

REPORT OF CHIEF PLANNER

Land To South, Salisbury Street

1 SUMMARY

Application No: 16/00815/POUT for outline planning permission

Application by: Zenith Planning And Design on behalf of Forest Estates
Nottingham Ltd

Proposal: Outline application for residential development of 21 dwellings.

The application is brought to Committee because the grant of planning permission for this site would be a significant departure from the adopted Development Plan.

To meet the Council's Performance Targets this application should have been determined by 5th December 2016, however an extension of time has been agreed until the 8th May 2017.

2 RECOMMENDATIONS

2.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- a) Prior completion of a planning obligation which shall include;
 - (i) A financial contribution towards public open space improvements at Wollaton Park;
 - (ii) Financial contributions towards the provision of both primary and secondary school places at Edna G Olds Primary School and Nottingham University Academy of Science and Technology (NUAST) respectively.
- b) The indicative conditions listed in the draft decision notice at the end of this report.

The power to determine the final details of the conditions and the obligation to be delegated to the Chief Planner.

2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application relates to a cleared site on the corner of Salisbury Street and Faraday Road, which extends to 0.47ha and was formerly part of the Raleigh Factory. The site has temporary planning permission to be used for car sales and a hand car wash until 31st January 2018.
- 3.2 Opposite the site on the north side of Salisbury Street are industrial units, whilst to the south is a 1980's development of predominately two storey semi-detached and terraced houses. To the west of Faraday Road (facing the site) lies Raleigh Park, a three and four storey development of flats that provides student accommodation. To the north of Salisbury Street, fronting Faraday Road is another complex of student accommodation that ranges from 5 to 7 storeys.
- 3.3 The site gradually rises from the north east corner to the north west corner, with a difference of approximately 4m across the site. There is a 2.5m high wall to the northern boundary of the site with the properties on Heron Drive and Grinsbrook.
- 3.4 Prior to temporary planning permission being granted for car sales and a hand car wash (Planning Application reference 15/02667/PFUL3), Development Control Committee had resolved to grant permission for the development of the site with 15 houses, 8 apartments, 84 studios and 1 apartment for student occupation, and a retail unit (Planning Application reference 09/00572/PFUL3). The decision has not been issued pending completion of a s106 agreement. Outline planning permission (Planning Application reference 05/02019/POUT) was granted in September 2006 for residential development with family housing, but this permission has now elapsed.
- 3.5 The site is allocated for employment uses within the Local Plan. The site also falls within Flood Zone 1, 2 and 3.
- 3.6 The developer has agreed to support the Council's aims of promoting the use of local labour and training in connection with development, which would involve the use of the Council's Employer Hub.

4 DETAILS OF THE PROPOSAL

- 4.1 Outline planning permission has been sought for the erection of 21 dwellings, including approval of access and layout. Appearance, landscaping and scale are reserved for subsequent approval.
- 4.2 The site layout plan shows that 21 detached dwellings are proposed, each with their own individual vehicular access; 17 of which would be onto Salisbury Street and 4 onto Faraday Road.
- 4.3 The front garden areas of the dwellings on Salisbury Street would have a minimum depth of 6.5m and a maximum depth of 7.7m. Rear gardens would vary from 6.7m to 14.6m. Whilst on Faraday Road the front gardens would be between 14.8m and 17.3m deep and rear gardens would be between 10.9m and 17.9m deep. The depths of the front garden areas mean that each dwelling would be provided with at least 1 external car parking space.
- 4.4 The building line for the dwellings on Faraday Road would be staggered. On Salisbury Street the 6 middle dwellings would be set back about 2.5m from the

dwellings proposed either side. The dwellings would be set away from each other by between 1.2m and 3.2m.

- 4.5 Each dwelling would have a footprint of approximately 52 sqm and it is suggested that they could be 2, 2 1/2 to 3 storeys in height, although scale and appearance are reserved matters, which are not for approval at this stage.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

87 Neighbouring properties on the following streets have been notified of the proposal:

Salisbury Street
Salisbury Square
Middleton Street
Shelby Close
Heron Drive
Grinsbrook

The application has also been publicised through the display of a site notice and the publishing of a press notice. No representations have been received as a result of this publicity.

