

**REPORT OF CHIEF PLANNER**

**Site Of The Sandfield Centre, Sandfield Road**

**1 SUMMARY**

Application No: 17/01772/PFUL3 for planning permission

Application by: Persimmon Homes Nottingham

Proposal: Erection of 95no. residential dwellings (C3) and associated infrastructure, site access and landscaping

The application is brought to Committee because the application is a major development on a prominent site where there are important design considerations.

To meet the Council's Performance Targets this application should have been determined by 7th November 2017, but an extension of time has been agreed to 19<sup>th</sup> January 2018.

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION** subject to:

- a) Prior completion of an agreement under section 111 of the Local Government Act 1972 to secure a section 106 planning obligation upon the subsequent disposal of the site to the developers, the planning obligation shall include;
  - (i) financial contribution towards public open space of £130,605 for infrastructure improvements at Ronald Street Play Area, Lenton Recreation Ground and Radford Recreation Ground;
  - (ii) financial contribution towards primary and secondary school education of £466,186 for Lenton Primary Schools and Nottingham University Academy of Science and Technology;
  - (iii) 20% on-site provision of 19 affordable housing (19 units).
- b) The indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions, the section 111 agreement and the obligation to be delegated by 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 the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 This is an irregular but largely oblong shaped parcel of 1.85 hectares located between Lenton Boulevard and Cottesmore Road. The site is bounded by Ashburnham Avenue to the north, whilst the road known as Sandfield Road terminates at the sites main entrance located to the south off Derby Road. The site has been cleared of all the buildings that were used as Council offices (The Sandfield Centre). There are site level differences between Lenton Boulevard and Cottesmore Road, and the site contains a number of trees. Along Lenton Boulevard is an attractive Bullwell Stone wall which has a number of decorative archways within it.
- 3.2 To the north of the site is the Radford Recreation Ground, to the east are the residential properties of Cottesmore Road, to the south is Derby Road which has a mix of residential, commercial and community facilities, and to the west is the Marcus Garvey Business Centre (located off Lenton Boulevard).

### **4 DETAILS OF THE PROPOSAL**

- 4.1 Permission was initially sought for 96 residential units comprising 9 x 2 bed apartments, 19 x 2 bed houses, 48 x 3 bed houses, 18 x 4 bed houses and 2 x 5 bed houses. Changes have been made to the design and layout of the scheme which have resulted in the loss of one unit and a change to the mix of units. Now 95 units are proposed comprising 3 x 1 bed apartments, 6 x 2 bed apartments, 18 x 2 bed houses, 48 x 3 bed houses, 18 x 4 bed houses and 2 x 5 bed houses.
- 4.2 The apartments would be provided in a 3 storey building located on the corner of Lenton Boulevard and Ashburnham Avenue. Along the rest of Ashburnham Avenue are proposed a row of 3 terraced properties and a detached property, both 2 and 3 storeys in height. Sandfield Road would be extended from the south allowing access through to Ashburnham Avenue. To the north east side of the new street would be small area of landscaping to the rear of properties fronting Cottesmore Road. Along the rest of the new street are proposed a mix of detached and semi-detached 2 storey properties. A mix of detached and semi-detached 2 storey properties are also proposed along the southern part of Cottesmore Road where the site directly fronts this street. New dwellings are proposed along Lenton Boulevard but these would be set back from the Boulevard and would be accessed via entrances through the existing Bullwell Stone wall. The new properties along Lenton Boulevard would be provided in small terraces and semi-detached properties of 3 storeys in height.
- 4.3 The dwellings are largely traditional in form but with contemporary design and are proposed to be constructed in brick facades with some elements of render and dark cladding.
- 4.4 Each of the dwellings have at least one off-street parking space; for the houses these would be provided either to the side or front the properties. The apartment building would having car parking located to its east.

