

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Site Of Haywood School, Edwards Lane

1 SUMMARY

Application No: 14/00436/PFUL3 for planning permission

Application by: Strata Homes Ltd

Proposal: Erection of 86 dwellings and associated works.

The application is brought to Committee because it is a major application that has also generated a number of local responses to consultation.

To meet the Council's Performance Targets this application should be determined by 27th May 2014

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 (a) prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a Section 106 agreement upon the subsequent disposal of the site to the developers, which shall include:
- (i) The provision of on-site affordable housing;
 - (ii) A financial contribution of £190,887.68 towards the upgrading of the existing children's play spaces at Peggy's Park and Valley Park Road;
 - (iii) A financial contribution of £5500 towards the making, advertising and confirming (if appropriate) of a traffic regulation order to control parking within the development and to amend the existing Traffic Regulation Order on Edwards Lane;
 - (iv) The provision of initial Kangaroo travel passes for each dwelling;
 - (v) The on-going management and maintenance of areas of open space within the development.
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of both the terms of the Planning Obligation and conditions of the planning permission be delegated to the Head of Development Management and Regeneration.
- 2.3 That Committee 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.

3 BACKGROUND

- 3.1 The site was the former Haywood School, which was located off Edwards Lane opposite the City Hospital. The school buildings have been demolished and the site cleared other than groups of trees around the site boundary and general vegetation. The site is surrounded by residential properties on Alderton Road to the north and Covedale Road, Cragdale Road and Arndale Road to the south. Edwards Lane Community Centre and Peggy's Park recreation ground adjoin the site to the east.
- 3.2 Vehicle access to the site is currently available only from Edwards Lane. Pedestrian access was previously available from a number of points. The site is currently secured by fencing.
- 3.3 There are significant level changes across the site, with the eastern, northern and western boundaries starting out as level and then dropping steeply towards the centre of the site and its southern boundary.
- 3.4 The site is not allocated in the Nottingham Local Plan (2005). The majority of it is defined as "white land", with the eastern steeply sloping grass banks forming part of the Open Space Network. The site has been included in the Land & Planning Policies (LAPP) Preferred Option September 2013 as a site for residential development (LA37).
- 3.5 Informal Planning Guidance was also previously approved by Portfolio Holder in July 2012. The guidance provides development principles for a high quality family housing scheme.

4 DETAILS OF THE PROPOSAL

- 4.1 The application is for the erection of 86 dwellings and associated works including new access roads, footpaths and open space. The application has been revised from the initial submission for 87 dwellings following amendments to the proposed layout. A mix of 10 different house types is provided, having 2 – 4 bedrooms. The houses would be 2 – 3 storeys in height, with some house types including rooms within the roofspace. 17 affordable houses are proposed to be located within the centre of the proposed layout in 2 – 3 bedroom house types.
- 4.2 Vehicle access is proposed from Edwards Lane only, with a loop road being provided around the proposed layout and with a number of short spur roads. Pedestrian access is also from Edwards Lane, with additional pedestrian access points being provided onto Covedale Road, Cragdale Road, and Arndale Road. A footpath connection is also to be provided between the site and Edwards Lane Community Centre and Peggy's Park recreation ground.
- 4.3 The proposed layout provides a minimum of 1 parking space for the 2-bed units and 2 spaces for the 3 & 4-bed units. The parking spaces are incorporated within the curtilage of the houses, with a significant number of the houses having integral garages or attached garages to the side.
- 4.4 Areas of open space are provided at the principal entrance to the site off Edwards

Lane, at the pedestrian access off Covedale Road, and along the eastern steeply sloping grass banks. These are located in the interest of the retention of groups of existing trees at those positions and also reflecting the approved Informal Planning Guidance.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

170 – 174(e); Harpenden House; Poplars Blossoms Nursery; 207 – 218; 223
Edwards Lane
26, 29 Cragdale Road
28, 31, 33, 35 Covedale Road
111, 136 Bedale Road
27 Arndale Road
2 – 42(e); Edwards Lane Community Centre, Alderton Road
1 – 8 Wichal Close

The application has also been advertised by site notices and a press advert. Ward Councillors have also issued a consultation letter.

