

**REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION**

**Former Meadows Police Station**

**1 SUMMARY**

Application No: 17/02512/PFUL3 for full planning permission

Application by: Nottingham City Homes

Proposal: Demolition of existing police station building and construction of a 3 and 4 storey block of 21, two bedroom apartments with associated car parking and amenity spaces and the extension of Rutland Close to form a new vehicular junction with Meadows Way.

The application is brought to Committee at the request of a local Ward Councillor who has raised valid planning reasons

To meet the Council's Performance Targets this application should have been determined by the 28<sup>th</sup> September but an extension was agreed with the Applicant for determination by 30<sup>th</sup> November 2018

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION** subject to:

(a) Prior completion of a S106 Planning Obligation to secure an off-site Public Open Space financial contribution of £19 488.84 towards the restoration of the Victoria Embankment War Memorial.

(b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of both the conditions and the S106 Planning Obligation to be delegated to Director of Planning and Regeneration.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND & SITE**

- 3.1 The application site is located within The Meadows, a relatively short distance to the south west of the City Centre. The area surrounding the site is predominantly residential, bordering the site to the north, east and south. The western boundary is formed by Meadows Way, including the Beeston leg of the NET tramline, with Queen's Drive and the NG2 Business Park beyond.
- 3.2 The site is currently occupied by the former Meadows Police Station and includes a number of existing buildings and a hardstanding parking/yard area. The western edge of the site comprises soft landscaping. Vehicular access is currently provided to the site via Saffron Way which is to the immediate north of the site.
- 3.3 The site is located at the western edge of the 'new' Meadows estate, a large neighbourhood developed in the 1970's. The police station was vacated in 2015 and has been acquired by Nottingham City Homes who wish to redevelop the site for market rent apartments, to broaden the housing choice available in The Meadows.
- 3.4 The proposed development site also includes a small portion of land that constitutes highway (Meadows Way) and land over which rights have been reserved for the benefit of the NET Tramline including access arrangements for servicing, and maintenance requirements.

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

- 4.1 The proposal is for the demolition of the former Meadows Police Station and construction of a 3 and 4-storey building comprising 21x2 bed apartments and also comprising a car park, communal landscaped areas and some private gardens.
- 4.2 Pedestrian access is included from both Meadows Way and from the rear. The proposed vehicular access remains via Saffron Gardens. Bin storage and a cycle store are proposed within the parking area.
- 4.3 The proposed scheme also incorporates a short stretch of shared surface road with on-street parking bays along its southern edge. This would form an extension of Rutland Close and terminate in a new vehicular left turn only junction to link with Meadows Way.

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

#### **Adjoining occupiers consulted:**

The application was advertised by way of 33 individual letters to neighbouring residents, and by press and site notices, with the latest consultation expiry date of 07/09/2018

Five representations of objection have been received, raising the following issues:

- Houses will be in shadow
- Reduced sunlight
- Impact on privacy
- Noise from people and additional cars

- Have been informed that no more flats would be built in the Meadows.

**Ward Councillor:** Has raised concern about the design of the scheme stating that the front of the development is too dull for a gateway entrance to the Meadows.

**Additional consultation letters sent to:**

**Highways:** Highways Authority: No objection subject to conditions relating to car and cycle parking, electric vehicle charging points, submission of a construction management plan, visibility splays, details of the new access road, details of the access arrangements for servicing, and maintenance requirements for the NET overhead masts.

**Environmental Health:** No objection subject to conditions relating to:

- A remediation strategy to deal with the risks associated with ground, groundwater and ground gas contamination of the site
- Sound insulation
- Electric vehicle charging scheme
- A noise and dust management plan

*(Officer comment: These matters are addressed below. Regarding a noise and dust management plan, this is a matter addressed through environmental health legislation so it would not be appropriate to add a condition in this regard. However, an informative to cover this would be added, so that this is drawn to the applicant's attention)*

**Drainage:** No objection subject to a condition relating to a detailed surface water drainage scheme for the betterment of existing drainage conditions on site.