- 4.5 Properties would be provided with a range of frontage enclosure, largely railings and hedges. Street trees are proposed as part of the scheme and changes have been made to retain two Birch trees located on Cottesmore Road. As indicated above the Bullwell stone wall running along Lenton Boulevard would be retained as part of the redevelopment.
- 4.6 As part of the development package the developer has offered to deliver local employment and training opportunities during the construction of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through the Section 106 obligation.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

122 neighbouring residents located on Lenton Boulevard, Derby Road, Cottesmore Road and Ashburnham Avenue were notified of the application. The proposal was also publicised through press and site notices. As a result of this publicity 7 representations were received.

The representations welcome the provision of family houses in the area and the affordable units. The proposal is seen as bringing balance and life back to the community in area that has high levels of student housing. Comments have been received advising that the housing should not be converted to student housing and a query has been raised as to whether Sandfield Road needs to be extended to Ashburnham Avenue.

In response to these comments the housing would be classified as C3 residential dwellings and therefore planning permission would be required for a change use of any of the properties to houses in multiple occupation (C4 use).

### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection. Require conditions to address potential contamination, the submission of a noise assessment and sound insulation scheme, and vehicle charging points.

**Highways:** No objections. The highway authority have no objections in principle to the development subject to conditions securing:

- a construction management plan;
- reinstatement of footpaths to redundant footway crossings;
- details related to the road layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and initial Safety Audits; and
- the provision of travel packs to the first new residents of the development.

It is also requested that the applicant investigate TRO's on the adjacent Lenton Boulevard and implement any TRO's required to protect the accesses and provide for highway safety considerations, both within and off-site, with all costs borne by the applicant.

**Drainage:** No objections subject to compliance with the drainage details provided.

**Tree Officer:** There are 4 good trees on site comprising 2 young Oaks with high amenity potential, and 2 Birches with present high value along the Cottesmore Road frontage.

The 2 Oaks are suitable for retention within a large rear garden, although they are not suitable for a TPO in that position since future amenity would be low. They would be suitable for retention and TPO within a small open space or children's playground where the benefit of shade is very desirable for public health reasons.

The 2 Birch are handicapped by an abrupt change of level from pavement to site but this could probably be overcome with detailing.

There are other trees on site that do at first glance appear capable of being retained.

New planting along the Lenton Road frontage must take account of street tree canopies, which are a constraint. Tree pit details will be required for different ground treatments and should be represented by engineering drawings. The provision of a wide highway verge with native tree planting along the extended Sandfield Road would achieve the provision of a green way through part of the site.

## **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 unless material planning considerations indicate otherwise, 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. 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.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 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.
- 6.5 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):**

ST1 - Sustainable Communities.

H2 – Density.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

NE5 – Trees.

NE9 - Pollution.

NE12 - Derelict and Contaminated Land.

**Aligned Core Strategy (September 2014):**

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 19: Developer Contributions.

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

- (i) Principle of the development;**
- (ii) Density, layout and design considerations; and**
- (iii) Impact on residential amenity.**

**i) Principle of the development (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, and H2 of the Local Plan)**

- 7.1 The site is cleared and vacant brownfield land within a Primarily Residential Area and the proposed residential use is considered to be acceptable in principle. The proposal would provide an opportunity to enhance the built environment and assist in the development of a sustainable community within the surrounding area.
- 7.2 The NPPF, Aligned Core Strategy and Local Plan policies support the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. The NPPF states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. It is considered that the proposed range of house types would contribute towards the City Council's strategic objectives to create sustainable balanced communities and a varied mix of housing options.
- 7.3 The size and layout of the units are considered to be appropriate and would provide a high quality scheme with a good degree of amenity in terms of space and outlook. Additionally, the development is located in a sustainable location, close to local facilities.
- 7.4 The proposal therefore accords with the NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2, and H5 of the Local Plan.