The responses received have raised the following issues/concerns:

- Good use of site
- Feel that site could be better used as a community park / hospital car park / supermarket
- Proposed housing density too high
- Better than original proposal / fewer houses
- Instances of flooding relating to the drainage of the site
- Query need / benefit of opening up footpath connections to Cragdale & Covedale Road
- Loss of cul-de-sac qualities of Cragdale & Covedale Road
- Recreation areas being provided are insufficient / no children's play area
- Query how open spaces on site will be used
- Proximity of development to Cragdale & Covedale Road properties
- Position & proximity of Plot 56 to property resulting in loss of privacy, light, trees & hedges, and impact of noise
- Inclusion of three-storey houses
- Disappointed that only 17 affordable houses are being provided
- Should be 1 & 2-bed units for single persons / first-time buyers
- Good that vehicle access is being limited off Edwards Lane
- Query if parking will be limited to residents only
- Query if there will be dual use of footpaths for cycles
- Need for adequate lighting of footpaths
- Request retention / protection of existing boundary hedges
- Support tree retention / protection and tree planting
- Request for energy efficiency measures to be incorporated
- Noise disruption during construction, including construction traffic
- Query schools capacity
- Concern over access to maintain property

Additional consultation letters sent to:

Highways: No objection. There is a need to ensure that the development is constructed with as minimal amount of disruption to the highway network, as well as local businesses and residents, and therefore request a condition to require a Construction Management Plan. The parking provision is considered acceptable in lieu of the site's sustainable location. Request that the garages are prevented from being converted into other uses other than for parking of vehicles. Swept path analyses have now been submitted which demonstrate that a refuse vehicle will be able to manoeuvre around the development site. Drainage section welcome the news that the developers' intend to further reduce the runoff from brownfield rates in particular by the use of permeable paving on unadopted highway, filter strips and soakaways. Pleased that financial contributions are being provided for TRO's and Kangaroo passes. Recommend conditions.

Environment Agency: No objection. The development site is located in an area that drains to the Day Brook. In line with the Day Brook and River Leen Strategic Flood Risk Assessment (SFRA), we recommend that any new development within this catchment is limited to the equivalent greenfield runoff rates. Nottingham City Council is the Lead Local Flood Authority. We understand that Nottingham City Council's Drainage Department are reviewing the proposals and associated surface water calculations. If it is deemed that this development is appropriate and that the constraints and viability of the scheme supersede the benefits of reducing the rate of runoff to greenfield runoff rates, then we recommend appropriate planning conditions are attached.

Urban Design: This is a difficult site in terms of its topography and existing underground services. However a sense of place has been created through the variety of house types, hierarchy of roads, orientation of buildings and off street parking. Windows overlooking and front doors facing the street contribute to making a safe neighbourhood as does the subtle change of street materials and build outs which will slow the traffic. Although house types are of a 'pattern book' appearance they are reasonably well proportioned and offer enough variety and visual interest.

The scheme has been appraised against the Building for Life criteria. It is considered that the scheme achieves a score of 11/12. On balance it is not considered appropriate to award a full 12/12, primarily due to the mix of house types which do not always sit comfortably within the street scene. Nevertheless the scheme overall performs strongly against the Building for Life criteria.

Pollution Control: No objection subject to planning conditions relating to remediation measures to deal with the risks associated with ground, groundwater and ground gas contamination, and noise assessment and sound insulation.

Parks & Open Spaces: Concern that the eastern space has been reduced in size and does not continue through the development towards Edward Lane and extend the green corridor. Need a footpath link through to Peggy's Park play facility. Open space provided only fulfils tree protection and visual amenity roles. Eastern open space should be laid out as species-rich neutral grassland. Landscaping should be conditioned. A S106 contribution is required towards the upgrade of Peggy's Park and Valley Road Park.

