

REPORT OF HEAD OF PLANNING.

Former Hindle House, Traffic Street

1 SUMMARY

Application No: 15/03198/PFUL3 for planning permission

Application by: CPMG Architects on behalf of HC1 Land Ltd

Proposal: 62 new apartments and associated works.

The application is brought to Committee because it is for a major development and is recommended for approval without any S106 obligation requirements being met.

To meet the Council's Performance Targets this application should have been determined by 25th May 2016

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 Planning.

3 BACKGROUND

SITE

- 3.1 The site comprises a cleared, rectangular piece of land formerly occupied by Hindle and Caliba light industrial premises. The site has been used as a temporary car park. It is located on the north side of Traffic Street, to the south of the railway line. Between the northern edge of the site and the railway line is the Tinker's Leen watercourse and a strip of land used as a car park owned by Network Rail.
- 3.2 To the west of the site is a low "shed" type building which is occupied by a car rental company. To the east is the W J Furse industrial / warehouse building which is in use and has an access shared with the Hindle and Caliba site. The Castle Rock Brewery, Plumb Centre and Sentinel Office redevelopment site are in close proximity to the site. To the south, on the opposite side of Traffic Street is a cleared site which does not benefit from any extant planning permission.
- 3.3 The site terrain is generally level but overgrown with scrub in places. The site is located within the Southside Regeneration Zone and is within Flood Zone 2.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is to create a four storey, 'U' shaped block of residential apartments. The scheme comprises 62 apartments (31 x one bed units and 30 x two bed units) enveloped around a private landscaped courtyard with parking facilities for 26 vehicles.
- 4.2 Access to the site is off Traffic Street via an underpass driveway with electronically operated pedestrian and vehicular gates. Cycle storage, bin store and plant room would be located on the ground floor. All floors would be served by three stairwells and a lift. The building would be finished in buff brickwork and the top floor which is set back from the lower floors, would be mainly glazed with the roof covered in a grey single ply membrane. It is proposed to enclose the east facing boundary to the Furse works site with a new brick wall to match the new building.
- 4.3 The developer is offering local employment and training opportunities during the construction phase of the development.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Castle Rock Brewery, Queens Bridge Road.

Nottinghamshire Probation Service, W J Furse, Units 1 & 2 15, Traffic Street.

Plumb Centre, Waterway Street.

Mabec and Wilson Bowden developments.

A site notice was posted and a press notice published. The overall expiry date was 20/05/16

Additional consultation letters sent to:

Noise and Pollution Control: No objection to proposal subject to the imposition of conditions relating to contaminated land, ground gas & groundwater contamination, domestic noise, air quality and electric vehicle charging infrastructure.

Highways: No objection to proposal subject to the imposition of conditions requiring revisions to existing TRO's, a construction management plan and details of Residential Travel Packs and cycle storage. Pre-occupation conditions are required to secure off-site highway works and a car park management plan. Informatives are also recommended about contacting Highways Network Management prior to works starting on the highway and the costs associated with amending TRO's.

Environment Agency: No objection subject to the Sequential Test having been applied and satisfied, subject to conditions requiring the development be carried out in accordance with the Flood Risk Assessment in particular the level of finished floor levels. A condition is also recommended requiring site investigation, a remediation strategy and verification plan with respect to contamination.

Biodiversity: No objections to the proposal. Conditions are recommended requiring native species be used in the landscaping scheme. Measures to prevent pollution of the brook or damage to existing bankside habitats for which water voles may be present during construction should be conditioned. A construction

environment management plan should be conditioned. The development should be carried out in accordance with the recommendations of the bat survey.

Drainage: No objections provided the development is carried out in accordance with the recommendations of the Flood Risk Assessment. An advisory note is recommended that makes the applicant aware of their responsibilities as owners of the bank of this part of the Tinkers Leen.

Others:

Nottingham Civic Society: No objection to the principle of residential use on this cleared site. The height and mass of the development are acceptable. A traditional red brick would be preferred in place of the proposed buff brick. It is suggested that a greater shared space be made available for open space on the northern site boundary adjacent to the Tinkers Leen, to maximise the wildlife benefit of the nearby stream without compromising privacy for those ground floor apartments overlooking the space.

