

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Site Of 1, Bestwood Park Drive West**

**1 SUMMARY**

Application No: 14/00790/PFUL3 for planning permission

Application by: Reynolds Associates on behalf of NCHA & George LB

Proposal: 29 new dwellings and associated works.

The application is brought to Committee because it is for a major development and the application has generated significant public interest contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 1st July 2014. An extension of time has been agreed with the applicant.

**2 RECOMMENDATIONS**

- 2.1 Grant permission subject to the indicative conditions listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the conditions to be delegated to the Head of Development Management and Regeneration.

**3 BACKGROUND**

- 3.1 The application site is now cleared and was formerly the site of a Kwiksave supermarket and its car park. The former car park exits onto Brownlow Drive, and to its immediate south are the parking and servicing areas of the remaining Rise Park shops. To the north of the site are bungalows on Revelstoke Way. To the northwest are a church and a surgery and to the southwest is public open space, a community centre and a day nursery.

**4 DETAILS OF THE PROPOSAL**

- 4.1 29 new dwellings and associated works. The application is made by a housing association. The proposal comprises 11 two bed houses, 3 three bed houses, 2 one bed bungalows, 2 two bed bungalows, 9 one bed flats and 2 two bed flats. Seven of the flats would be part of an assisted living scheme run by the applicants. Vehicle access to the site would be from Brownlow Drive as existing with pedestrian access from the south, where an existing footpath forms a right of way across the site and is currently being realigned. The houses and bungalows would be positioned along the north and northwest side of the new access road with the flats

being located in three blocks in the western part of the site.

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

### **Adjoining occupiers consulted:**

Thirty-five letters of notification have been sent to neighbouring residents. Letters have been sent to:

92 - 100 evens, The Church On Rise Park, The Surgery, Church House 90A, Revelstoke Way; 245 - 257 odds Brownlow Drive; 112, 141 Dunvegan Drive; 3 - 19 odds, Flat above 19, Rise Park Community Centre, Bestwood Park Drive West; Flats 1 - 4 Bestwood Court; 14, 16,17 Barrhead Close.

The application has also been advertised by site notices and a press advert.

A further consultation has been carried out by Ward Councillors and a second round of letters sent out following the receipt of revised plans including design changes.

One hundred and ten responses have been received (at 31 July 2014 - any further responses will be reported as an update). Approximately three-quarters are objections, the remainder split between support and neutral comments. In addition, a petition has been received objecting to the proposal, containing 430 signatures.

The vast majority of objections are to the type of housing being proposed. Objectors note that they live in private housing and do not want social, affordable or rented housing to be mixed with private housing. There are many comments on the type of person who would live in the new houses and flats and the consequent crime and anti-social behaviour.

Other objections are increased traffic and overlooking of existing properties.

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

**Heritage and Urban Design:** This is a difficult site, in terms of its location, surrounding uses and (some) tenant needs and requirements. The difficulty of creating a reasonable street scene is exacerbated by the restriction of development to one side of the road only. In order to help create a more interesting street as well as a safe street it is essential therefore, to introduce street trees. The proposed houses address the street with boundary fences and gated off street parking. Bungalows have been positioned in a group, off the main allowing the (taller) houses to give a rhythm and some enclosure to the primary route through the site. The gated enclave is unfortunate but necessary and the flats have been positioned to prevent overlooking of the nearby nursery. The elevations are well proportioned with a good size window reveals conditioned. Despite the difficulties of the site, the Building for Life score is 11 out of 12, falling down on the type of character of place being created, which is restricted through the difficult site constraints, mentioned above.

**Pollution Control:** No objection.

**Highways:** No objection subject to conditions regarding sustainable urban drainage and a construction management plan.

**Police Architectural Liaison Officer:** The current derelict site attracts antisocial behaviour, litter and damage. Application therefore supported. Considers that the design and layout is acceptable. Notes that the area suffers from small amounts of crime and anti-social behaviour, being close to a small shopping centre and bus terminus. Supports the developer's aspiration to build to 'Secure by Design' standards.

## **6 RELEVANT POLICIES AND GUIDANCE**

- 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, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.5 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

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

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

ST1 - Sustainable Communities.

H2 - Density.

H3 - Appropriate Housing Types.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

BE5 - Landscape Design.