Nottinghamshire Police: Proposed footpath links through site will increase permeability, which could contribute to potential crime related issues. Query how

parking will be restricted and how site will be prevented from being a vehicle cut through.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 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, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken 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, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 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.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Nottingham Local Plan (November 2005):

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

ST1 - Sustainable Communities.

H2 – Density.

H3 – Appropriate Housing Types.

H5 – Affordable Housing.

R2 – Open Space in New Development.

BE1 – Design Context in the Public Realm.

BE2 – Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 – Landscape Design.

NE5 – Trees.

NE9 - Pollution Control.

NE10 – Water Quality and Flood Protection.

NE12 – Derelict or Contaminated Land.

T2 – Planning Obligations and Conditions.

T3 - Car, Cycle and Servicing Parking.

Former Haywood School Interim Planning Guidance – July 2012

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Drainage
- (iv) Access and Traffic Impact
- (v) Section 106 Matters

Issue i) Principle of the development (Policies ST1, H2, H3, and H5)

- 7.1 Whilst the site is not identified for a specific use within the ‘saved’ Local Plan, the surrounding area is primarily residential in character. The Interim Planning Guidance also indicates that the site would be suited to a high quality residential scheme of family housing. As the proposed housing would be on previously developed land and is in a sustainable location, being close to public transport routes, it is considered that the proposed development accords with Policies ST1 and H2, and the National Planning Policy Framework, which encourages the effective use of land by reusing land that has been previously developed.
- 7.2 Whilst the Land & Planning Policies (LAPP) Preferred Option also indicates that the site would be suited for residential development, it is to be noted that site allocations contained within the LAPP carry little weight in the determination of planning applications as the Preferred Options stage is still an informal and relatively early stage in the plan preparation process.
- 7.3 The proposal is for a mix of 2 – 4 bed homes that would be suited to a range of family occupation. Provision is also being made for 17 affordable houses which

accords with Policy H5 and the Interim Planning Guidance. It is considered that the proposed mix would comply with Policies ST1 and H3, which also promote the provision of a balanced mix of housing size, type and affordability that is compatible with the characteristics of the site and its surroundings.

- 7.4 The housing would be developed to a density of 31 dwellings per developable hectare, which is compatible with the density of the surrounding area at approximately 35-40 dwellings per hectare and identified as an appropriate range within the Interim Planning Guidance. The proposed density would, therefore, accord with Policy H2.

Issue ii) Layout and Design (Policies BE1, BE2, BE3, BE5, NE5)

- 7.5 The proposed layout has also had regard to the development principles that have been set out in the Interim Planning Guidance. A single vehicular access is proposed from Edwards Lane, leading to a layout that is arranged around a primary loop road and a number of short spur roads. This is consistent with the Interim Planning Guidance other than it had been envisaged that there would be two vehicular access points from Edwards Lane.
- 7.6 The existing groups of mature trees have also been accommodated in the proposed layout, being defined as areas of open space within the development. Whilst the open space value of these areas is limited, their retention at key points at the vehicular and pedestrian entrances will provide the proposed development with an amenity value that would otherwise take a number of years to establish.
- 7.7 The proposed dwellings front onto the street, with private gardens to the rear. There is variety to scale of the dwellings along the street frontages and the taller, three storey house types have been generally positioned either to relate to views into the site or are used as markers within the site. Whilst there has been concern expressed over the use of the three storey house types, it is considered that their inclusion within the proposed layout serves an appropriate visual purpose without causing any significant harm to neighbouring properties due to the separation distances that would be maintained. The comments of Urban Design are noted above and the scheme is considered to perform strongly against the Building for Life criteria
- 7.8 Parking provision is being provided within the curtilage of individual dwellings, with many having integral garages or attached garages. The parking has been arranged in a manner that does not dominate the street frontages. The opportunity to provide a number of street trees has also been taken where this is not constrained by the sewer easement that runs across the site or by driveway accesses.
- 7.9 The architecture of the proposed 10 house types is varied yet cohesive, with a selection of similar window, door canopy, and head and cill details being generally consistent across the houses. The primary materials would be red brick, with render also being used on a number of plots. Roofs are to be in a flat grey tile and red pantile.
- 7.10 Boundary enclosures include 1.2m high railings to the front of dwellings and 1.8m high screen pier/panel wall where rear gardens are parallel or back onto the street. Other forms of boundary railings, walls and fences are also provided.
- 7.11 The proposed layout and design has been amended during the consideration of the