Network Rail: No objection. Recommend conditions regarding boundary treatments, safety barriers, construction method statements, lighting, landscaping, soundproofing of apartments along with informatives regarding access and excavations/earthworks. *Note: these details are considered beyond the scope of the Local Planning Authority and are to be included as informatives only. The comments have been forwarded to the agent for consideration and to allow direct dialogue with Network Rail if necessary.*

Castle Rock Brewery: Support the application as it will add footfall and activity to the area which is not currently the case. The brewery operates relatively long hours throughout weekdays and weekends. The brewery process can be noisy and produce odour and Traffic Street is used for deliveries. Whilst the noise is not excessive or the odour unpleasant, they want to avoid any future circumstance of residents' complaints curtailing their legitimate business.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.
- 6.2 Paragraph 14 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraph 17 sets out the core planning principles, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; secure high quality design; support the transition to a low carbon future, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to reducing pollution; and managing patterns of

growth to the make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

- 6.4 Paragraph 56 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development.
- 6.5 Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Nottingham Local Plan (November 2005):

H2 - Density

NE3: Conservation of species

NE9: Pollution

NE10: Water quality and flood protection

NE12: Derelict and contaminated land

ST1: Sustainable development

T3: Car, cycles and servicing parking

Aligned Core Strategy (2014)

Policy 1: Climate Change

Policy 7: Regeneration

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

The Nottingham City Centre Urban Design Guide 2009 (NCCUDG)

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development.
- (ii) Layout, design and appearance.
- (iii) Impact on Neighbours

Issue (i) Principle of the Development (Aligned Core Strategy Policy 7, Local Plan Policies ST1, H2 and the NPPF)

- 7.1 The application site is within the Southside Regeneration Zone which is designated for office led mixed use development. Although there is a focus on offices, other supportive uses such as residential development, hotels and complementary retail and leisure uses are also supported and would contribute to the regeneration of this area and the economic prosperity of the City. It is the aspiration that this development will act as a catalyst for the regeneration of this part of the City's Southside Regeneration Zone. The proposal would therefore accord with the aims of policy 7 of the ACS and Policy ST1 of the Local Plan and the aims of the NPPF.

- 7.2 It is recognised that the site is relatively constrained given adjacent uses and proximity to the railway. However, these factors have been carefully borne in mind with the design of the scheme. All apartments will benefit from high levels of acoustic separation and Noise and Pollution Control have raised no objections to the proposal subject to the imposition of relevant safeguarding conditions.
- 7.3 The size and quality of the apartments are acceptable and there is a good mix of one and two bed units. The scheme has been designed to ensure that most apartments will have their primary aspects out onto the open space with the façade facing west towards the car rentals used for circulation and predominantly secondary windows. The apartments would have access and use to the courtyard space and the penthouse units access to external roof terraces. The new boundary wall to the east of the site will provide some privacy, and screening to the light industrial uses next door to the site.
- 7.4 The apartments would be close to a choice of sustainable means of transport including, trains, buses and the extended tram network. It is also close to the city centre and services such as shopping, entertainment and health.
- 7.5 The principle of a residential use in this location is therefore acceptable in principle and complies with the aims of policies 7 of the ACS and Policies H2, and ST1 of the Local Plan.

Issue (ii) Layout, Design and Appearance (Aligned Core Strategy Policy 10, and NPPF)