T3 - Car, Cycle and Servicing Parking.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Impact on Neighbours

#### **Issue (i) Principle of Development (Policies ST1, H2 and H3)**

- 7.1 The application site has previously been developed and is allocated as part of the Local Shopping Centre in the Local Plan. The site formerly contained a supermarket but has been vacant for a number of years. The centre appears to be flourishing and it is unlikely that the application site would be redeveloped for retail uses. Residential redevelopment use is not considered to be detrimental to the vitality and viability of the shopping centre. It is considered that residential development is appropriate in this location.
- 7.2 There is a mix of housing size and type proposed. The proposal is for 11 two bed houses, 3 three bed houses, 2 one bed bungalows, 2 two bed bungalows, 9 one bed flats and 2 two bed flats. As well as family housing, this mix provides accommodation suitable for elderly or for those with disabilities and for small families or single persons in the form of bungalows and flats. The proposal reflects the mix of housing already on offer in this area, where there are family sized dwellings (Brownlow Drive), bungalows (Revelstoke Way) and flats (Bestwood Park Drive).
- 7.3 The Housing Nottingham Plan (2013) states that "In determining the best development route for sites it is important to ensure that there is an appropriate mix and balance of housing in Nottingham in terms of both tenure and type of housing. While some of Nottingham's neighbourhoods have very little affordable housing others are characterised by high concentrations of social/affordable rented properties, largely due to their historic origins as social housing estates. Partners seek to promote a diversity of tenure where possible to provide a sustainable mix of tenures to meet the housing need of Nottingham citizens and enable cohesive communities".
- 7.4 In providing a mix of housing types on the site and a mix of tenure in the area, the proposal is considered to accord with the Housing Nottingham Plan, the Council Plan and Policies ST1 and H3.
- 7.5 The density of development is acceptable and compatible with the surrounding area. The layout has been arranged such that the living conditions of the future occupiers are safeguarded. The site is within easy access of public transport and, within the wider area, to local services such as health, leisure, education, shopping and employment. The proposal accords with Policies ST1 and H2.

#### **Issue (ii) Layout and Design (Policies BE2 and BE3)**

- 7.6 The layout is constrained by the length and narrowness of the site, which leads to the presence of a relatively long stretch of road with house on one side. A further constraint is the substation in the northwest corner of the site, to which access needs to be retained. The dwellings have been arranged to the north and northwest of the new access road, with a shared surface on the final part of the road and a number of the flats arranged around a courtyard/parking area. All of the houses and bungalows would have in curtilage parking. Bin storage for the houses and bungalows would be to the rear of the properties and appropriate bin storage is provided for the flats. Front boundaries are generally defined by railings where possible.
- 7.7 The layout of the houses and bungalows has been revised to better address the new road; the bungalows are located at the end of the run of houses on the northern boundary with houses only facing the road as it turns southwest. The provision of street trees in build-outs, which would benefit the character of the street and calm traffic, has been negotiated and the applicant has agreed that this can be ensured by condition. It is anticipated that a minimum of five street trees can be achieved here.
- 7.8 The new dwellings are to be built of traditional materials i.e. brick and tile. They would also have features such as artificial stone sills and string courses, and weatherboarding, a detail prevalent in the area, to introduce character into the design of the development. The scale and massing of the development is in keeping with the character of the wider area where there is a mix of single and two storey dwellings. Deep window reveals are to be secured through condition.
- 7.9 Each dwelling, apart from the flats, would have a private rear garden. Access from the site would be generally level or gently sloping, with bus stops being located in the shopping centre, within easy reach. There are good pedestrian links to the wider area. The pedestrian route through the site connecting the shops with the houses to the west is being maintained along the site's southern boundary.
- 7.10 The proposed development responds well to the constraints of the site and to the character of the immediate area and as a result is considered to comply with Policies BE2 and BE3.

**Issue (iii) Impact on Neighbours (Policy BE3)**

- 7.11 The new houses along the northern boundary would be approximately 21m from the rear of the existing bungalows on Revelstoke Way, with the site being approximately 1m lower. The bungalow at the western end of the site would be 17m from its existing neighbour. At the western end of the site the closest part of the assisted living flats is approximately 14m from the nearest house on Barrhead Close. This is a single storey section of the building. The corner of the closest two storey section is 17m away and angled so that no material loss of privacy would occur. These distances are considered to be acceptable given the relationship between these properties and would be sufficient to safeguard the amenities of the occupiers of the existing and proposed properties. The proposal is considered to comply with Policy BE3.
- 7.12 Concerns have been raised regarding noise and anti-social behaviour generated by the occupants of the proposed development. It is considered that the design and layout of the proposed development would not encourage crime or antisocial

behaviour, and it is noted that the Police Architectural Liaison Officer considers that the redevelopment would help resolve existing problems arising from the currently derelict site. The council cannot make assumptions about the conduct of future residents based upon the proposed tenure of the dwellings.

