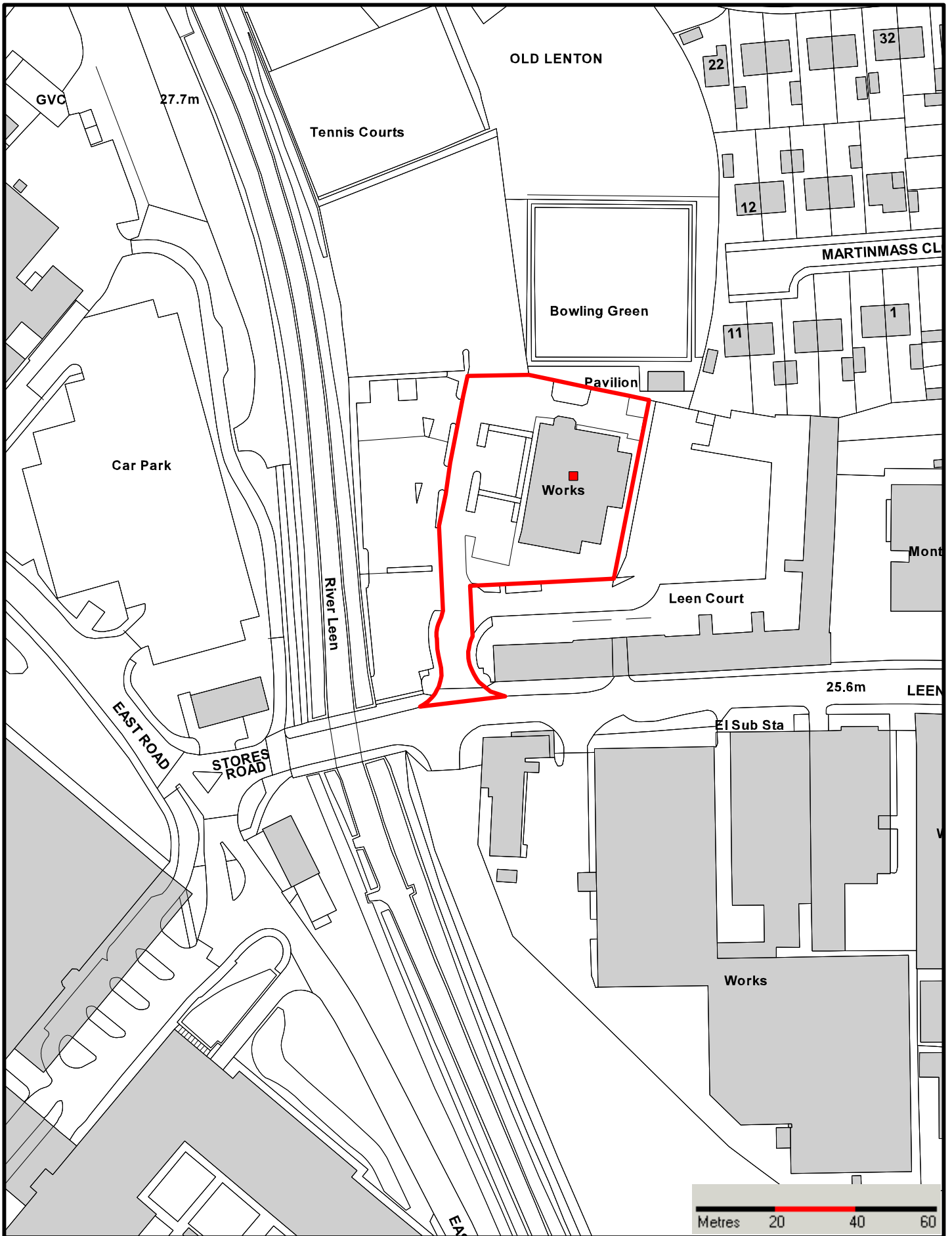
**Contact Officer:**

Mrs J.M. Keble, Case Officer, Development Management.

Email: [janet.keble@nottinghamcity.gov.uk](mailto:janet.keble@nottinghamcity.gov.uk). Telephone: 0115 8764056







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**Nottingham**  
City Council

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Date of decision:

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

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Application No: 14/00141/PFUL3 (PP-03062741)  
Application by: Ronald McDonald House Charities (UK)  
Location: Leengate Building, Leen Gate, Nottingham  
Proposal: Ancillary managed accommodation (59 bedrooms) for the families of hospital patients.