- 7.6 The site falls within a key vista from Nottingham Castle, as identified in the NCCUDG. The guidance seeks to ensure that views from the Castle are not restricted by a “wall” of development along the northern side of Traffic Street. The four storey height is considered to be acceptable in this location as massing models have been provided which illustrate that this important view is maintained and protected.
- 7.7 The proposed height is considered appropriate to the character of Traffic Street which has a relatively narrow street width and also appropriate for future development of the site on the southern side of Traffic Street. Furthermore the three masonry storeys with lightweight glazed and set back fourth floor would not conflict with the guidance contained within the NCCUDG in relation to street enclosure.
- 7.8 The fourth floor comprises a lightweight glazed structure that is set in from the front face of the building which also helps reduce the mass of the building and provide for an interesting roofline. The modelling in the form of the scheme also helps to break up the overall mass, of the building.
- 7.9 Part of the building is set to the back of pavement along Traffic Street. However it is proposed that there will be some soft landscaped elements set behind low level walls in order to provide some defensible space for the ground floor apartments facing Traffic Street.
- 7.10 The building is contemporary in design and would be faced in a high quality buff brick, which it is felt, can sit comfortably amongst a combination of historic brick

buildings and modern future developments. The corners of the building are key elements as they will be prominent in views of the scheme up and down Traffic Street thus these areas have been enlivened with large wrap around windows. Some of the wrap around windows contains Juliet balcony features with metal balustrading.

- 7.11 The language of the building is designed around a composition of strongly modelled solid forms. There are vertically proportioned windows set in deep reveals which adds depth and articulation to the elevations. A contrasting timber cladding is proposed to feature spandrels within the fenestration to soften the appearance of the scheme.
- 7.12 The scheme has been carefully designed to respond to the sites varying contexts. Overall, it is considered that the building will result in an enhancement to the local townscape. It will enliven the street scene and will be a significant improvement when viewed by train passengers.
- 7.13 The proposal would therefore comply with policy 10 of the ACS and the aims of the NCCUDG.

Issue (iii) Impact Upon Neighbours (Aligned Core Strategy 10)

- 7.14 Taking into account, the siting, height and mass of the apartment building and the nature of the adjoining uses, which are non-residential, it is considered that the impact of the proposal upon the amenity of nearby occupiers and future schemes is acceptable.

OTHER MATTERS (Local Plan policies NE9, NE10, NE12 and T3 and Aligned Core Strategy policies 10 and 14)

- 7.15 **Transport:** There are no highway objections to the principle of the proposal subject to the submission of details which will be required by condition.
- 7.16 **Flood risk/drainage:** The application site is located within Flood Zone 2 and a Flood Risk Assessment has been submitted with the application. The Environment Agency has not raised an objection subject to conditions relating to ground contamination and to ensure the development is undertaken in accordance with the Flood Risk Assessment especially with respect to finished floor levels.
- 7.17 **Noise and Pollution Control:** Do not object to the development but have raised a number of issues which can be satisfactorily dealt with by conditions relating to ground contamination, domestic noise, air quality and Electric Vehicle Charging Infrastructure.
- 7.18 Local Plan policies NE9, NE10 and T3 and ACS policy 10 are therefore satisfied. Having regard to the issue of viability and the overall benefits of this development it is considered that a waiver of the policy requirements is considered to be justified in this instance.
- 7.19 **S106 Agreement Requirements:** It is proposed that the development would not be viable if financial contributions towards aspects such as affordable housing, public open space and education were to be included. The applicant has provided a viability appraisal that demonstrates the impacts that these aspects would have on the scheme. The findings of the appraisal have been independently assessed and

are considered to be justified sufficient to waive these in the interests of promoting the regeneration of the site and wider area.

- 7.20 It is considered that the priority in this instance should be to encourage and support the redevelopment of the site.

8. SUSTAINABILITY / BIODIVERSITY (Local Plan policy NE3 and Aligned Core Strategy policies 1 and 17)

- 8.1 It is proposed to integrate roof mounted photovoltaic panels to the scheme. The option of utilising the district heating system is also being explored.
- 8.2 A condition is recommended securing the provision of 2 x bat boxes to further enhance the biodiversity of the site. Conditions are recommended requiring native species be used in the landscaping scheme. Measures to prevent pollution of the brook or damage to existing bankside habitats for which there may be watervoles during construction will be conditioned. A construction environment management plan will also be conditioned.

Local Plan policies NE3 and ACS policies 1 and 17 are therefore satisfied.