## **Other Matters**

### Section 106 Considerations

- 7.13 Employment and training opportunities are a requirement of Homes and Communities funding for the proposal. This would be an appropriate method of securing employment and training opportunities for local people.
- 7.14 Whilst a financial contribution for off-site open space would normally be required through a S106 Agreement, the applicant has submitted a viability statement to demonstrate that the scheme would not be viable if these contributions were required. This statement has been assessed and accepted. Affordable housing is provided by the development.

### Parking (Policies BE2 and T3)

- 7.15 The development would provide approximately 100% parking which is considered to be an acceptable amount for the requirements of the development.

### Sustainable Development

- 7.16 The use of sustainable urban drainage and the provision of at least 10% of the development's energy requirements from renewable sources can be ensured by condition.

## **8. SUSTAINABILITY / BIODIVERSITY**

None.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: would provide high quality and sustainable residential development.

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

Safer Nottingham: would help provide a safer and more attractive neighbourhood.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

**16 List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 14/00790/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N3CT1ULY0H700>

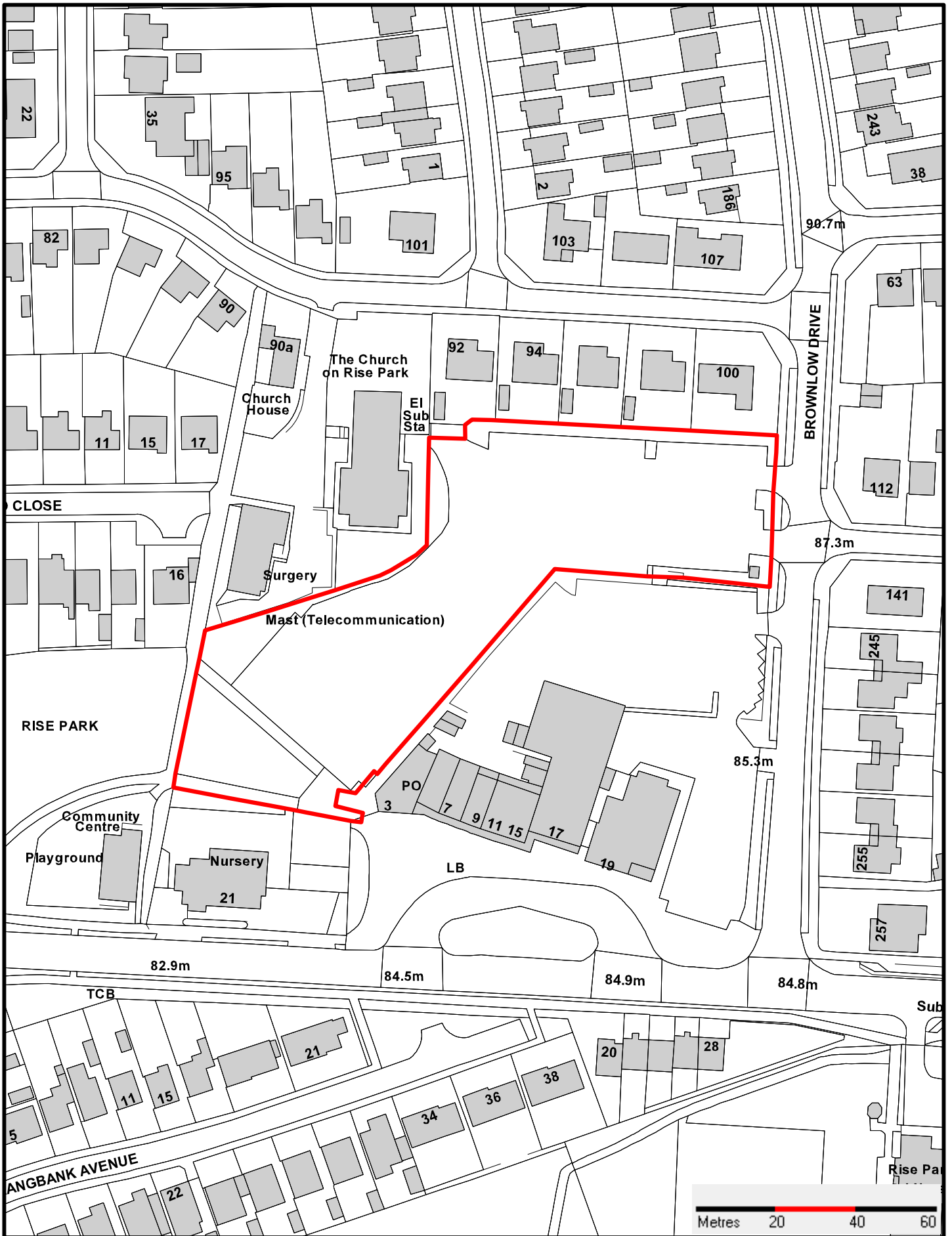
**17 Published documents referred to in compiling this report**

