

My Ref: 16/02524/POUT

Your Ref:

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**Nottingham
City Council**

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Landmark Planning Ltd
Mr Peter Wilkinson
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR A HYBRID APPLICATION**

Application No: 16/02524/POUT
Application by: Maryland Securities Ltd Forest Investments Ltd
Location: Land At Site Of Forest Mill, Alfreton Road, Nottingham
Proposal: Hybrid planning application. Full application erection of 8 storey building comprising 81 residential units and 7 commercial premises.
Outline application for up to 229 residential units.

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

Time limit

1. The details hereby approved in relation to the full planning application submission 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.

2. Application for the approval all the remaining reserved matters (namely appearance and landscaping) 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 relating to the outline submission shall be begun before the expiration of two years from the date of approval of the last reserved matters.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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3. Prior to the commencement of each phase of development details of existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. Each phase of development shall be completed in accordance with the approved site levels.

Reason: To ensure the satisfactory appearance of each phase of development in order to accord with Policy 10 of the Aligned Core Strategy.

4. Prior to the commencement of development a residential car parking strategy to address parking arrangements for each phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. The car parking strategy shall be implemented in accordance with the approved details.

Reason: To assist in the management of demand for off-street car parking provision from future occupants to comply with Policy T3 of the Local Plan and Policies 10 and 14 of the Aligned Core Strategy.

5. 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 the Desk Study Report by GEA dated Oct 2016 (ref: J16111), and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A Remediation Plan, based on a) 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).
- c) 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 safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

6. Prior to the commencement of each phase of development a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for each phase of development and shall provide for:
- a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) Wheel washing facilities.
 - e) Measures to control the emission of dust and dirt during construction.

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

7. Prior to the commencement of each phase of development, an environmental noise assessment and sound insulation scheme for that phase of development 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 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 facade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic 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 protect the amenities of the future occupants of the development in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

8. Prior to the commencement of each phase of development a scheme for the disposal of surface water for that phase shall be submitted to and approved in writing by the Local Planning Authority. Each phase of development shall be completed in accordance with the surface water disposal details approved for each phase of development.

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

9. No above ground development shall be commenced for each phase of development until a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations Approved Document L2A Conservation of Fuel and Power when the development is in operation, for that phase, has been submitted to and approved in writing by Local Planning Authority. Each phase of development shall be completed in accordance with the carbon reduction details approved for that phase, of development.

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

10. No above ground development shall commence for any phase of development until full details of external materials for buildings within that phase of development have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Material samples
- b) Large scale elevation and cross sections
- c) Details of windows and reveals
- d) Details of balcony enclosures.

Each phase of development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.

11. No above ground development shall have be commenced for each phase of development until a scheme for the provision of electric vehicle charging points, for that phase, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implementated prior to the first occupation of each phase of the development.

Reasopn: 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.

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

12. No phase of development shall be occupied until a landscaping scheme for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the:

- (a) Location of existing utility routes proposed to be retained and the location of any new utility routes;
- (b) Type, height, species and location of proposed trees and shrubs;
- (c) Tree pits/trenches and aeration pipes;
- (d) Boundary Treatments including height, materials to be used and colour finishes;
- (e) Materials to be used within areas of hardsurfacing;
- (f) Location of steps to be provided externally including cross section drawings to show such features and details of hand rails and other materials to be used;
- (g) Location of any seating or any other furniture to be provided including details of their appearance
- (h) Location of any external lighting scheme, together with details of luminance levels and the design of any proposed lighting columns; and
- (i) Timetable for the implementation of the scheme.

The landscaping scheme to be submitted shall broadly accord with the Landscape Masterplan drawing 1322/001 G.

The landscaping scheme for each phase of development shall be carried out in accordance with the approved details and timetable. Any trees or plants which die or are removed or become seriously damaged or diseased within five years of being planted 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.

13. No phase of development shall be occupied until details of the design and location of bird and bat boxes, for that phase, together with a timetable for the implementation of the scheme, have been submitted to and approved in writing by the Local Planning Authority. Bird and bat boxes shall be provided in accordance with the approved details for each phase of development.

Reason: To enhance the biodiversity of the site to accord with Policy 17 of the Aligned Core Strategy.

14. No phase of development shall be occupied until detailed design drawings for each vehicular and pedestrian access to be provided on to an existing highway, within that phase, as indicated on drawing 1322/001G, together with a timetable for implementation of the vehicular and pedestrian accesses, have been submitted to and approved in writing by the Local Planning Authority. The vehicular and pedestrian accesses shall be completed in accordance with the approved details.

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

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

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy.

16. Prior to first occupation of any phase 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 safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

17. Prior to the occupation of any of the commercial units for A3 (Restaurant and Cafe) uses, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority. Written verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall also be submitted to and be approved in writing by the Local Planning Authority prior to any A3 (Restaurant and Cafe) use being first open to the public.

The ventilation scheme shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

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.

Regulatory/ongoing conditions

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

18. The development shall at all times be operated in accordance with the details set out in section, 6, 7 and 8 of the Travel Plan Framework VN60625 dated October 2015.

Reason: To assist in promoting more sustainable forms of travel in accordance with Policy T3 of the Local Plan and Policy 14 of the Aligned Core Strategy.

19. All deliveries of goods and collections of goods and waste from the premises within the building fronting Alfreton Road shall take place to the rear of the building and not from Alfreton Road.

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



20. Development shall be phased in accordance with drawing L(-) 302 0582 B, unless otherwise prior agreed in writing by the Local Planning Authority. For the avoidance of doubt permission is not granted for the proposed temporary car park shown on the latter drawing.

Reason: To clarify the phasing of the development and in the interests of delivering a sustainable development to accord with Policy 1 and 14 of the Aligned Core Strategy.

21. The commercial units proposed within the building fronting Alfreton Road shall be used for purposes falling within either A1 (Retail), A2 (Financial and Professional Service) or A3 (Restaurant and Cafe) uses and for no other purpose. No more than 3 of the units shall be used for A3 (Restaurant and Cafe) purposes at any given time.

Reason: In order to safeguard the residential amenity of neighbouring properties and the vitality and viability of the Alfreton Road Local Shopping Area to accord with Policies NE9 and S6 of the Local Plan and Policy 10 of the Aligned Core Strategy.

22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express 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 and creating preferential pathways, therefore to accord with Policy NE10 of the Local Plan it will need to be demonstrated that any proposed piling will not result in contamination of groundwater.

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 1 November 2016.

Reason: To determine the scope of this permission.

Informatives

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.



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RIGHTS OF APPEAL

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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.