



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 15 November 2017

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham,
NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Corporate Director for Strategy and Resources

Governance Officer: Zena West **Direct Dial:** 0115 8764305

1 CHANGES TO MEMBERSHIP

To note the appointment of Councillor Barnard as a member, the removal of Councillor Urquhart as a substitute member, and the appointment of Councillor Power as a substitute member

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

4 MINUTES

Minutes of the meeting held 18 October 2017

3 - 8

5 PLANNING APPLICATIONS: REPORTS OF THE CHIEF PLANNER

a Land To Rear Of And Including Banton House, Meadow Lane

9 - 28

b 109-113 And Land To Rear Ruddington Lane

29 - 50

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 18 October 2017 from 2.30 pm - 3.10 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Michael Edwards (substitute for Councillor Malcom Wood)
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Andrew Rule
Councillor Wendy Smith
Councillor Steve Young

Absent

Councillor Cat Arnold
Councillor Brian Parbutt
Councillor Mohammed Saghir
Councillor Malcolm Wood (Councillor Michael Edwards as substitute)
Councillor Linda Woodings

Colleagues, partners and others in attendance:

Matt Gregory - Growth Point Planning and Planning Policy Manager
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Chief Planner
Nigel Turpin - Team Leader, Planning Services
Tamazin Wilson - Solicitor
Zena West - Governance Officer

29 APOLOGIES FOR ABSENCE

Councillor Cat Arnold - unwell
Councillor Brian Parbutt - leave
Councillor Mohammed Saghir – other council business
Councillor Malcolm Wood - other council business (Councillor Michael Edwards attending as substitute)
Councillor Linda Woodings - work commitments

30 DECLARATIONS OF INTERESTS

None.

31 MINUTES

The minutes from the meeting held on 20 September 2017 were agreed as a correct record, and signed by the Chair.

32 LOCAL PLAN PART 2: LAND AND PLANNING POLICIES DOCUMENT – REVISED PUBLICATION VERSION

Matt Gregory, Planning Policy and Research Manager, presented a report to the Committee on the Local Plan Part 2, revised publication version, highlighting the following points:

- (a) the Local Plan Part 2 (the Local Plan) is going out for re-consultation as the result of a number of changes, including a rapidly changing national planning policy agenda which needs to be reflected in the Local Plan, review and removal of several sites which are undeliverable in the period, and the confirmation of HS2 land. It is considered prudent to have a further round of consultation before submitting the Local Plan to the inspectorate;
- (b) it is important to the Planning Committee specifically, as it concerns Development Management policies against which planning applications can be measured are also being updated;
- (c) the Local Plan also contributes to 2 council priorities:
 - Mixed and balanced communities – by promoting family housing, and covering houses in multiple occupation and purpose built student accommodation;
 - Economic growth - new sites will be allocated for employment uses, and there will be targets for office development (especially the promotion of grade A offices), promotional sites and policies for industrial land, and policies to protect existing employment land within the city;
- (d) the main changes are detailed in Appendix 1 of the report. This consultation focuses on the changes to the Local Plan, but comments are welcome on any part of the Local Plan. After close of consultation on 10 November 2017, the Local Plan will be submitted to the inspectorate. If it is found to be sound, Nottingham City Council will adopt the Local Plan.

Further information was provided, and a number of questions and comments were received from the Committee:

- (e) all comments already made will be taken forward together with any new comments, including on the unchanged parts, though most people will want to comment on the highlighted changes. There is no need to repeat any comments already made in the previous consultation;
- (f) there is a need for housing for young professionals to the south of the city, and it will be interesting to see how the city changes in the next few years;
- (g) some members of the Committee felt that stepped housing, to accommodate those wishing to move out of social housing but wanting to stay in the city, is an important priority;
- (h) the Committee requested a further report on extant planning permissions that have not been commenced after two or more years.

RESOLVED to note the publication of the Local Plan Part 2: Land and Planning Policies Document (Revised Publication Version), the new consultation dates (29 September 2017 to 10 November 2017), and to thank Nottingham City Council Colleagues for their hard work in preparing the Plan.

33 PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER

a 2 - 6 ALFRETON ROAD (Agenda Item 5a)

Rob Percival, Area Planning Manager, introduced application 17/01058/PFUL3 by Miss Alice Weston on behalf of Mr Dom Rice, for the demolition of existing buildings and erection of 35 apartments with commercial floor space (Use Class A2 and B1) on the ground floor. The application is brought to Planning Committee because this is a major development on a prominent site where there are important design and heritage considerations. An update sheet was circulated in a supplementary agenda. Rob highlighted the following points:

- (a) the site in question is currently in a very poor state, as it has suffered fire damage twice in recent years;
- (b) the site is a prime site in terms of vehicles accessing the city centre, and is in a very prominent location;
- (c) the proposals are for a residential scheme with 35 studio apartments. The applicants have indicated that apartments will not be marketed to students, due to the high design specifications they are aimed more towards attracting post graduates and young professionals;
- (d) the design is respectful of the heritage context, and replicates the adjoining terrace in terms of depth, scale, and height. The eastern side of the site has a smaller building in keeping with what existed there before and in keeping with the height of adjacent buildings on the eastern side of the development;
- (e) there will be commercial units on the ground floor, and an open access core between the buildings. There has been ongoing discussion regarding the final design of this entrance and access core, which it is proposed will be delegated to colleagues;
- (f) the recess between the two buildings contains a lift core. This is unusual for a three storey building, but reflects the type of professional tenant the developer is hoping to attract. The final design of this is proposed to be delegated to colleagues;
- (g) the attention to detail on the window design is a strong feature of the development. At the rear there will be dormer windows to bring the scale in line with the neighbouring buildings.