**Environment Agency:** No objection.

**Tree Officer:** No objection.

**Biodiversity Officer:** No objection subject to a condition to ensure that the landscaping of the site comprises native, berry and nectar producing species for bees and other pollinating insects. Also fencing to be installed as part of the development should be hedgehog friendly.

## 6 **RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (July 2018):**

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application.

Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes where it is needed and that land with permission is developed without delay. Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles. Paragraphs 124-132 are focused on

achieving the creation of high quality buildings and places. Paragraphs 155-165 requires flood risk to take into consideration in making planning decisions.

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

Policy 1 - Climate Change

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 16 - Green Infrastructure, Parks and Open Space

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

**Nottingham Local Plan (November 2005):**

Policy ST1 – Sustainable Communities

Policy H2 - Density

Policy R2- Open Space in New Development

Policy NE9 – Pollution

Policy NE10 – Water Quality and Flood Protection

Policy NE12 – Contaminated Land

Policy T3 – Car, Cycle and Servicing Parking

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main issues**

- (i) Principle of the development
- (ii) Layout, scale and design
- (iii) Impact on residential amenity
- (iv) Impact on highways and parking

**i) Principle of the development** (Policy 8 of the ACS and Policy ST1 of the Local Plan)

- 7.1 The application site is located within a Primarily Residential Area as defined by the Local Plan. The proposal is therefore acceptable in principle, provided that it complies with the other policies of the development plan.
- 7.2 Policy ST1 of the Local Plan promotes sustainable communities and developments that contribute to the provision of a balanced mix of housing size, type and affordability in an area. Aligned Core Strategy Policy 8 (Housing Size, Mix and

Choice) states that residential development should maintain, provide and contribute to a mix of housing tenure, types and sizes in order to create mixed and balanced communities.

- 7.3 The proposed development comprises 21 x two bedroom apartments which are to be for market rent. The neighbourhood predominantly comprises social housing in the form of two storey houses and bungalows. The proposed apartments would therefore contribute to a mix of housing types within the local area, to diversify the existing mix in accordance with the aims of the aforementioned policies.

**ii) Layout, scale and design** (Policy 10 of the ACS- Policy H2 of the Local Plan – Density )

- 7.4 The NPPF recognises the importance of design in making places better. Paragraph 127 states that planning decisions should ensure that developments - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.5 Policy H2 of the Local Plan states that the City Council will seek a density of development on residential sites which has regard to the following criteria:
- a) compatibility with the characteristics of the site and its surroundings;
  - b) the need to safeguard living conditions in the development;
  - c) the accessibility of the site to public transport and services.

Lower densities will be more appropriate for family housing, whilst higher densities will be particularly appropriate where there is a good level of accessibility, especially in the City Centre and Town Centres. Where higher density development is proposed, it may be appropriate for certain permitted development rights to be removed, and satisfactory levels of sound insulation will be required.

The proposed density of the development is appropriate as it is close to the city centre location and given the sustainable transport links adjacent to the site.

- 7.6 The proposed building layout offers a strong frontage to both Meadows Way and the extended Rutland Close, rising from 3 storeys adjacent to the existing housing up to 4 storeys at the corner, which helps to create a distinctive landmark at this point. The proposed layout would create a sheltered communal space at the rear containing car parking and associated facilities, level access to the apartments and amenity space for residents. The proposed flat roof would in part be used as a garden and also to accommodate some photovoltaic panels.
- 7.7 The proposed height of the building is considered to be appropriate, responding to the prominence of the site and scale of the adjacent Meadows Way/Queens Drive, whilst also stepping down to reflect the height of the nearest adjacent dwellings.
- 7.8 The proposed external finishes of the apartments have been revised during the life of the application, changing from a metal cladding system to brickwork, to provide a high quality and durable finish for the building. The use of contrasting brick colour (blue/dark grey and buff multi) would help to create the desired individual character

and sense of place for the development. Details including generous window openings, deep reveals and feature corner windows provide important modelling to the elevations. The inclusion of the roof terrace and Juliet balconies will provide further variety and interest to the streetscene.

