

PLANNING COMMITTEE

18th April 2018

REPORT OF CHIEF PLANNER

Site Of Denewood Centre, Denewood Crescent

1 SUMMARY

Application No: 17/02244/NOUT for outline planning permission

Application by: Planning And Design Group (UK) Ltd on behalf of Nottingham City Council And Nottinghamshire County Council.

Proposal: Outline planning permission for residential development with all matters reserved except access.

The application is brought to Committee as it is a major application where there are important land use considerations and because the ordinarily required planning obligations may be waived, or substantially less than typically required by adopted planning policies

To meet the Council's Performance Targets this application should be determined by 1st May 2018, the date that has been agreed as an extension of time.

2 RECOMMENDATIONS

2.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- a) Prior completion of an agreement under section 106 of the Town and Country Planning Act 1990 and/or section 111 of the Local Government Act 1972 to secure necessary and reasonable planning obligations relating to 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 The Power to determine the content and requirements of the S106/111 agreement be delegated to the Chief Planner in consultation with the Committee Chair, Vice-Chair and opposition spokesperson, and be subject to him being satisfied that the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 are met.

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

3 BACKGROUND

3.1 Denewood Centre is a former school and then an education office/training facility, which has now been demolished. The site is in the joint ownership of the City and County Councils with the County Council owning the more significant proportion of the 3.04ha. The site is crescent in shape and bordered by fencing and in places by well-established trees, particularly along the western boundary. Internally, the site has been cleared of the structures down to ground level, leaving the buildings

foundations and former car parking areas. Existing trees and landscaped areas are dispersed across the site. The topography is reasonably flat across most parts, gently sloping from the north to the south. The site has a single vehicle access point from Denewood Crescent.

- 3.2 The site is bordered by schools to the north and south, school playing field to the east and with residential houses fronting Denewood Crescent to the west.

4 DETAILS OF THE PROPOSAL

This application is seeking outline approval for residential development of the site with access arrangements the only detailed matter submitted for approval at this stage. The submission however includes an illustrative masterplan, which indicates that approximately 110 dwellings could be accommodated on the site. The development would be served by the existing vehicular access from Denewood Crescent.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

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

Denewood Crescent
Beechdale Road
Highwood Avenue

The application has also been publicised through the display of a site notice and the publishing of a press notice.

One local resident adjoining the still has written in with the following concerns:

- Loss of privacy. To reduce the impact on neighbours adjoining the access to the site it is suggested that the proposed access road is offset to one side and only one new dwelling be built to the side fronting Denewood Crescent. Alternatively, no new dwelling be placed to either side of the access and this area be landscaped.
- The potential for increased traffic in an area already suffering from congestion due to the three schools in the area.
- Damage to the highway surface on Denewood Crescent, including due to construction traffic. They request that measures be put in place to manage the traffic, mud/dust on the roads and for there to be agreement to make good any damage to the existing road infrastructure.
- A request for a tree bordering their property and not identified on the tree survey to be removed.
- Impact on existing house prices.

A public exhibition was also held by the applicant at the Russell Sheila Community Centre to consult the local community on the initial concepts and proposals for the site, prior to the submission of the planning application. The event attracted around 13 people with 5 feedback forms returned. Feedback comprised of concerns regarding increased traffic, noise and current security issues with the site. The

residents also stated that smaller homes, bungalows, affordable housing and starter homes are needed in the area.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections. Conditions requiring a remediation strategy, implementation of the submitted sound insulation scheme and electric vehicular charging point are recommended.

Highways: No objections. Conditions relating to a construction management plan and details of the proposed vehicular and pedestrian access are recommended.

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

Police Architectural Liaison Officer: The site is located within an area, which has a history of medium to high crime and disorder levels, where crime against property is high. Resident development of the site should therefore be built to the highest standards of security, preferably to Secured by Design Gold Standard, and Building Regulations Part Q. In addition, homes should be designed with on plot parking, with vehicles being viewed from an "active" room for surveillance.