**(ii) Density, layout and design considerations (NPPF, Policy 10 of the Aligned Core Strategy and Policy NE5 and H2 of the Local Plan)**

- 7.5 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.6 This is a relatively high density development which responds positively to site constraints/opportunities and level changes, to create a distinctive scheme. 3 storey buildings are proposed to provide a strong built frontage and to allow the development to sit comfortably along Lenton Boulevard, which is a wide road. The provision of 3 storey buildings also responds well to the height of the Marcus Garvey Centre opposite. Along Cottesmore Road the 2 and 3 storey dwellings respond appropriately to the Victorian, Edwardian and modern buildings found along this street. The dwellings have also been provided with frontages to reflect the layout of the existing properties on this street. Alterations have been made to the scheme along Cottesmore Road to enable two Birch trees to be retained. The extended Sandfield Road area of the development creates a quiet street environment. As a result of site level changes and to provide appropriate interface distances the street does curve in contrast the Victorian grid layout of the surrounding streets. However, due to the sites topography and to allow the development to front the existing main streets, the character of this new street is appropriate and will add interest. The changes made to the internal street alignment have enabled a wider grass verge to be provided to the rear of the properties on Cottesmore Road and also some deeper frontages to some of the properties on the new street, which together enable a green landscape theme to be provided along the street. This achieves an aspiration for the site to provide a green route through to the Radford Recreation Ground.
- 7.7 The site level differences within the site have not made it possible to retain any existing trees within the scheme other than the two Birch trees to Cottesmore Road. Additional tree planting is proposed as part of the redevelopment.
- 7.8 The development has also been designed to enable the retention of the existing Bullwell stonewall to the Lenton Boulevard boundary, which further assists to enhance the character and appearance of the development.
- 7.9 The scheme has been designed to provide active frontages, surveillance over the streets and secure private rear gardens. The new family dwellings would be two and three storeys in height and a mixture of semi-detached and short terraces, to reflect the context of the surrounding residential properties, yet also creating their own distinctive character. Bin stores are primarily proposed to be located in rear gardens but where this is not possible they are accommodated close to properties in purpose designed stores. Railings and hedges will provide an added level of privacy and protection to the fronts of dwellings. Details of hard surfacing, landscaping and means of enclosure would be dealt with by condition.
- 7.10 The design aesthetic of the development is contemporary and simple in form. The elevational treatment, together with the palette of materials, would create a clear and cohesive architectural language. The final details of the materials would be dealt with by condition.

- 7.11 Overall the scale/density, layout and design of the buildings are considered to be a positive and well considered response to the site and its context, and accord with the NPPF, Policy 10 of the Aligned Core Strategy and Policy NE5 and H2 of the Local Plan.

**(iii) Impact on residential amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)**

- 7.12 Changes have been made to the proposed layout to ensure that the scheme has been designed to take into account existing residential properties which abut the site and ensure that there would be no adverse impact upon the amenities of existing residents or future occupants of the new development, in terms of light, outlook and privacy.
- 7.13 The development therefore accords with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan in this regard.

**Other Matters (Policies NE9 and NE12 of the Local Plan)**

- 7.14 A remediation strategy to deal with ground contamination and a noise assessment and insulation scheme to protect future occupiers of the site would be secured by condition. The proposals are therefore in accordance with Policy NE9 and Policy NE12.

**Planning Obligations (Policies R2 and H5 of the Local Plan and Policy 19 of the Aligned Core Strategy)**

- 7.15 The City Council is the current land owner of the application site. In order to secure the appropriate s106 obligations, an agreement under section 111 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 it acquires an interest in the land.
- 7.16 A s106 obligation to secure policy-compliant contributions for a development of this scale will be sought, as follows:
- Public Open Space (£130,605)
  - Education (total £466,186 - Primary £237,172 and Secondary £229,014)
- 7.17 The section 106 obligation will also secure the provision of 20% on-site affordable housing comprising 2 x 2 bed apartment, 9x 2 bed houses and 8 x 3 bed houses.
- 7.18 It is proposed that the public open space contribution would be used towards infrastructure improvements at the Ronald Street Play Area (£50,000), Lenton Recreation Ground (£50,000) and Radford Recreation Ground (£30,605).
- 7.19 It is proposed that the primary education contribution of £237, 172 would be used towards pupil places at primary schools within the Lenton Primary School Area which comprises Dunkirk, Edna G Olds, Mellers and Radford Primary schools.
- 7.20 The secondary education contribution of £229,014 would be used towards pupil places at Nottingham University Academy of Science and Technology (NUAST).