application, including the rationalisation of off-street parking and the provision of gable windows at corners to provide increased surveillance. The proposed layout of Plot 56 has been amended to provide greater separation from the neighbouring dwelling at 28 Covedale Road and it is now considered that the privacy and amenity of this property would not be significantly affected. Existing established hedges along this boundary of the site are also to be retained.

- 7.12 It is considered that the amended layout and design of the proposed development is appropriate and accords with Policies BE2 and BE3.

Issue iii) Drainage (Policy NE10)

- 7.13 There is an area of land to the north of the application site that is affected by a high risk of surface water flooding. Further surface water flooding to the south of the site occurs at least once a year. The surface water sewer system ultimately outfalls to the Day Brook, which presents a flood risk to the Old Basford area. The proposed development must not increase flood risk downstream during any return period event and the applicant has been required to submit drainage modelling to demonstrate how surface water run-off from the site will be appropriately reduced.
- 7.14 The drainage scheme for the site has been revised following discussions with Highways (Drainage) and the Environment Agency. The revised scheme provides oversized pipes, soakaways and gravel filter trenches that would provide a reduction in run-off of between 35% (2 year) and 65% (100 year +30%). The revised scheme is considered to address the drainage concerns relating to the proposed development in accordance with Policy NE10.

Issue iv) Access and Traffic Impact (Policies T2 and T3)

- 7.15 The application has been supported by a Transport Assessment which has been reviewed and considered to have no significant impact on the local highway network. The single vehicular access from Edwards Lane is considered to be appropriate as is the configuration of the internal roads to the proposed development layout. The provision of pedestrian footpath connections to Covedale Road, Cragdale Road, and Arndale Road will link the development to the surrounding footpath network and is a principle that is consistent with the Interim Planning Guidance.
- 7.16 The proposed car parking provision for the proposed development is considered to be appropriate to the location and is being accommodated in an appropriate manner across the scheme. Appropriate access for refuse and emergency vehicles has also been demonstrated.
- 7.17 Highways have no objections to the access and traffic impacts of the proposed development subject to conditions. It is, therefore, considered that the proposed development accords with Policies T2 and T3.

Issue v) S106 Matters (Policies H5, R2 and T2)

- 7.18 The City Council is the current land owner of the application site. In order to secure the appropriate S106 planning obligations an agreement under S111 of the Local Government Act 1972 is needed, which will require the developer to enter into a subsequent S106 planning obligation at such time as they acquire an interest in the land.

- 7.19 The proposed development will provide 17 affordable houses which accords with the 20% requirement under Policy H5. A range of tenure will be provided to reflect the needs of the area.
- 7.20 The proposed development does not provide children's play space within the layout. Whilst open space is being provided, it is also considered that this is of amenity value to the development and area. Therefore, in accordance with Policy R2 it is appropriate that the development contributes towards the upgrading of open space and children's play space within the vicinity of the site, including the adjoining Peggy's Park and Valley Road Park. A pedestrian footpath connection to Peggy's Park via Edwards Road Community Centre is also being provided.
- 7.21 A traffic regulation order to control parking within the development due to its proximity to the City Hospital, and amendment to the existing Traffic Regulation Order on Edwards Lane are considered necessary. Kangaroo travel passes for each dwelling (1 free 6 month and 1 free 12 month) are also to be provided to encourage sustainable travel as part of the Travel Plan for the development.

Other Matters (Policies NE9 and NE12)

- 7.22 Pollution Control are satisfied that any remediation measures to deal with the risks associated with ground, groundwater and ground gas contamination, and noise assessment and sound insulation are able to be dealt with by planning conditions. Therefore, it is considered that the proposed development accords with Policies NE9 and NE12.