Biodiversity Officer: No objections, subject to the development being carried out in accordance with the recommendations of the submitted ecological appraisal.

Tree Officer: Trees along the western boundary and a mature tree at the centre of the site are covered by Tree Preservation Order (TPO/00003/15). This represents the minimum level of existing mature trees the Council would expect to see retained on the site. The tree survey identified the exceptional tree (TPO11), located at the centre of site as being of particular importance. It is a veteran tree and considered by the tree surveyor to be "ancient". Both veteran and ancient trees are recognised by NPPF which states (para 118) "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland."

Housing Strategy: Are broadly happy with proposed housing mix outlined in the Design and Access Statement ie. that it be houses, in keeping with the existing housing stock, and that it would be private market for sale housing with 20% affordable housing. Having the apartments to account for the land to be lost to the balancing pond is acceptable, so long as they comprise a mix of tenure. It is assumed that 2/3 bed houses will dominate but details of the final mix/density would form part of the subsequent reserved matters application.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

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

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

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

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

Nottingham Local Plan (November 2005):

Policy ST1 – Sustainable Communities

Policy H2 – Housing Density

Policy H5 – Affordable Housing

Policy R2 – Open Space in New Development

Policy T3 – Car, Cycle and Servicing Parking

Policy NE5 – Trees

Policy NE6 – Trees Protected by TPO's

Policy NE9 – Pollution

Policy NE12 – Derelict and Contaminated Land

Aligned Core Strategy (ACS) (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity.

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

Emerging Local Plan

The site is allocated in the emerging Local Plan (part 2) for residential use (PA26).

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development**
- (ii) Density, layout and scale;**
- (iii) Relationship with adjoining residential properties**
- (iv) Highway considerations;**
- (v) S106 planning obligations.**

i) Principle of the development (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2 and R1 and R5 of the Local Plan)

- 7.1 The site is currently vacant but lies within an area, which aside from the adjacent schools, is residential in character. The site is allocated for development in the emerging Land and Planning Policies Development Plan Document (LAPP), September 2017, reference "PA26 Denewood Crescent – Denewood Centre". Whilst the application is in outline (and therefore subject to details such as housing mix being agreed at a later stage) the proposed uses for the site are residential (predominantly family housing) with potential for an element of specialist housing to meet the needs of the elderly. The minimum, maximum and midpoint of expected dwellings on the site are 90, 120 and 105 dwellings. The number of dwellings proposed in the outline application, (110) is in line with this. Although this is emerging rather than adopted policy, the LAPP is at an advanced stage and sets out a clear direction for this site. The development of this vacant brownfield site for residential development in an established residential area in any event satisfies the relevant policies of the adopted development plan, comprising the Local Plan and the Aligned Core Strategy. There is therefore no objection to the principle of the use of the site for a residential development and the proposal has the potential to deliver a scheme of high family housing in a sustainable location.
- 7.2 The proposal site layout put forward for consideration at this time is for a development of houses that would provide family accommodation with generous gardens, and a small element of apartments. Such accommodation would support the aims and objectives of policies ST1 and Policy 8 that supports the provision of family housing.
- 7.3 It is proposed to straighten out the northern boundary of the site between it and the adjacent playing field. This is a small incursion into the adjoining playing field and would not adversely affect the current function of the playing fields and its role as part of the Open Space Network.
- 7.4 The proposal would therefore comply with NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2 and R1 and R5 of the Local Plan

(ii) Density, layout and scale (Policy 10 of the Aligned Core Strategy and Policies H2, T5 and T6 and NE 5 and NE6 of the Local Plan)

- 7.5 All matters regarding site layout, scale and design of the proposed dwellings would be considered by a subsequent reserved matters submission. The application is however supported by an illustrative masterplan and detailed Design and Access Statement.