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

Provision of an accessible building.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

The proposal addresses the following corporate themes:
Work in Nottingham: By creating employment opportunities.
Neighbourhood Nottingham: By the physical enhancement of the local environment.

14 CRIME AND DISORDER ACT IMPLICATIONS

Improved surveillance and community safety.

15 VALUE FOR MONEY

None.

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

1. Application No: 15/03198/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZRDHTLYCB000>
2. Memo from Highways dated 22/03/16
3. Memo from Noise and Pollution Control dated 21/03/16
4. Memo from Biodiversity dated 14/03/16
5. Letter from Network Rail dated 18/03/16
6. Letter from Castle Rock Brewery dated 08/03/16
7. Email received from the Civic Society dated 26/03/16
8. Email received from the Environment Agency dated 23/03/16

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:



Mrs Nicola Tyrrell (Wed, Thurs And Fri), Case Officer, Development Management.
Email: nicola.tyrrell@nottinghamcity.gov.uk. Telephone: 0115 8764082

NOMAD printed map

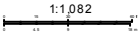


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Key

-  City Boundary
-  Planning Application Polygons

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My Ref: 15/03198/PFUL3 (PP-04517450)

Your Ref:

Contact: Mrs Nicola Tyrrell (Wed, Thurs And Fri)

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

CPMG Architects
FAO: Mr Steven Milan
23 Warser Gate
Nottingham
NG1 1NU

Date of decision:

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

Application No: 15/03198/PFUL3 (PP-04517450)
Application by: HC1 Land Ltd
Location: Former Hindle House, Traffic Street, Nottingham
Proposal: 62 new apartments 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 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.

3. The development shall not be commenced until details of all doors and windows including a large scale sectional drawing of 1:20 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.

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

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

5. No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

6. The development shall not be commenced until a sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The sound insulation scheme shall have regard to the acoustic planning assessment carried out by Sharps Redmore dated 09/02/2015 (ref 1414317), the location of the site in an AQMA and include the specification and acoustic data sheets for plant and equipment, glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels:

i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,

ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,

iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Furthermore plant which may result in perceptible vibration in residential rooms shall be isolated from the structure and noise levels in residential rooms from this source shall not exceed NR 20.

The approved sound insulation scheme shall be installed and retained for the life of the development.

Reason: To safeguard the health and residential amenity of the occupants of the proposed accommodation to comply with Policy NE9 of the Nottingham Local Plan.



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Not for issue

Continued...

7. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation, based on 'Hindle & Caliba House, Nottingham - Phase 1 Detailed Study' (ref EB1863/RS/6131) dated 23rd December 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 'Hindle & Caliba House, Nottingham - Phase 1 Detailed Study' (ref EB1863/RS/6131) dated 23rd December 2015 and 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 and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.
- Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers and to protect the underlying principal aquifer from contamination to comply with Policy NE12 of the Nottingham Local Plan.*
8. The development shall not be commenced until details of an air quality management scheme have been submitted to be approved in writing by the Local Planning Authority. The scheme shall apply to the whole building and shall include design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality.
- Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy NE12 of the Nottingham Local Plan.*
9. The development shall not be commenced until details of a construction environment management plan detailing measures to prevent pollution of the brook or damage to existing bankside habitats during construction should have been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of nature conservation in accordance with policy NE3 of the Local Plan.*
10. Prior to the commencement of the development, an electric vehicle charging scheme shall be submitted to and be approved in writing by the Local Planning Authority.
- The scheme should include 1 charging point per 10 spaces (unallocated parking). To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority.
- Reason: In the interests of highway safety 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. Prior to occupation of the development, details of all off-site highway works, including amendments to Traffic Regulation Order shall be submitted to and approved in writing by the Local Planning Authority.¹¹

Reason: In the interests of highway safety and to protect the amenity of existing neighbours in accordance with policy T3.

12. The development shall not be occupied until cycle storage is provided in accordance with details which shall have first been submitted to and approved by the Local Planning Authority.