- 7.21 In relation to all of the above purposes (including each named school within the Lenton Planning Area), the Section 106 obligations sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.
- 7.22 The obligations proposed would accord with Policy R2 and H5 of the Local Plan and Policy 19 of the Aligned Core Strategy.

## **8. SUSTAINABILITY / BIODIVERSITY**

The development is to be constructed following a 'fabric first approach' with the aim of achieving equivalent or better carbon emission values than those required by the current Part L of the Building Regulations. The 'fabric first approach' is to be achieved through appropriately insulated walls, floors and roofs. Furthermore, as the majority of properties are orientated to the west and east they are largely orientated to make best use of solar gain and natural 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: 17/01772/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OUB6VHLYH8500>

**17     Published documents referred to in compiling this report**

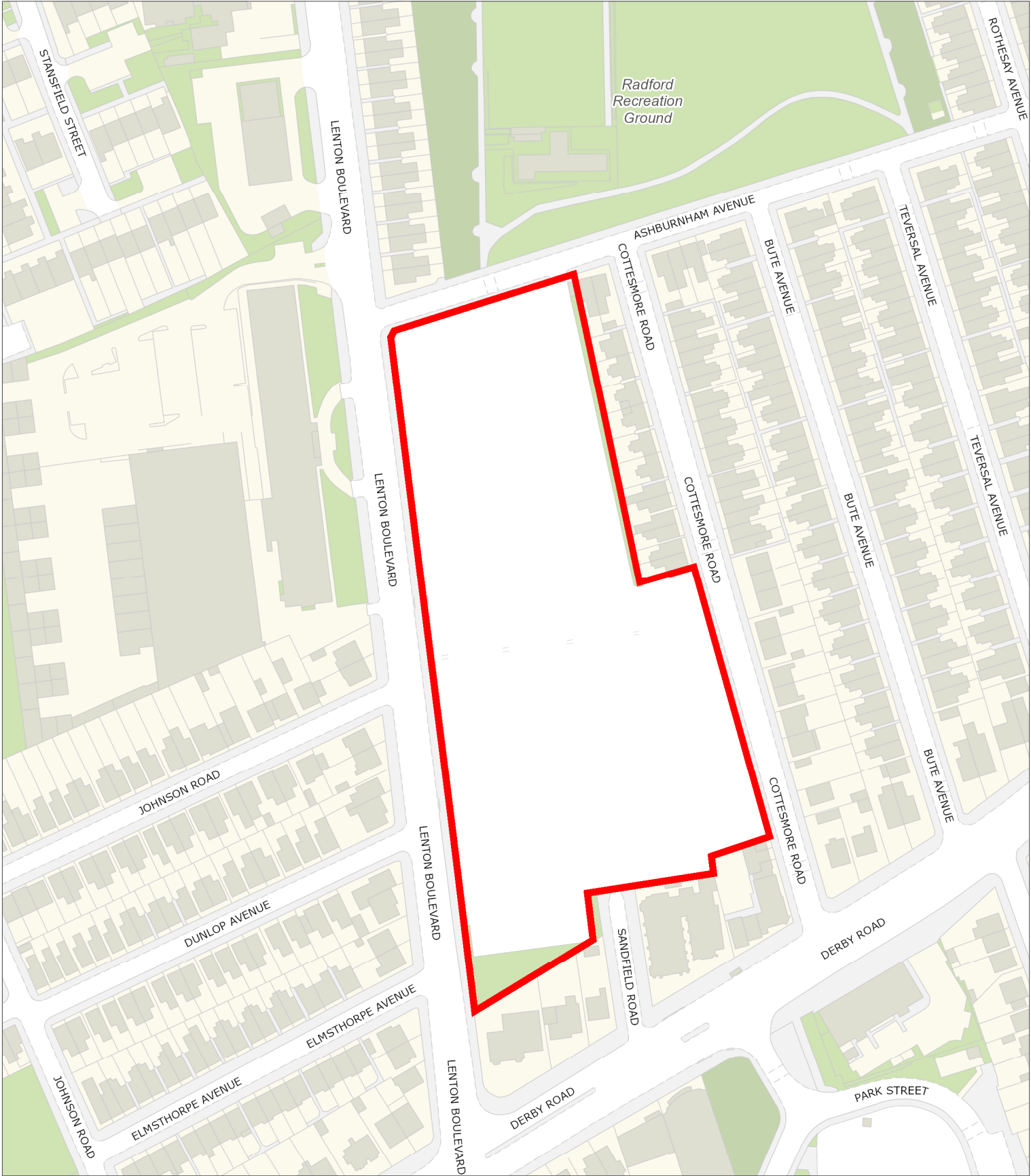
Nottingham Local Plan (November 2005)