- 7.9 A local Councillor has raised concern regarding the design detail of the front elevation of the scheme. Whilst further negotiations regarding this matter are being undertaken with the applicant and an update will be provided at Committee, it is considered that the design of the scheme fits in with the form and layout of the surroundings and rises the standard of design in compliance with the NPPF.
- 7.10 It is considered that the proposed layout, scale and design of the development is appropriate for the surrounding area, creating a distinctive development that will have a regenerative effect on this prominent site. The proposed development is, therefore, considered to accord with Policy 10 of the ACS and Policy H2 of the Local Plan.

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

- 7.11 Concerns have been raised by neighbouring residents regarding potential impacts on sunlight, privacy and noise generated from the development. The distance between the building and the neighbouring dwellings on Saffron Gardens to the east is more than 30m, which is considered to be adequate to avoid an adverse impact on the amenities of these neighbouring residents in terms of loss of light, privacy or overlooking. The nearest dwellings are the bungalows on Rutland Close, the closest of which sides onto the development with no overlooking windows. Similarly the adjacent elevation of the building has no overlooking windows and has a span that is less than the nearest bungalow, without projecting beyond its front or rear elevations. The relationship with the properties to the south, on the opposite side of Rutland Close, is also such that no amenity issues should arise. The flats themselves would have an appropriate outlook and the building has legible access points from the front and rear.
- 7.12 Local Plan Policy NE9 relates to the protection of the amenities of users of the development and adjoining occupiers from pollution. In this case the key pollutant is noise from traffic, including the tram. A noise assessment has been submitted with the application which demonstrates that noise impact can be adequately mitigated through sound insulation measures. Environmental Health are satisfied with its conclusions and have requested that this be secured through condition. Subject to this requirement, the proposal complies with policy NE9 of the Local Plan and policy 10 of the Aligned Core Strategy.

**iv) Impact on highways and parking** (Policy 14 of the ACS and Policy T3 of the Local Plan)

- 7.13 A total of 19 car parking bays are proposed (three with electric charging points), with an additional three parking bays being provided on the proposed Rutland Close extension. A total of 20 cycle parking spaces is also proposed for the development, within a secure cycle shelter. These provisions are considered acceptable to the Highway Authority and can be secured through condition.
- 7.14 The proposal would require a stopping up application/alterations to the highway on Meadows Way and would result in two of the tram overhead wire masts and a

service box being situated within an area that is proposed as amenity space/gardens within the development site. Highways have raised objection and state that the northern most of the two masts ("Mast 3") and the associated service box should remain on the public highway. This would require an amendment to the proposed site boundary line with minimal loss of amenity space to the development. This has yet to be resolved with the applicant.

- 7.15 A strategy regarding the NET tram masts and street lighting has been provided as part of the revised submission, which indicates that discussions regarding the tram masts are ongoing.
- 7.16 To resolve these matters Highways have recommended pre-commencement of development conditions that require submission and approval to the details of the access arrangements for servicing and maintenance requirements of the NET overhead masts which are proposed for inclusion within the curtilage of the site, along with any necessary NET permissions a or consents.
- 7.17 The proposal would also require a further stopping up application in relation to an existing parking bay adjacent to Meadows Way and a realignment of the existing pedestrian footway to enable the former highway land to be incorporated within the development site for use as amenity space/gardens.
- 7.18 Subject to conditions, the proposal is therefore in accordance with the aim of policy T3 of the local plan and Policy 14 of the ACS.

### **OTHER MATTERS**

#### **Flood risk and drainage** (Policy NE10 of the Local Plan and Policy 1 of the ACS)

- 7.19 The flood risk assessment that accompanies the application has been reviewed and is considered to be acceptable. The Environment Agency has no objection to the proposal.
- 7.20 The Drainage team would like to see the reduction of the amount of surface water runoff by 30% compared to the sites previous use, ideally through SuDS. Details of the drainage scheme can be secured through condition. The proposal therefore complies with policy NE10 of the Local Plan and policy 1 of the ACS.