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

13. The development shall not be occupied until the off-site highway works have been carried out in complete accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to promote sustainable transport means to comply with Policy 10 of the Aligned Core Strategy.

14. The development shall not be occupied until details of the Residential Travel Pack have been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Packs shall include details of a communal noticeboard, contact details, details of the mechanisms regarding obtaining Robin Hood travel passes. The travel packs must be provided for each dwelling with all costs borne by the developer.

Reason: In the interests of promoting sustainable transport to comply with Policy 10 of the Aligned Core Strategy.

15. No part of the residential development hereby permitted shall be occupied until a car park management plan has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of Highway safety in accordance with policy T3 of the Local Plan.

16. The accommodation shall not be occupied until the following has been submitted to and 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 ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy NE12 of the Nottingham Local Plan.

17. No part of the development shall be occupied until the sound insulation scheme, including glazing and any complementary acoustical ventilation, has been installed in accordance with the details approved in relation to condition 6 above.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

18. No part of the accommodation shall be occupied until the air quality management scheme has been implemented in accordance with the details approved in relation to condition 9.

Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy NE12 of the Nottingham Local Plan.

19. The accommodation shall not be occupied until the photovoltaic panels have been first installed and are operational in accordance with the details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.

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

Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

21. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the accommodation 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.

22. The development shall be carried out in accordance with the approved Flood Risk Assessment report dated 6th January 2016, and the following mitigation measure:

1. The internal finished floor levels shall be set no lower than 25.74 m above Ordnance Datum (AOD).
2. There shall be no raising of land levels in areas of the site that are currently below the 1 in 100 year plus climate change flood level, i.e. 25.14 m AOD.

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

23. The development shall be carried out in accordance with the recommendations of the CGO Ecology Limited survey dated 31st August 2015, in particular those set out in section 4.

Reason: In the interests of nature conservation in accordance with policy NE3 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 24 February 2016.

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. 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 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring. To carry out the off-site highway works 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.

4. In the interests of highway safety it will be necessary to amend the existing Traffic Regulation Order at the applicant's expense. As a general rule, Traffic Regulation Orders (circa £7-10k payable by the applicant) can take upwards of 6-9 months to complete. For specific queries relating to the TRO process please contact Scott Harrison on 0115 876 5245 or by email at scott.harrison@nottinghamcity.gov.uk.

5. 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.

6. 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.

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.

7. Air Quality

The development is located either within or on the boundary of an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for nitrogen dioxide, as set out in the Regulations, are not being met.

While no air quality assessment is required in this situation, an air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish which floors of a multi-storey building do not require an appropriate ventilation scheme.

The air quality management scheme shall include the design and configuration specification of the whole building ventilation scheme and ensure that:

- Exposure of sensitive receptors to poor air quality shall be reduced as far as practicable;
- The location of clean air intakes for the scheme shall be located so as to maximise the vertical and horizontal distance between the clean air intakes and the primary source of poor air quality / air pollution;
- The discharge of ventilation air shall be from the building façade facing the primary source of poor air quality;

The approved whole building ventilation scheme [including any additional mitigation measures], shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Consideration will also be given to alternative equivalent measures to reduce exposure to poor air quality. However these may require the support of an air quality assessment to demonstrate their effectiveness.

The combined noise from the whole building ventilation scheme, any other environmental noise and noise from plant and equipment must not exceed NR 25 in bedrooms between the hours of 23.00 and 07.00 or NR 30 for living rooms and bedrooms between the hours of 07.00 and 23.00.

8. The applicant is advised that they own the bank of the Tinkers Leen and the Tinkers Leen itself (up to its centre line). This is called "Riparian Ownership" - see attached booklet titled "Living on the edge". This means the Applicant must ensure they are able to get to the watercourse, with maintenance vehicles, to maintain their section of the watercourse. This could include removing debris from the water, and repairing / rebuilding the bank if it becomes eroded. Looking at the layout of the Apartments, there doesn't appear to be an access for maintenance vehicles to get to the watercourse.

9. Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

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: 15/03198/PFUL3 (PP-04517450)

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/pcs.

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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Not for issue