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# NOMAD printed map



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- Key
- City Boundary

Description

No description provided



Nottingham  
City Council

**My Ref:** 17/01772/PFUL3 (PP-06255388)

**Your Ref:**

**Contact:** Miss Jenny Cole

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Date of decision:

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

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Application No: 17/01772/PFUL3 (PP-06255388)  
Application by: Persimmon Homes Nottingham  
Location: Site Of The Sandfield Centre, Sandfield Road, Nottingham  
Proposal: Erection of 96no. residential dwellings (C3) and associated infrastructure, site access and landscaping

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

<b>Time limit</b>
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>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
2. Prior to the commencement of development details of existing and proposed site levels including cross sections shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved proposed site level details.  <i>Reason: To ensure that the appearance of the development is satisfactory and residential amenity is respected in accordance with Policy 10 of the Aligned Core Strategy.</i>






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**Not for issue**

Continued...

3. Prior to the commencement of development details related to the road geometry of site layout including details of tracking, signing, lining and alterations, a 'Swept Path Analysis', visibility splays and a stage I/II Safety Audit, shall be submitted to and agreed in writing by the Planning Authority.

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

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

4. Prior to the commencement of 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 local events, 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 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 LAmax(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).

The development shall be completed in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.*

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 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 Policy NE12 of the Nottingham Local Plan.*

6. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- a. The type, size and frequency of delivery to/from the site;
  - b. The parking of vehicles of site operatives and visitors;
  - c. Loading and unloading of plant and materials;
  - d. Storage of plant and materials used in constructing the development;
  - e. Wheel washing facilities;
  - f. Measures to control the emissions of dust and dirt during construction;
  - g. Routing agreements.

The Construction Method Statement shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policy 10 of the Aligned Core Strategy*

7. Prior to the commencement of development the two Birch trees (along the Cottesmore Road frontage), shown to be retained on the approved plan, shall be protected until the completion of the development as follows:
- a) No equipment, machinery or materials shall be brought onto the site in connection with the development unless all trees shown on the approved plan to be retained have been protected with fencing in the positions shown on a plan to be submitted and approved by the Local Planning Authority. The fencing shall be in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendation. The protective fencing shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.
- b) No work or storage of materials (including the removal or deposit of top soil), or excavations, shall be carried out within the fenced area(s) without the prior written permission of the Local Planning Authority.
- c) Poisonous or noxious materials e.g. oil, bitumen, cement shall not be stored or discharged, and no concrete mixing shall take place within 10 metres of any tree shown on the approved plan to be retained.
- Reason: To protect the future health of the trees in accordance with Policy NE5 of the Nottingham Local Plan.*
8. Notwithstanding the submitted plans, above ground development shall not commence until full details of external materials for the buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include material samples and details of windows and reveals.
- The development shall thereafter be carried out in accordance with the approved details.
- Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.*
9. The hard surfacing of all external areas shall not be commenced until details of the materials to be used have been submitted to and agreed in writing with the Local Planning Authority.
- The development shall then be carried out in accordance with the approved details.
- Reason: In the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy.*
- Pre-occupation conditions**  
(The conditions in this section must be complied with before the development is occupied)
10. Notwithstanding the approved drawings, the development shall not be occupied until retaining walls, boundary treatments and enclosures to the site and plot boundaries have been erected in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- The development shall then be carried out in accordance with the approved plans.
- Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.*