#### **Land contamination and ground conditions** (Policy NE12 of the Local Plan)

- 7.21 Based on historic land uses, the overall risk from ground contamination at the site is considered to be low to moderate for the proposed residential use. However, further intrusive investigation and a remediation strategy are required detailing mitigation measures and validation expectations for the topsoil cover, gas protection, soil contamination and contingency arrangements, which can be secured by condition. The proposal is therefore in compliance with policy NE12 of the Local Plan.

#### **Planning obligations** (Policies ST1 and R2 of the Local Plan, Policies 16 and 19 of the ACS, and the Open Space Supplementary Planning Guidance)

- 7.22 Residential development should provide local open space to serve the Development. As the constraints of the site are such that open space cannot be provided within the site a financial contribution of £19,488.84 has been agreed in

line with the above policies and the relevant SPG formula, towards the provision of off- site open space.

7.23 The public open space contribution would be directed towards the restoration of the Embankment War Memorial and would not exceed the permissible number of obligations that can be pooled according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010. The obligation would bind only the Land currently within the ownership of the developer. The financial contribution in lieu of on-site open space is necessary to make the development acceptable in planning terms, directly relates to the development and is fairly and reasonably related in scale and kind to the development.

7.24 The proposed development is not required to provide affordable housing as the thresholds in terms of the number of units within the scheme, does not exceed the requirement the policy requirement in this regard.

**8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the ACS)**

The development has been designed to achieve the standards required by Building Regulations and the CO2 emissions of that standard would be reduced by 10% with the addition of a 10kWp photovoltaic array located on the flat roof. The recommendations of the Biodiversity Officer can be addressed by condition.

**9 FINANCIAL IMPLICATIONS**

A financial contribution of £ 19488.84 towards off-site Public Open Space shall be secured in accordance with the Open Space Supplementary Planning Guidance.

**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: 17/02512/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Nottingham Local Plan (November 2005)

Nottingham City Aligned Core Strategy (September 2014)

Open Space Supplementary Planning Guidance (SPG)

**Contact Officer:**

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# NOMAD printed map



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Key

City Boundary

Description

No description provided



Nottingham  
City Council

**My Ref:** 17/02512/PFUL3 (PP-06488161)

**Your Ref:**

**Contact:** Mr Mohammad Taufiqul-Islam

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Date of decision:

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

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Application No: 17/02512/PFUL3 (PP-06488161)  
Application by: Nottingham City Homes  
Location: Former Meadows Police Station, Crammond Close, Nottingham  
Proposal: Demolition of existing police station building and construction of a 3 and 4 storey block of 21, two bedroom apartments with associated car parking and amenity spaces and the extension of Rutland Close to form a new vehicular junction with Meadows Way.

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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:-

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
<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. The development shall not be commenced until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the development has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.*

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

a) A Site Investigation, based on the submitted Desk top Study (Hydrock Project No: C-07635-C, Oct 2017), and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.*

4. Prior to the commencement of development, a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To reduce the amount of surface water runoff from the site comparing to the previous use to comply with Policy NE10 of the Local Plan.*

5. The development shall not be carried out until details of the access arrangements for servicing and maintenance requirements to the NET overhead masts which are in curtilage of the proposal, have been submitted to and agreed in writing by the Local Planning Authority.

*Reason: To ensure that the development has no adverse impact on the local highway network*

and the NET Tram Line to accord with policy T3 of the Local Plan.