- 7.6 The illustrative master plan shows the roads and built form to reflect the general form and pattern of the surrounding area. The crescent shape of Denewood Crescent is striking and the layout responds to this, resulting in a cohesive and integrated scheme. The layout also depicts an urban form consisting of two storey detached, semi-detached and terraced housing organised in perimeter blocks. Continuous frontages are proposed to define and overlook the streets. A small apartment scheme is shown in the southern part of the site overlooking the attenuation pond. This layout envisages a density of 36 dwellings per hectare, which reflects the largely family housing proposition, and the character of the site and its surroundings.
- 7.7 A hierarchy of street character types, from a tree lined avenue approach to low trafficked 'homezone' spaces is proposed. A central focus within the site is the roundabout which can be seen as pedestrians and vehicles enter the site, defining it as a key route within the site. This feature has been used to ensure the retention of the veteran Wild Cherry tree referred to in the Tree Officer's comments above. An attenuation pond has been created in southern corner of the site to manage surface water drainage and provide an attractive area of open space.
- 7.8 Some of the trees along the western boundary and the Wild Cherry Tree are protected by a Tree Preservation Order. The Cherry is noted to be of particular importance. All TPO trees are to be retained and the masterplan has been designed to give prominence and space to the veteran Cherry.
- 7.9 It is therefore considered that the proposed development would comply with Policy 10 of the Aligned Core Strategy and Policies H2, T5 and T6 and NE 5 and NE 6 of the Local Plan.

(iii) Relationship with adjoining residential properties (Policy 10 of the Aligned Core Strategy)

- 7.10 The indicative layout has taken into account the relationship between the existing and the proposed properties. It is considered that the relationship with the properties immediately adjacent to the site is acceptable and that the proposal would not unacceptably impact upon the amenities of the neighbouring occupiers. The reserved matters submission would resolve the detail of the layout, including the boundary treatment to the edge of the site where it abuts existing residential properties. It is therefore considered that the proposed development would satisfy Policy 10 of the Aligned Core Strategy, in this regard.

(iv) Highway considerations (Policy 17 of the Aligned Core BE1, BE2 and T3)

- 7.11 Access for vehicles and pedestrians would remain as existing from Denewood Crescent. The existing vehicular access is to be widened to 5.5m wide with 2m footways, 6m radii and appropriate visibility splays. Additional pedestrian access points are proposed away from the vehicular access. Highways are satisfied that the design for the proposed access would ensure safe access and egress into the site from the highway network. It is recommended that a condition is imposed to secure the delivery of the junction design as indicatively proposed.
- 7.12 Highways are satisfied that the traffic created by this development would be acceptable and would represent a net reduction from its previous use.
- 7.13 All matters regarding the internal road layout and parking for the proposed dwellings would be considered as part of the subsequent reserved matters submission.

7.14 A Construction Management Plan would be conditioned to ensure the highway and neighbouring residents are not adversely affected.

(v) Planning obligations (Policies ST1, H5 and R2 of the Local Plan and Policy 19 of the Aligned Core Strategy)

7.15 As indicated above the majority of the site is owned by the County Council with the remainder in City Council ownership. Whilst it is legally possible to secure planning obligations under a s106 Agreement over the part of the site owned by the County Council it is not possible to do so for the land in the City Council's ownership.

7.16 For this development the policy compliant planning obligations which would be required based on the indicative layout would be:

- A requirement to provide 20% affordable housing should any subsequent reserved matters submission comprise of 25 dwellings or more.
- An off-site financial contribution towards public open space.
- A Financial contribution towards education

7.17 As financial contributions are calculated by reference to a policy based formula reliant on details to be covered in reserved matters it is not possible to give a precise indication of what would ordinarily be required at this stage. However, in terms of education, the secondary schools are already experiencing capacity issues and consequently the development is going to increase pressure for school places. Based on the indicative layout Education have provisionally indicated that a figure in the region of £292,925.00 would ordinarily be required. The contribution, if required, would be used towards expanding the capacity of secondary schools in the "West Planning Area", which includes Bluecoat Beechdale, Fernwood and NUSA.