8. SUSTAINABILITY / BIODIVERSITY (Policy BE4)

- 8.1 The application identifies that development will principally take a fabric first approach to achieving the required minimum 10% carbon emissions reduction in accordance with Policy BE4.
- 8.2 Details of landscaping are recommended to be dealt with by planning conditions, with the requirement that the eastern open space should be laid out as species-rich neutral grassland in accordance with the advice of Parks & Open Spaces.

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: would provide high quality and sustainable residential development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction of the development.

Safer Nottingham: would help provide 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: 14/00436/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N1C11TLYCB000>

2. Parks & Open Spaces, 20.3.14
3. Nottinghamshire Police, 18.3.14
4. Pollution Control, 19.3.14
5. Highways, 11.3.14 & 2.5.14
6. Environment Agency, 4.4.14 &
7. Urban Design, 2.5.14
8. Resident, 21 Cragdale Road, 17.3.14
9. Resident, 35 Covedale Road, 6.3.14
10. Resident, 28 Covedale Road, 20.3.14
11. Resident, 82 Ribblesdale Road, 19.3.14
12. Resident, 29 Cragdale Road, 20.3.14
13. Resident, 19.3.14
14. Resident, 20.3.14
15. Resident, 4 Wichal Close, 19.3.14
16. Resident, 4 Covedale Close, 19.3.14
17. Resident, 33 Covedale Road, 19.3.14
18. Resident, 7 Wichal Close, 25.3.14
19. Resident, 24 Cragdale Road, 25.3.14
20. Resident, 77 Bedale Road, 25.3.14
21. Resident, 17 Arndale Road, 25.3.14
22. Resident, 25 Covedale Road, 25.3.14
23. Resident, 24 Ridsdale Road, 25.3.14
24. Resident, 9 Arndale Road, 20.3.14
25. Resident, Alderton Road, 19.3.14
26. Resident, 25.3.14
27. Resident, 2 Cragdale Road, 19.3.14
28. Resident, 17 Cragdale Road, 19.3.14
29. Resident, 11 Arndale Road, 20.3.14
30. Resident, 102 Bedale Road, 20.3.14
31. Resident, 112 Bedale Road, 18.3.14
32. Resident, 78 Bedale Road, 18.3.14