Additional consultation letters sent to:

Environmental Health and Safer Places: The previous uses of the site mean that it is likely to be contaminated and given its location, noise may be an issue for future occupants. No objections are raised to the proposal subject to conditions to secure the submission of a remediation strategy and a noise assessment. They have also requested provision of an electric vehicle charging scheme.

Traffic Management: No objections to the proposal subject to conditions securing the provision of a construction management plan and details of surfacing, sight lines, provision of footway crossings and reinstatement of redundant footways. They have also requested that any alterations/damages to the highway are made good prior to the development being first occupied. Parking spaces should have minimum dimensions of 2.4m x 5.5m and it is suggested that residential travel packs should be provided for future occupants. It is also recommended that the developer should consider investigating the need for implementing traffic regulation orders in the vicinity of the site.

Environment Agency: Additional information has been forwarded to the Environment Agency which demonstrates that the development can be carried out without raising existing ground levels, or carrying out building works within the functional flood plain. On this basis the Environment Agency has withdrawn their original objection. Conditions have been recommended requiring development to be completed in accordance with the submitted Flood Risk Assessment, that finished floor levels are set no lower than 30.7m AOD and that perimeter fencing to Faraday Road shall be of open, post and rail construction, and that restrictions be imposed to prevent the erection of structures and changes in ground level. They have also requested a condition requiring details of any piling, required to safeguard ground water.

Drainage: No objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment.

Biodiversity Officer: No objections but they have requested that ecological enhancements should be secured as part of the proposed development.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

Paragraph 94 advises that local planning authorities should take full account of flood risk when making planning decisions. Paragraphs 100 to 104 set out that local authorities should steer development to areas at least risk of flooding and ensure that flood risk is not increased elsewhere. Local authorities should only consider development appropriate in areas at risk of flooding which are supported by an appropriate flood risk assessment.

Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

Nottingham Local Plan (November 2005):

Policy E2 – Allocated Employment Sites

Policy ST1 – Sustainable Communities

Policy H2 – Housing Density

Policy R2 – Open Space in New Development

Policy T3 – Car, Cycle and Servicing Parking

Policy NE9 – Pollution

Policy NE10 – Water Quality and Flood Protection

Policy NE12 – Derelict and Contaminated Land

Aligned Core Strategy (ACS) (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 4 – Employment Provision and Economic Development

Policy 8 – Housing Size, Mix and Choice

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development;
- (ii) Flood risk and water quality
- (iii) Housing size, mix and choice
- (iv) Street Scene
- (v) Impact on residential amenity
- (vi) Highways, Contamination and Climate Change
- (vii) Planning Obligations

Issue (i) Principle of development (Policy E2 of the Local Plan and Policy 4 of the Aligned Core Strategy)

- 7.1 The site has been the subject of two previous applications for residential development which concluded that the loss of employment land at this site was acceptable in principle. This is reflected within the consultation version of the Local Plan, the Land and Planning Policies Document (LAPP) as the site is allocated for residential purposes. Given the previous planning applications and the proposed residential allocation within the LAPP, it is felt that the residential redevelopment of the site is acceptable in principle.

Issue (ii) Flood Risk and Water Quality (Policy NE10 of the Local Plan and paragraphs 100 to 104 of the NPPF)

- 7.2 8% of the site falls within Flood Zone 2 and only 4% falls within Flood Zone 3; Flood Zone 3 affects the front garden areas of the 4 houses proposed on Faraday Road. Through the emerging LAPP allocation a Sequential Test relating to Flood Risk has

already been applied and as such it is considered to be an appropriate site for residential development. The Flood Risk Assessment submitted indicates that the site's redevelopment can be undertaken in a manner that does not increase flood risk elsewhere or place the development at undue risk. To ensure that flood risk can be appropriately managed it is recommended that conditions are imposed to restrict further development and the raising of external ground levels where the 4 houses fronting onto Faraday Road are proposed. It is also considered necessary to require details of the boundary treatments to these units to ensure that they are of an open type, as this part of the site forms part of the functional flood plain.

- 7.3 Details of any piling and measures required to safeguard ground water can be secured through conditions.
- 7.4 Through the use of conditions the proposal complies with Policy NE10 of the Local Plan and paragraphs 100 to 104 of the NPPF.

Issue (iii) Housing Type (Policy ST1 of the Local Plan and Policy 8 of the Aligned Core Strategy)

- 7.5 The proposal site layout, put forward for consideration at this time, is for a development of houses that would provide family accommodation with generous gardens. Such accommodation would support the aims and objectives of policies ST1 and Policy 8 that supports the provision of family housing.