7.18 The applicants have however submitted a viability appraisal indicating that the proposed development would not be viable based upon the provision of the full range of S106 developer contributions that the scheme would otherwise be required to meet. The appraisal has been reviewed by the District Valuer and negotiations regarding this matter are on-going. For this reason it is suggested that the power to determine the contents and requirements of any necessary agreement(s) be delegated to the Chief Planner in consultation with the Chair, Vice Chair and opposition spokesperson and subject to him being satisfied that the relevant requirements of the Community Infrastructure Levy Regulations will be met.

Other Matters (Policy 10 of the Aligned Core Strategy and Policies NE9 and NE12 of the Local Plan)

7.19 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 NE12.

8. SUSTAINABILITY / BIODIVERSITY

8.1 The conservation and enhancement of existing trees and planting forms an integral the scheme.

- 8.2 Surface water drainage is to be reduced to greenfield runoff rates and has been designed to use sustainable drainage techniques. A surface water attenuation pond is to be provided in the southwest corner of the site.
- 8.3 Conditions can also be used to secure enhancements to the ecological interest of the site, which could be achieved through native planting and the use of bird/bat boxes. As such, the development accords with Policy 17 of the Aligned Core Strategy.

9 FINANCIAL IMPLICATIONS

The policy compliant requirements for Affordable Housing and a financial contribution towards education and public open space are outlined in the above appraisal section. As an outline planning application, the final figures are not known and would be calculated in accordance with established formulas once a planning application for reserved matters is approved. In this instance, the applicant has submitted a viability appraisal to demonstrate that the development would be unviable if the full contributions were paid. A nil or reduced contribution may therefore result.

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

Deliver quality housing for all

Ensure Nottingham's workforce is skilled

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: 17/02244/NOUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OX2WPVLYH1C00>

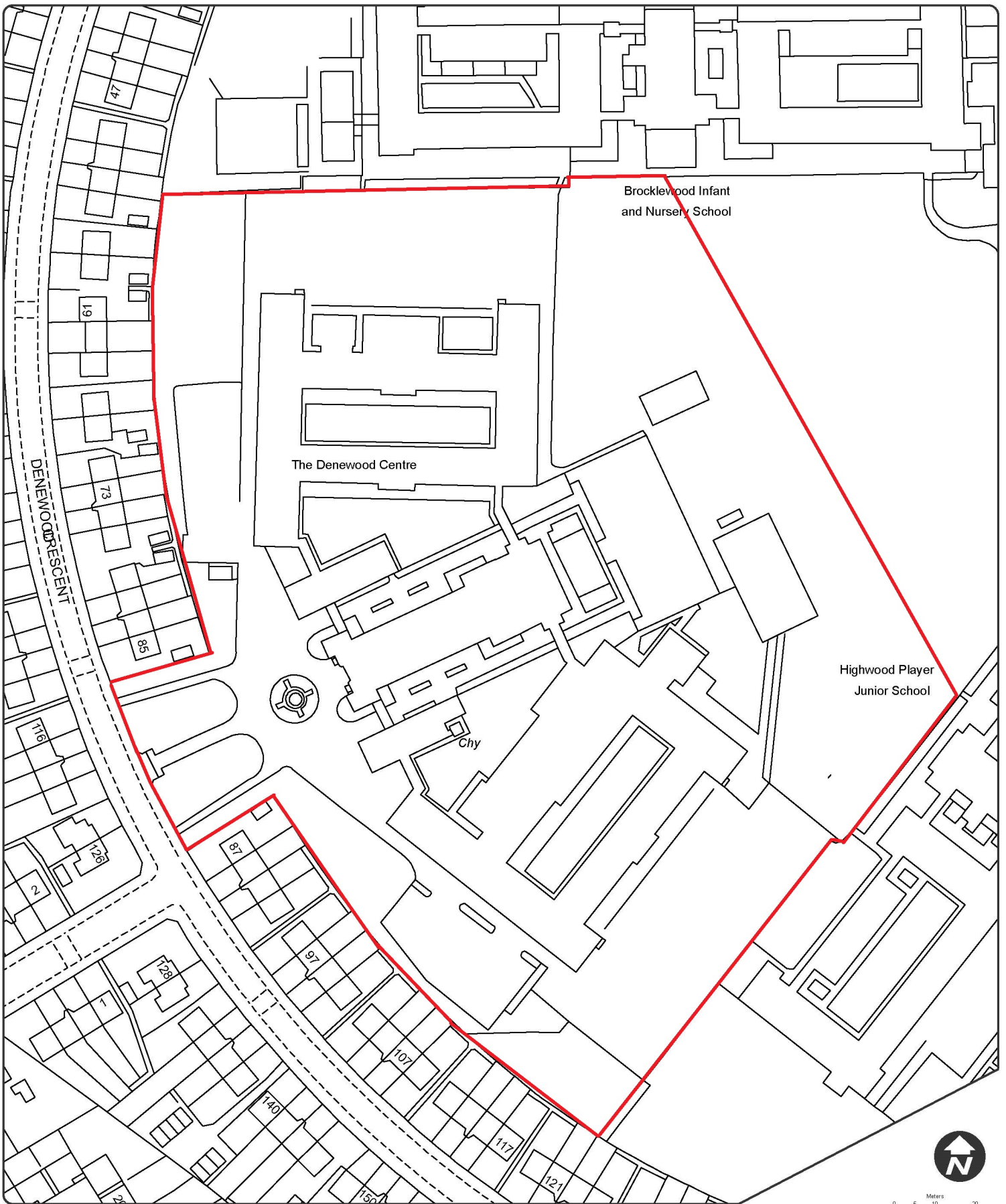
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