National Planning Policy Framework  
Nottingham Local Plan (November 2005)  
The Housing Nottingham Plan (2013)

**Contact Officer:**

Mr Phil Shaw, Case Officer, Development Management.

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**Nottingham**  
City Council



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Date of decision:

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

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Application No: 14/00790/PFUL3  
Application by: NCHA & George LB  
Location: Site Of 1, Bestwood Park Drive West, Nottingham  
Proposal: 29 new dwellings and associated works (revised proposals).

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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.

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

**Pre-commencement conditions**

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

2. The development shall not be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.*

3. Notwithstanding the details shown on the approved plan, the development shall not be commenced until details of all boundary enclosures, including front garden enclosure and gates, have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.*



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

**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

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4. Notwithstanding any details shown on the submitted plans, the windows of the buildings shall have reveals of not less than 70mm.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE3 of the Local Plan.*

5. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, and a management and maintenance plan for these areas have been submitted to and approved in writing by the Local Planning Authority. The scheme should include native species.

*Reason: In order that the appearance of the development be satisfactory to comply with Policy BE3 of the Nottingham Local Plan.*

6. The development hereby permitted shall not be begun until details of plans for the disposal of surface water, incorporating sustainable drainage systems, and foul sewage have been submitted to and approved in writing by the Local Planning Authority. Surface water run-off from the site should be restricted to 5l/s/ha.

*Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to comply with Policies BE4 and NE10 of the Nottingham Local Plan.*

7. 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: In the interests of highway safety in accordance with Policy BE2 of the Nottingham Local Plan.*

8. Notwithstanding any details shown on the submitted plans, the development shall not be commenced until revised plans of the proposed access road incorporating improvements to the overall streetscape and pedestrian environment have been submitted and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety in accordance with Policies BE2 and BE3 of the Local Plan.*

9. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater 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 and groundwater contamination at the site.



**DRAFT <sup>2</sup> ONLY**  
**Not for issue**

Continued...

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 Strategy, 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: In the interests of public health and safety in accordance with Policy NE12 of the Local Plan.*

**Pre-occupation conditions**

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

10. No dwelling shall be occupied until the boundary enclosures associated with that plot have been erected in accordance with the details approved by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.*

11. The dwellings shall not be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

*Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem to comply with Policies BE4 and NE10 of the Nottingham Local Plan.*

12. No dwelling shall be occupied until the car parking, turning and servicing areas associated with that plot have been completed.

*Reason: In the interests of highway safety to comply with Policy BE2 of the Nottingham Local Plan..*

13. No dwelling shall be occupied until the following has been 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 ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: In the interests of public health and safety in accordance with Policy NE12 of the Local Plan.*

**Regulatory/ongoing conditions**

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

14. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become



seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE5 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 1 April 2014.

*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 committee report, enclosed herewith and forming part of this decision.

3. Contaminated Land, Ground Gas & Groundwater  
The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

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 Pollution Control 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 Pollution Control Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

4. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

To carry out the off-site works (add basic description and location) 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.

5. Developers wishing to have the completed roads on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)) whereby, following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling. The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers. The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance.

6. 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 0830-1700)  
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 9156410; Fax 0115 9156020).



#### 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

7. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk); telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

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

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

## **RIGHTS OF APPEAL**

Application No: 14/00790/PFUL3

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.