Issue (iv) Street Scene (Policy 10 of the Aligned Core Strategy)

- 7.6 The proposed layout of the development does address the adjacent street pattern and would create secure, private rear gardens and active frontages. Appropriate soft and hard landscaping for the site can be dealt with at reserved matters stage, although it is felt that given the proposed depth of the front garden areas there is scope for substantial areas of planting, which would enhance the street scene.
- 7.7 Finished floor levels are to be set at 30.7m AOD, which would lead to the 4 dwellings fronting onto Faraday Road being set 1.3m higher than existing ground levels. However, given the depth of the front garden areas and the existing gradual rise of the site in this area it is felt that this increase in height could be incorporated within the site without being out of keeping with the area.
- 7.8 Given the proposed changes to the finished floor levels of the 4 proposed properties onto Faraday Road and their relationship with 21 to 29 Shelby Close, sited to the north, it would be preferable to restrict the height of the new properties to no more than two storeys. This could be secured by condition and would ensure that the scale of the new properties respects the height of the existing properties on Shelby Close. A cross section drawing has been submitted by the applicant which shows that this would be the case.
- 7.9 It is considered that there is more scope for the provision of properties of 2 ½ and 3 storeys along Salisbury Street, but details of proposed and existing site levels and cross sections should be submitted as part of any reserved matters application for scale and appearance, to ensure that the final heights of the new properties are acceptable in street scene and neighbour amenity terms.
- 7.10 Through the use of conditions the proposal complies with policy 10 of the Aligned Core Strategy.

Issue (v) Residential Amenity (Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy)

- 7.11 Limiting the height of the 4 new properties fronting onto Faraday Road would ensure that there would be no adverse impact on the immediate outlook for the occupants of 21 to 29 Shelby Close. The western most property would be sited within 9m of 16 Salisbury Square. However this is a single storey industrial unit and as such the proximity of the unit to the proposed new dwelling would not significantly affect the immediate outlook of the future occupants of the adjacent new dwelling.
- 7.12 Overall, as a result of the proposed separation distances and orientation between the new properties and the existing properties on Shelby Close and Grinsbrook, the relationship is considered to be acceptable. As such it would not result in an adverse impact on the amenity of future occupants of the development or on neighbouring properties with regards to privacy, daylight, sunlight or immediate outlook.
- 7.13 The development would be sited close to industrial units and as such a noise assessment would be required together with appropriate measures to ensure that there would be no adverse impact on future occupants as a consequence of noise and disturbance.
- 7.14 Through the use of conditions and as a result of the proposed layout, the proposal complies with policy NE9 of the Local Plan and policy 10 of the Aligned Core Strategy.

Issue (vi) Highways, Contamination, Climate Change and Biodiversity (Policy T3, NE12 of the Local Plan and Policy 1 and 17 of the Aligned Core Strategy)

Highways

- 7.15 Each dwelling would be provided with at least 1 external car parking space; the dwellings proposed on Faraday Road are capable of being provided with more spaces. The proposed vehicular access arrangements on Salisbury Street would also provide scope for on street car parking to take place. It is therefore considered that the proposed parking facilities spaces would accord with policy T3 of the Local Plan. Traffic Management colleagues have requested a construction management plan, details of sight lines, surfacing and the provision/reinstatement of footway crossings, which have been secured by condition. Parking spaces generally appear to meet their dimension requirements and an informative can be attached regarding the need for the developer to consider the requirement for traffic regulation orders and the provision of residential travel packs for the first occupants of the development.

Contamination

- 7.16 As result of the previous uses of the site an assessment of contamination and a remediation strategy is required, which can be secured by condition in accordance with policy NE12 of the Local Plan.

Climate Change

- 7.17 Conditions can be used to secure electric charging points as part of the development and measures to reduce carbon emissions and minimise water use. In this way the proposal complies with policy A and 1 of the Aligned Core Strategy.

Biodiversity

- 7.18 Conditions can also be used to secure enhancements to the ecological interest of the site which could be achieved through native planting and the use of bird/bat boxes. As such the development accords with Policy 17 of the Aligned Core Strategy.

Issue (vii) Planning Obligations (Policy ST1 and R2 of the Local Plan and Policy 19 of the Aligned Core Strategy)

- 7.19 The developer has agreed to meet the full section 106 requirement that would be associated with a development of this scale, which would secure financial contributions towards the following:

- Public Open Space
- Education

The sums that would be generated by the proposal will be dependent upon the precise number of bed spaces that are proposed as part of the reserved matters scheme; this will be addressed with the inclusion of relevant formulas within the S106 obligation. For example, if the final scheme comprises of 3 bed units, the open space contribution would be around £30,000, this figure is derived by multiplying the number of units by the public open space contribution sought for each 3 bed dwelling. The education contribution would be around £56,500 for primary school places and £56,000 for secondary school places, these amounts are derived utilising the following formula, 21 dwellings multiplied by the number of primary/ secondary school places generated by the development multiplied by the contribution sought for each school place generated.

- 7.20 It is proposed that the public open space contribution would be used towards infrastructure improvements to Wollaton Park, as a destination site. It is proposed that the primary education contribution would be used towards pupil places at Edna G Olds Primary School and the secondary education contribution would be used towards pupil places at Nottingham University Academy of Science and Technology (NUAST).
- 7.21 In both cases the Section 106 obligations sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8. SUSTAINABILITY / BIODIVERSITY

Conditions can be used to ensure that the development incorporates sustainability measures and enhances biodiversity. The development is capable of being designed to meet a 10% reduction in carbon emissions (beyond Building

Regulations Part L 2013). Furthermore, the dwellings are capable of utilising solar gain and shading methods, natural ventilation and daylight.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

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

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

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: 16/00815/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O5KK8FLYIYO00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

National Planning Policy Framework (March 2012)

Contact Officer:

Miss Jennifer Cole, Case Officer, Development Management.

Email: jenny.cole@nottinghamcity.gov.uk Telephone: 0115 8764027



Existing OS Plan Layout 1:1250



Proposed OS Plan Layout 1:1250



Existing Block Plan Layout 1:500



Proposed Block Plan Layout 1:500

My Ref: 16/00815/POUT (PP-05048671)
Your Ref:
Contact: Miss Jennifer Cole
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

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

Date of decision:

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

Application No: 16/00815/POUT (PP-05048671)
Application by: Forest Estates Nottingham Ltd
Location: Land To South, Salisbury Street, Nottingham
Proposal: Outline application for residential development of 21 dwellings.

Nottingham City Council as Local Planning Authority hereby **GRANTS OUTLINE PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. Application for the approval of all remaining reserved matters (namely appearance, landscaping and scale) shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 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. Prior to the commencement of development details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Boundary treatment to road frontages and between individual dwelling plots;
 - b) Existing and proposed site levels;
 - c) Hard surface treatments to individual driveways and communal footpaths within the development site;
 - d) External materials including windows, bricks, other finishes to walls and tiles.

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

Reason: To ensure that the development is not placed at undue risk of flooding or increases the risk of flooding elsewhere to accord with Policy NE10 of the Local Plan and in the interests of highway safety and visual amenity Policy NE10 of the Local Plan and also to ensure that the height of front boundary treatments does not affect the visibility splays provided to each vehicular access in order to comply with Policy 10 of the Aligned Core Strategy.

3. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:
- a) Details of temporary site entrances for construction traffic purposes.
 - b) Provision to accommodate all site operatives, visitors and construction vehicles loading, offloading, parking and turning within the site during the construction period.
 - c) Adequate precaution to prevent the deposit of mud and other similar debris on the adjacent public highways.
 - d) A routing agreement associated with each phase of construction. All vehicles associated with the development shall access the site in accordance with the approved routing agreement.

The Construction Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants and to accord with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.



4. 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 Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) 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).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: To ensure that the site is remediated appropriately in accordance with Policy NE12 of the Local Plan.

5. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: To ensure that the residential occupiers of the development and within nearby dwellings do not experience excess noise nuisance to accord with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

6. Prior to the commencement of development, a scheme to dispose of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 Nottingham Local Plan.

7. Prior to the commencement of development, an ecological enhancement strategy, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The ecological enhancement strategy shall be carried out in accordance with the approved details.

Reason: To ensure that the ecological interest of the site is safeguarded and enhanced to accord with Policy 17 of the Aligned Core Strategy.

8. Prior to the commencement of the development, a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations Approved Document L2A Conservation of Fuel and Power 2013, and better water efficiency when the development is in operation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be provided in accordance with the approved details.