Email: jo.bates@nottinghamcity.gov.uk Telephone: 0115 8764041



Denewood Centre, location plan

Scale @ A4 = 1:1,250

My Ref: 17/02244/NOUT (PP-06423578)
Your Ref:
Contact: Mrs Jo Bates
Email: development.management@nottinghamcity.gov.uk



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Date of decision:

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

Application No: 17/02244/NOUT (PP-06423578)
Application by: Nottingham City Council And Nottinghamshire County Council...
Location: Site Of Denewood Centre, Denewood Crescent, Nottingham
Proposal: Outline planning permission for residential development with all matters reserved except access.

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

Time limit

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

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

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

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



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Not for issue

Continued...

2. The development hereby permitted shall not be commenced until an Arboricultural Method Statement prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations', 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. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure the protection of trees during the construction period and in accordance with the aims of Policy NE5 of the Local Plan.

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

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

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

4. The development shall not be commenced until details of the vehicular and pedestrian access onto Denewood Crescent have been submitted to and agreed in writing with the Local Planning Authority.

The access road shall then be constructed in full accordance with the approved details prior to the commencement of the development on site.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

5. Notwithstanding the submitted Flood Risk Assessment, the development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures and additional source control features, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.



6. Prior to the commencement of the development, details of existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be completed in accordance with the approved site levels.

Reason: In order to ensure an appropriate quality of finish to the approved development and to protect the amenities of neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy.

7. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with radon gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan 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).

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.

8. No above ground development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

a) External materials including windows, bricks, other finishes to walls and tiles;

b) Hard surfacing of all external areas;

c) Boundary treatment and enclosures to the site and individual plot boundaries;.

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

Reason: In order to ensure an appropriate quality of finish to the approved development and to protect the amenities of neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy.



9. No above ground development shall be commenced until, an electric vehicle charging scheme has been submitted to and be approved in writing by the Local Planning Authority.

The scheme shall include:

For Residential Development:

- 1 electric vehicle charging point per domestic unit (ie dwelling with dedicated off street parking), and,
- 1 electric vehicle charging point per 10 parking spaces (unallocated parking)

For Anticipated Future Demand:

- 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.