**Pre-occupation conditions**

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

6. The development shall not be brought into use until a scheme of landscaping and works for the retention of trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The scheme shall also include native, berry and nectar producing species for bees and other pollinating insects. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which die are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policies 10 and 17 of the Aligned Core Strategy.*

7. The development shall not be brought into use until a scheme for means of closure of the site has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development are satisfactory in accordance with Policies 10 of the Aligned Core Strategy.*

8. Prior to first occupation of the development, verification that the approved sound insulation scheme (by Acute Acoustics, dated 26 August 2017, reference 2131 Nottingham -The Meadows Rep rev A ) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that the development has no adverse impact on future occupants of the properties to accord with policy NE9 of the Local Plan.*

9. Prior to first occupation of the development, a scheme of electric vehicle charging shall have been implemented and be fully operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To promote sustainable forms of travel to comply with 1 and 14 of the ACS.*

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) 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 ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.*

11. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided and are surfaced in a bound material with the parking bays clearly delineated in accordance with the approved drawings.

*Reason: To ensure that the development has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 and T3 of the Local Plan and policy 10 of the ACS.*

12. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for cycle parking in accordance with details submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located to the main entrance, covered and secure.

*Reason: To promote sustainable forms of travel to comply with policies 1 and 14 of the ACS.*

13. No development shall be brought into use until highway works to extend Rutland Close and on Meadows Way shall have been provided as shown for indicative purposes only on the attached plans Arcus Consulting LLP Drawing A.03.3 Revision D.

*Reason: To ensure that the development has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 and T3 of the Local Plan and policy 14 of the ACS.*

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

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

14. Visibility splays of 2.4 metres by 43 metres shall be provided on each side of the vehicular access at Rutland Close/Meadows Way and thereafter the area within the splays shall be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

*Reason: To ensure that the development has no adverse impact on the local highway network, the NET Tram Line to accord with policy T3 of the Local Plan and policy 14 of the ACS.*

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

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

16. The side facing windows in the eastern elevation ( closest to the bungalows at Rutland Close) shall be none other than obscure glazed and fixed shut below a height of 1.7m.

*Reason: To ensure that the privacy of the neighbours is maintained in accordance with Policy 10 of the ACS.*

#### **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 following drawings/documents:  
Drawing reference A.03.8 revision D, received 31 July 2018  
Drawing reference A.03.3 revision D, received 31 July 2018  
Drawing reference A.03.4 revision A, received 31 July 2018

Drawing reference A.03.5 revision A, received 31 July 2018  
Drawing reference A.03.6 revision A, received 31 July 2018  
Drawing reference A.03.9 revision C, received 31 July 2018

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

## Informatives

1. 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.

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 officer's delegated report, enclosed herewith and forming part of this decision.

3. As hedgehogs are a NERC Act (2006) Species of Principal Conservation Importance, a suitable 5 inch square gap at the bottom of the fence either side of the garden/boundary throughout a development will improve connecting habitat for hedgehogs and other small mammals.

4. 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.

5. 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.

## 6. Construction & Demolition

### Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk)) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

### Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

### 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 off-site 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 measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.



7. 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.

8. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

9. The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

10. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

11. The proposed development appears to require the stopping up public highway. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public highway and an unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up the public highway will be required. This is a separate legal process and the applicant will need to contact the Department for Transport at their earliest convenience to discuss this matter further. Their contact details as follows: The National Transport Casework Team, Department for Transport, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (T) 0191 226 5216. It is strongly recommended that the applicant liaise with our Rights of Way Officer, John Lee who can be contacted on 0115 876 5246.

12. The works are within the Tram Hazard Zone and also certain works to the frontage on Meadows Way/Rutland Close may fall within the Tram Hazard Zone. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method and receive authorisation. Unauthorised work may be dangerous and is an offence. To get authorisation the applicant must request a NET Work Request Form which can be obtained from NET by telephoning 0115 942 7777, or by writing to: Infrastructure Manager NET Depot Wilkinson Street Nottingham NG7 7NW.

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.

**DRAFT<sup>8</sup> ONLY**  
**Not for issue**

Continued...

## **RIGHTS OF APPEAL**

Application No: 17/02512/PFUL3 (PP-06488161)

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.