Reason: In the interests of the sustainable development of the site in accordance with Policy 1 of the Aligned Core Strategy.

Pre-occupation conditions

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

9. Prior to the development being first brought into use the site shall be landscaped in accordance with a landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the landscaping to the front gardens of the proposed dwellings and shall include details of the type, height, species (with preference towards the use of native species that will attract/enhance the ecological interest of the site) and the location of proposed trees, hedges and shrubs together with details of tree pits/trenches.

Reasons: To secure a development of satisfactory appearance and to enhance the ecological interest of the site to accord with Policies 10 and 17 of the Aligned Core Strategy.

10. Prior to the development being first brought into use, footway crossings and redundant footway crossings and/or damaged or altered areas of the highway (including footway) shall have been installed/reinstated in accordance with details that shall first have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety to accord with Policy 10 of the Aligned Core Strategy.

11. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
 - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the site has been remediated in accordance with the approved remediation strategy prior to the development being brought into use in order to accord with Policy NE12 of the Local Plan.

12. Prior to the first occupation of each dwelling, verification that the approved sound insulation scheme for that dwelling has been implemented and is fully operational, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in order to accord with Policy NE9 of the Nottingham Local Plan.

13. Prior to the development being first brought into use, each dwelling shall be provided with an electric vehicle charging point.

Reason: In order to promote more sustainable forms of transport and to assist in reducing air pollution to accord with Policy A and 1 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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



14. The reserved matters submission in relation to scale shall set the finished floor levels of the proposed units to be at least 30.7m AOD, and the height of the dwellings fronting Faraday Road shall be no more than 2 storeys. The details to submitted as part of the reserved matters for scale shall include street scenes and cross sections to show the relationship between the proposed properties and their relationship with existing properties on Shelby Close and Grinsbrook.

Reason: In the interests of visual amenity and to ensure that the development is not placed at an unacceptable flood risk in order to comply with Policy NE10 of the Local Plan and Policy 10 of the Aligned Core Strategy.

15. The development shall be completed in accordance with Flood Risk Assessment (Revision B, dated January 2017). The mitigation measures shall be fully implemented prior to the occupation of the development or in accordance with to timing/phasing arrangements that have first been agreed in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and elsewhere to accord with Policy NE10 of the Local Planning Authority.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking or re-enacting that Order with or without modification, no structure/enclosure or building shall be erected within the curtilages of the four dwellings fronting Faraday Road, or changes made to their approved boundary treatments, or alterations made to the approved ground levels of the plots, without the express consent of the Local Planning Authority.

Reason: The plots of the four dwellings fronting Faraday Road lie within the functional flood plain. To ensure that flow routes and storage areas remain unimpeded and to reduce the risk of flooding elsewhere it is important that the Local Planning Authority retains control over boundary treatments , site level changes and the erection of further structures/enclosures or buildings within the curtilage of the properties in order to accord with Policy NE10 of the Local Plan.

17. Piling, or any other foundation designs using penetrative methods, shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling, or any other foundation designs using penetrative methods, can result in risks to potable supplies from, for example, pollution, risk of mobilising contamination, drilling through different aquifers, or creating preferential pathways. To accord with Policy NE10 of the Local Plan it should be demonstrated that any proposed piling will not result in contamination of groundwater.

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

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

Standard condition- scope of permission



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S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
General reference FLOOD RISK ASSESSMENT revision Rev B, received 1 January 2017
Drawing reference 216 002 revision D, received 6 March 2017

Reason: To determine the scope of this permission.

Informatives

1. Electric Charging Points

A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

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 including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health 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 Environmental Health 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



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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.

Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. 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 and in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

2. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

Planning consent is not consent to work on the highway. To carry out off-site 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 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide.

The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree which is in line with the 6Cs Regional Design Guide. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

For advice in relation to drainage please contact Paul Daniels Senior Drainage Engineer 0115 8765275 or Nick Raycraft Senior Drainage Engineer 0115 8765279.

The applicant is advised to investigate the need for Traffic Regulation Orders in the vicinity of the site. For TRO advice and further information please contact Scott Harrison on 0115 8765245.

It is advisable that residential travel plan packs are prepared for each household, with all costs borne by the applicant. The packs can be prepared in consultation with the highway authority.

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: 16/00815/POUT (PP-05048671)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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