11. Notwithstanding the approved drawings, the development shall not be occupied until a landscaping scheme for the site, including details of the street trees, has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

12. The development shall not be occupied until electric vehicle charging points have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- i) For Residential Development, 1 electric vehicle charging point per domestic unit (i.e. dwelling with dedicated off street parking), and 1 electric vehicle charging point per 10 parking spaces (unallocated parking);
- ii) For Anticipated Future Demand and to prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

*Reason: To encourage more sustainable modes of transport in accordance with paragraph 35 of the National Planning Policy Framework.*

13. All of the dwellings shall not be completed until the following have first been submitted and approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
  - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

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

14. All of the dwellings shall not be completed until written verification that the approved sound insulation scheme has been implemented and is fully operational have first been submitted to and approved in writing by the Local Planning Authority.

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

15. The development shall not be completed until all redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of Highway Safety in accordance with Policies 1 and 10 of the Aligned Core Strategy.*

16. Each dwelling shall not be occupied until all car parking spaces and turning areas to serve that dwelling have been provided in accordance with the approved plans.

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.*

17. No dwellings fronting Lenton Boulevard and within the Apartment building shall be occupied until a details of the bin storage collection areas to serve these properties have been submitted to and approved in writing with the Local Planning Authority.

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

*Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.*

18. The dwellings fronting Lenton Boulevard shall not be occupied until details of the vehicular access points to be created in the retained Bulwell Stone Wall along Lenton Boulevard, together with details of pedestrian access points and any remedial/rebuilding work required to the wall, have been submitted to and approved in writing with the Local Planning Authority.

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

*Reason: In the interests of Highway Safety and to ensure that the wall is retained to enhance the character and appearance of the development in accordance with Policies 1 and 10 of the Aligned Core Strategy.*

#### **Regulatory/ongoing conditions**

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

19. The development shall not be occupied until details of a Residential Travel Pack, including the mechanisms for their distribution and obtaining of bus passes, have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the Residential Travel Packs shall be distributed in accordance with the approved details.

*Reason: In the interests of promoting more sustainable forms of travel in accordance with Policy 10 of the Aligned Core Strategy.*

20. The development shall be carried out in accordance with section 7 of the submitted Flood Risk Assessment reference 17037 prepared by Travis Baker dated 14th July 2017.

*Reason: In the interests of managing flood risk in accordance with Policy NE10 of the Nottingham Local Plan.*

#### **Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other



documents comprising the application as validated by the council on 8 August 2017.

*Reason: To determine the scope of this permission.*

## **Informatives**

### **1. 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 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 &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

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).

2. 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.

3. 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.

4. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

#### Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

#### Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

5. 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



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

**DRAFT ONLY**  
**Not for issue**

Continued...

Management on 0115 876 5238 or by email at [highway.management@nottinghamcity.gov.uk](mailto: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.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottingham City Council's current highway design guidance and specification for roadworks. The Advanced Payments 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. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Network Management on 0115 876 5293.

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. 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.

Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

Please contact Robert Smith 0115 8763604 [robert.smith3@nottinghamcity.gov.uk](mailto:robert.smith3@nottinghamcity.gov.uk) to discuss sustainable transport, and the Travel Plan and measures.

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: 17/01772/PFUL3 (PP-06255388)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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