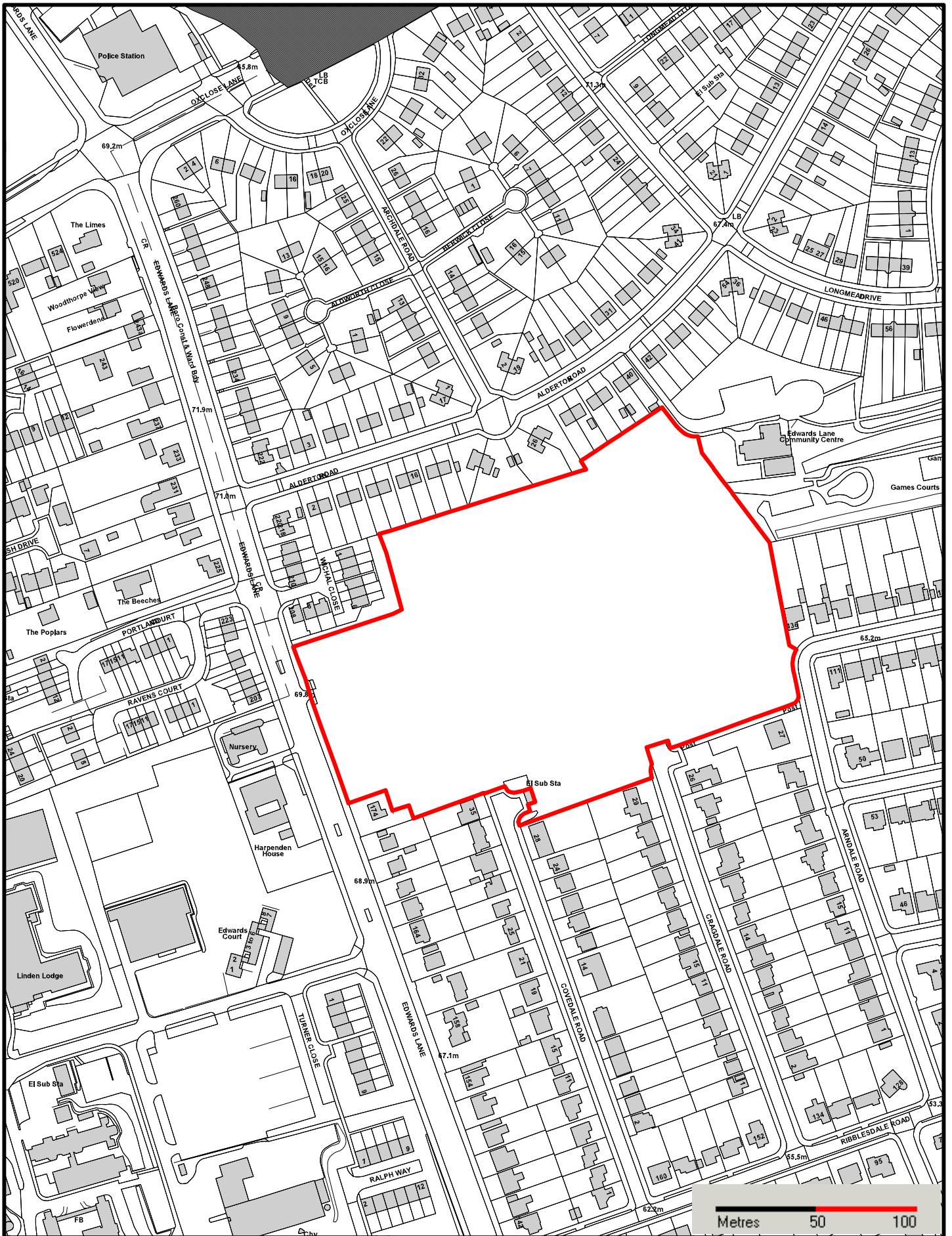
- 33. Resident, 27 Rydale Road, 18.3.14
- 34. Resident, 109 Ribblesdale Road, 24.3.14
- 35. Resident, 122 Bedale Road, 24.3.14
- 36. Resident, 24 Covedale Road, 24.3.14
- 37. Resident, 36 Rydale Road, 26.3.14
- 38. Resident, 20 Cragdale Road, 26.3.14

17 Published documents referred to in compiling this report

National Planning Policy Framework
Nottingham Local Plan (November 2005)
Former Haywood School Interim Planning Guidance – July 2012

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Nottingham
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Date of decision:

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

Application No: 14/00436/PFUL3 (PP-03204554)
Application by: Strata Homes Ltd
Location: Site Of Haywood School, Edwards Lane, Nottingham
Proposal: Erection of 86 dwellings 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. <i>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.</i>
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. No development shall commence until a Remediation Strategy based on the 'Consolidated Geo-Environmental Report' carried out by Opus on behalf of Strata Homes Limited and guidance issued by the Pollution Section of Nottingham City Council has been submitted to and be approved in writing by the Local Planning Authority. The strategy must include the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site

a) 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).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) 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 can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

3. 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. This should have regard to the 'Noise Assessment' carried out by ENS on behalf of Strata Homes Limited and guidance issued by the Pollution section of Nottingham City Council.

The environmental noise assessment 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 35dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,

ii. Not exceeding 40dB LAeq(1 hour) and not exceeding NR 30 for living rooms for any hour between 07.00 and 23.00,

iii. Not more than 45dB L_{Amax} (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

iv. Not more than 55dB LAeq(1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

Reason: To ensure that the residential occupiers of these dwellings of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

4. The development shall not be commenced 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: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policies BE2 and NE9 of the Local Plan.

5. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate:

i) Surface water drainage systems designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.

ii) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm ideally to Greenfield rates for the site but as a minimum 35% less than the existing brownfield development (in accordance with the letter from Morgan Tucker, dated 28/04/14).

iii) Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

iv) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

v) Surface water treatment to be provided for the 'first flush' from the development to prevent detrimental impact on the water quality status of the Day Brook in accordance with the Water Framework Directive.

vi) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE10 of the Nottingham Local Plan.

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

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

7. No development shall commence until construction details of the footpath connections to Covedale Road, Cragdale Road, Arndale Road, and to the Edwards Lane Community Centre / Peggy's Park, all of which are identified on the approved site layout drawing EL/NOTTS/SK5 (Rev I), have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first occupation of the approved development.

Reason: In the interests of ensuring an appropriate standard of footpath connection and in the interests of their provision for the benefit of occupants of the approved development.

8. The development shall not be commenced until details of all external materials including cladding, bricks and tiles 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 BE3 of the Nottingham Local Plan.

9. The development shall not be commenced until details of areas to be hard landscaped have been 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 appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

10. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority;

a) a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs, including a species-rich neutral grassland to the area of open space embankment to the east of the site.

b) details of the street tree planting, including details of location, species, size and planting troughs.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE5 of the Local Plan.

Pre-occupation conditions

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

11. The surface water drainage scheme to be submitted and approved under Condition 5 of this consent shall be implemented in accordance with the approved details before the development is first occupied.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE10 of the Nottingham Local Plan.



12. No part of the development hereby permitted shall be occupied until the proposed vehicular and pedestrian accesses, internal access road, private drives, on site car and cycle parking provision for that part of the development have all been implemented (as shown for indicative purposes only on homes by strata drawing number EL/NOTTS/SK05 rev I). These areas shall be retained for the life of the development.

Reason: To promote sustainable travel, to ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area, to enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.

13. No individual dwelling plot shall be occupied until an appropriate dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To enable a vehicle to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.

14. No individual dwelling shall be occupied until the parking provision for that dwelling has been completed and is available for use.

Reason: In the interests of the amenity of occupants of the development and in accordance with Policy T3 of the Nottingham Local Plan.

15. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy BE3 of the Nottingham Local Plan.

16. Prior to first occupation of the development, verification that the approved sound insulation scheme 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 these dwellings of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

17. No part of the development hereby permitted can be occupied until such time that the design and contents of the Residential Travel Pack including details of the mechanisms regarding the distribution and obtaining of the Kangaroo passes have been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter each individual dwelling will be provided with a Residential Travel Pack no later than 14 days after its first occupation.

Reason: To promote sustainable travel

18. The approved Travel Plan shall be updated and submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority within 3 months of the 30th dwelling being occupied. Thereafter the Travel Plan shall be implemented in accordance with the approved details with monitoring reports to be submitted to the Local Planning Authority as outlined in Sections 9, 10 and Appendix C.

Reason: To promote sustainable travel and in accordance with the aims of Policy T2 of the Local Plan.



Regulatory/ongoing conditions

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

19. The approved landscaping scheme for the approved development shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE5 of the Nottingham Local Plan.

20. The garages hereby permitted shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area and in the interests of general highway safety.

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 25 February 2014.

Reason: To determine the scope of this permission.

Informatives

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

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

3. 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 and prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out if a disturbance to the highway is likely. Please contact them on 0115 876 5238.

4. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new

building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293 at the earliest opportunity to begin the process.

In order to carry out the off-site works required 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. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All associated costs shall be borne by the applicant.

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. For further information please refer to the 6Cs Design Guide which is available at www.leics.gov.uk/htd.

There is a commitment in the Council Plan to introduce more 20mph speed limits across the City around educational establishments, shopping, residential areas and community facilities. Nottingham City Council is aiming to introduce a 20mph scheme across the City and all roads (except A and B category roads) are to be considered for the new 20mph speed limit. This will involve a separate legal order, and all costs shall be borne by the applicant. Please contact Traffic Management on 0115 876 5245 for further advice and information.

5. 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 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

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.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 14/00436/PFUL3 (PP-03204554)

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.