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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)



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2. No development shall be commenced until a Construction Method Statement for Phase 1 and Phase 2 has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- (i) Vehicular access to the site;
  - (ii) The parking of vehicles of site operatives and visitors;
  - (iii) Loading and unloading of plant and materials;
  - (iv) Storage of plant and materials used in constructing the development;
  - (v) Wheel washing facilities;
  - (vi) Measures to control the emission of dust and dirt during construction.

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

*Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan*

3. The development shall not be commenced until a detailed scheme to deal with contamination of the site has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to the Geo-environmental Desk Study, RMHC Nottingham, Ronald McDonald House Charities, First Issue (Capita Symonds, 9th September 2013) and include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed. In particular the scheme shall include:

(i) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found;

(ii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;

(iii) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

*Reason: In the interests of the health and safety of the occupiers of the development and to ensure that the principal aquifer underlying the site is protected in accordance with Policy NE12 of the Nottingham Local Plan.*

4. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

(i) proposals for ensuring the safe removal of gas;

(ii) proposals for preventing the lateral migration of gas; and

(iii) any other remedial measures shown in the assessment to be necessary.

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*



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

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

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

6. No above ground development shall be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure a high quality development in accordance with Policy BE3 of the Local Plan.*

7. No above ground development shall be commenced until details of the materials for the hard surfaced areas of the site, based upon a sustainable approach to site drainage, have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To reduce the risk of flooding and to improve and in the interests of the appearance of the development in accordance with Policies BE3 and NE10 of the Local Plan.*

8. No above ground development shall be commenced until details for enclosing the site have been submitted to and approved in writing with the Local Planning Authority.

The means of enclosure shall be installed in accordance with the approved details prior to the occupation of the building.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.*

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

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

#### **Pre-occupation conditions**

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

11. No part of Phase 1 of the development shall be occupied until the approved sound insulation and complementary acoustical ventilation scheme, where they are applicable to Phase 1 have been implemented.

*Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy BE3 of the Local Plan.*



12. No part of Phase 2 of the development shall be occupied until the approved sound insulation and complementary acoustical ventilation scheme where, they are applicable to Phase 2 have been implemented.

*Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy BE3 of the Local Plan.*

13. No part of the development shall be occupied until the remedial or precautionary measures required to deal with ground contamination have been completed, the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved by 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 NE12 of the Local Plan.*

14. No part of the building, drainage or sewerage facilities, nor any areas surfaced with materials impermeable to gas, shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented. Thereafter the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

*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 NE12 of the Local Plan.*

15. The approved sustainable design measures to achieve a minimum of 10% reduction in carbon emissions set out in the Sustainability Statement (Sustainable Design and Construction Methods) shall be implemented before the development is first brought into use.

*Reason: In the interests of the sustainable development of the site and in accordance with Policy BE4 of the Local Plan.*

16. The development shall not be occupied until the proposed bird boxes have been incorporated into the building in accordance with details that have first submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of conserving protected species and the ecology of the development in accordance with Policies BE5 and NE3 of the Local Plan.*

17. No part of the development shall be brought into use until the parking area has been provided in accordance with the approved drawings. Thereafter, the parking area shall only be used for the purposes approved.

*Reason: In the interests of highway safety in accordance with Policy T3 of the Local Plan.*

18. No part of the development shall be brought into use until the cycle parking facilities as indicated on the approved drawings have been provided.

*Reason: To encourage use of the development by means of transport other than the car in accordance with Policy T3 of the Local Plan.*

19. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any 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: In the interests of ensuring the finished quality of the approved development, the visual amenity of neighbouring properties, and the wider area in accordance with Policies BE3 and BE5 of the Local Plan.*

### **Regulatory/ongoing conditions**

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

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

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

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

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

### **Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 27 February 2014.

*Reason: To determine the scope of this permission.*

### **Informatives**

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

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

3. 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.



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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

4. It should be noted that no construction work, landscaping or other activity shall be undertaken following the initial occupation of the development which may compromise the remediation measures implemented to deal with ground and groundwater contamination of the site.

5. The approved sound insulation and complementary acoustical ventilation scheme shall be maintained &, in the case of mechanical ventilation, shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied. Only the approved sound insulation and complementary acoustical ventilation scheme shall be installed and operated on site.

6. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)  
Sunday: at no time  
Bank Holidays: at no time

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

#### Equipment

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

#### Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting  
Water sprays/damping down of spoil and demolition waste  
Wheel washing  
Periodic road cleaning

7. The Arboricultural Method Statement to be submitted shall be prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations'. It may include the following elements as appropriate:

- Protective fencing for retained trees
- Schedule of tree work



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Continued...

- Method of working within identified root protection areas
- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

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: 14/00141/PFUL3 (PP-03062741)

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](http://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.



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