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

Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

11. Prior to the commencement of development an ecological enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:

- Treatment of Japanese knotweed;
- Clearance of vegetation out of bird nesting season;
- Bat friendly lighting;
- Hedgehog friendly fencing and clearance of vegetation;
- Removal of fox den and precautionary measures for other mammals;
- Ecological enhancements including bird and bat boxes;
- A timetable for implementation and any associated management arrangements.

The ecological enhancement and management plan shall be carried out in accordance with the approved details.

Reason: In the interests of ecological enhancement and in accordance with the aims of Policy 17 of the Aligned Core Strategy and Policy NE2 and NE3 of the Nottingham Local Plan.

The development shall not be

Pre-occupation conditions

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



10. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with radon gas contamination of the site has been fully implemented and completed.

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

12. Prior to first occupation of the development, verification that the approved sound insulation scheme as set out in the Environmental Noise Assessment by BSP dated January 2017 (ref 17-0030) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

13. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development 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 a high quality development in accordance with Policy 10 of the Aligned Core Strategy.

14. The dwellings shall not be occupied until the following have been carried out in accordance with the details that have first been submitted to and approved in writing by the Local Planning Authority:-

- a) The internal road layout, turning areas and car parking have been hard surfaced and laid out;
- b) The site has been enclosed; and
- c) The areas of the site not to be landscaped have been surfaced.

Reason: To ensure that the appearance of the development will be satisfactory and in the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

15. The development shall not be occupied until details of the proposed bin storage and their means of enclosure have been submitted to and agreed in writing with the Local Planning Authority.

Approved bin storage shall be installed in accordance with the approved details prior to first occupation of the development.

Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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



16. In this condition "retained tree" means an existing TPO tree which is to be retained in accordance with the submitted indicative master plan; and paragraphs (a) and (b) below:

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the local planning authority

Reason: To ensure that existing TPO trees are safeguarded during construction in accordance with Policies NE4 and NE5 of the 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 2 October 2017.

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 officer's delegated 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. 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.

4. Radon Gas Contamination



According to the Public Health England (PHE) radon inside buildings is the main source of human exposure to radiation in the UK. Their advice for residential and other properties is that the Action Level for radon concentrations should be 200 Bq m⁻³ and the Target Level should be 100 Bq m⁻³. Some parts of the Nottingham city area fall within Radon Classes 2, 3 or 4 where respectively 1% to <3%, 3% to <5% or 5% to <10% of homes are estimated to be above the Action Level. Areas where more than 1% of homes are estimated to be above the Action Level are termed Radon Affected Areas. Furthermore areas where between 1% and 10% of homes are estimated to be above the Action Level are regarded as intermediate probability radon areas.

This development site is classified as being in a Radon Affected Area (Class 3 or Class 4) and as such between 1% to <3% (Class 3) or 3% to <5% (Class 4) of residential buildings in this area are estimated to have radon levels above the Action Level of 200 Bq m⁻³.

Consequently based on Building Regulations Approved Document C, Radon - Guidance on Protective Measures for New Buildings BRE 211 (2015), and the Public Health England (website <http://www.ukradon.org/>) in order to protect the health of future residents or occupiers of this development from the adverse effects of radiation all new buildings, extensions, conversions & refurbishments:

- i. Must include basic radon protection measures as a minimum consisting of a well-installed damp-proof membrane, modified and extended to the outer layer of construction to form a radon-proof barrier across the ground floor of the building, in addition,
- ii. The domestic Action Level and Target Level should be applied to non-domestic buildings with public occupancy exceeding 2000 hours per years and also to all schools.

The Remediation Strategy 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 how gas precautions will be validated and the Verification Report must provide details of the inspection process (CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014)).

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 radon gas contamination of the site.

Any radon 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 radon 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).

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.

NB: 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.

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

6. The drainage team recommend the addition of subsequent SuDS trains as part of the surface water drainage scheme for the site, this not only further reduces the flood risk to third parties, but it also provides an increase in the quality of the water in the vicinity.

7. Condition(s) **** are 'reserved matters' as defined in the Town & Country Planning (General Development Procedure) Order 1995.

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: 17/02244/NOUT (PP-06423578)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue