

My Ref: 16/02301/PFUL3

Your Ref:

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**Nottingham
City Council**

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Date of decision:

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

Application No: 16/02301/PFUL3
Application by: Mabec Property
Location: Radford Mill Southern Building, Norton Street, Nottingham
Proposal: Demolition and part demolition of existing buildings. Conversion to residential and new build residential to create 310 units.

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

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Pre-commencement conditions

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



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2. 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 safeguard the health and residential amenity of the occupants of the proposed development in accordance with Policies NE9 and NE12 of the Nottingham Local Plan.*

3. Prior to the commencement 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 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: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policy 10 of the Aligned Core Strategy.*

4. Prior to the commencement of development an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.
- Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

5. The tree protection measures detailed in the Arboricultural Method Statement approved under condition 4 shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of demolition and construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

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

6. Prior to the commencement of development a scheme for the disposal of surface water based on sustainable drainage principles shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out 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 to comply with Policy NE10 of the Nottingham Local Plan.

7. No above ground development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Full details of materials, including samples;
- b) Large scale elevations and sections of the new build at a scale of 1:50 or greater;
- (c) Detail of window reveals in the new build elements.

The development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the building in accordance with Aligned Core Strategy Policy 10.

8. No above ground development shall commence until details of hard and soft landscaping, have been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- (a) proposed finished levels;
- (b) means of enclosure, including gates; pedestrian access and circulation areas;
- (c) hard surfacing materials; minor artefacts and structures (such as furniture, play equipment, refuse or other storage units, signs and lighting);
- (d) planting plans; a schedules of plants,; a programme of implementation; and a landscape management plan, which shall include long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas.

The development shall be carried out in accordance with the approved details.

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with Aligned Core Strategy Policy 10.



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

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

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

10. No above ground development shall have be commenced until a scheme for the provision of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall thereafter be implemented prior to the first occupation of the development.

Reason: In order to promote more sustainable forms of transport and to assist in reducing air pollution in accordance 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)

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 safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Local Plan.

12. The development shall not be occupied until the renewable/low carbon energy scheme approved under Condition 9 has been installed and is able to provide renewable/low carbon energy to serve the development.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policy 1 of the Aligned Core Strategy and Policy NE14 of the Local Plan.

13. Prior to the first occupation of the development, verification that the approved sound insulation scheme as advised in the Environmental Noise assessment by Environmental Noise Solution Ltd Ref: NIA/6458/15/6336/v1/Radford Mills dated 22/07/2016 has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

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.



14. Prior to the first occupation of the development details of proposals to enhance the biodiversity value of the site shall be submitted to and approved in writing by the Local Planning Authority.

The approved measures shall be provided prior to the first occupation of the development.

Reason: To enhance the biodiversity value of the site in accordance with Policy 17 of the Aligned Core Strategy.

15. Prior to the first occupation of the development an Accommodation Management Plan, including details of the operators of the development who shall be responsible for the actions of its occupants and for implementing and enforcing the measures within the Management Plan has been submitted to and approved in writing by the Local Planning Authority. The measures within the Management Plan shall ensure that occupants do not create noise and disturbance for neighbouring residents, that the premises are kept clean and tidy and, that occupants are discouraged from keeping a motor car within the boundary of the City of Nottingham.

The Accommodation Management Plan shall be implemented at all times when the student accommodation is in use.

Reason: To protect the amenity of neighbouring occupiers and to ensure that the appearance of the development is satisfactory in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

16. Prior to the first occupation of the development a car parking strategy for the on-site car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. This shall include provision for a section of the car park to be allocated to visitor parking and permits should be applied for as and when needed by residents.

The car parking strategy shall be implemented in accordance with the approved details for the life of the development.

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

17. Prior to the first occupation of the development details of the signage of the one-way system at the vehicular access/egress points and within the car park shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall thereafter be implemented prior to the first occupation of the development.

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

Regulatory/ongoing conditions

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

18. The management and maintenance arrangements for all the landscaped areas and features as approved under condition 86 will be implemented at all times.

Reason: In the interests of the long term appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.



Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 27 October 2016.

Reason: To determine the scope of this permission.

Informatives

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

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

3. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

'Cut and fill' operations on site;

How trees retained on site will be dealt with;

How gas precautions will be validated;

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

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

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

4. 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.

5. 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).

Indicative EV Charging Point Provision (Commercial / Industrial / Retail):

Provision of EV Charging Points

Proposed Parking Spaces	2.5%	5%
10	1	2
20	1	2
50	1	3
100	3	5
200+	5	10

6. Highways related

1. To facilitate this development, new vehicular accesses will be required on Norton Street and Garden Street and redundant vehicular accesses will require removing on Norton Street, Garden Street and Ilkeston Road. In order to carry out all the off-site works required to create new and remove redundant vehicular accesses you will be undertaking work in the Public Highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. As such the Applicant will need to enter into an agreement under Section 278 of the Act. Please contact Highway Network Management Team at highway.agreements@nottinghamcity.gov.uk. All associated costs shall be borne by the applicant.

2. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk to ensure all necessary licences and permissions are in place.

3. 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.

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.



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