There followed a number of questions and comments from the Committee, and further information on the development in response:

- (h) the Committee felt that the site is in great need of development, as it is currently in a state of disrepair and neglect. It was felt that there is good continuity with the neighbouring terraced buildings, and that the smaller building to the east of the development fits in well with the neighbouring buildings on that side of the development. The smaller building will use white brick, rather than render;
- (i) some members of the Committee felt that although the main building fit in well with the neighbouring terraces, some additional details such as chimneys, and window lintels, would add some interest to the building;
- (j) there were mixed opinions regarding the external lift core, with final detail to be agreed by colleagues;
- (k) the Section 106 contribution is subject to a financial viability assessment, similar to other applications. This process will conclude shortly, with the final Section 106 contribution amount to be delegated to colleagues in consultation with the Planning Committee Chair, Vice-Chair and opposition spokesperson;
- (l) there is an indication that the ground floor commercial units will be taken by the developers as their lettings office;
- (m) no on-site parking will be provided. Due to the location of the site on a busy junction, any access for vehicles would have been difficult and dangerous. As the apartments are studio apartments near to the city centre, and well served by public transport, the need for parking is not as pressing as it might be in other locations;
- (n) there is a history in the area of rough sleeping and anti-social behaviour, and concern was raised regarding the gap between the buildings on the site containing the entrance. The Committee were reassured that this would be addressed as part of the outstanding discussions regarding the decision of this element of the scheme, and that access to the space to the rear of the buildings would be available for residents only;
- (o) the Committee requested clarification on how large an area has to be to be considered as a cave, and how any caves found will be reported. Reassurance was given that the appropriate guidance would be sought from the Council's archaeologist.

RESOLVED:

- (1) to grant planning permission:**
 - (a) subject to prior completion of a planning obligation, the power to determine the final details of the obligation are delegated to the Chief Planner in consultation with the Committee Chair, Vice-Chair and Opposition Spokesperson, which shall include:**
 - (i) a financial contribution towards off-site public open space;**
 - (ii) a financial contribution towards off-site affordable housing;**
 - (b) subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the**

- whole or part of the policy compliant section 106 contributions should be required;**
- (c) subject to the indicative conditions substantially in the form of those which are included within the draft decision notice at the end of the report and in the update sheet and to include or amend an existing a condition regarding approval of the window surround detailing;**
 - (d) that the power to determine the final details of the conditions is delegated to the Chief Planner;**
- (2) that Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is:**
- (a) necessary to make the development acceptable in planning terms;**
 - (b) directly related to the development;**
 - (c) fairly and reasonably related in scale and kind to the development;**
- (3) that Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulations 123(3) Community Infrastructure Levy Regulations 2010.**

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WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
15th November 2017

REPORT OF CHIEF PLANNER

Land To Rear Of And Including Banton House, Meadow Lane

1 SUMMARY

Application No: 17/01720/PVAR3

Application by: Hunter Page Planning Ltd on behalf of Elevate Property Group

Proposal: Variation of condition S1 of planning permission reference: 13/02877/PFUL3 (revised development block elevations and plans, with modifications to siting, materials palette, and landscaping).

The application is brought to Committee because being it is for the variation of a major application that has been previously determined by Committee and relates to a prominent site where there are important design considerations.

To meet the Council's Performance Targets this application should have been determined by 13th November 2017

2. RECOMMENDATIONS

1. SUBJECT TO:

- i. further satisfactory amendments to the design of Block B2 of the scheme;
- ii. variation of the Section 106 Agreement dated 28 October 2015 relating to planning permission 13/02877/PFUL3 to make it also apply to this application and permission;

GRANT PLANNING PERMISSION subject to the indicative conditions listed in the draft decision notice at the end of this report with the power to determine the final details of the conditions to be delegated to the Chief Planner.

2. That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development and
3. That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

3.1 The application site is located between Meadow Lane and the River Trent. It is 'L-shaped' with a short frontage onto Meadow Lane and a longer frontage onto the river. Adjoining the site and with frontages onto Meadow Lane is a dairy distribution centre; Heston House which is used for car hire and storage; and vacant land to the east of Heston House which had been previously used as a boatyard brokerage. Also adjoining the site on Meadow Lane and bounding the Nottingham Canal is Meadow Close, which is a 1980s development of two-storey residential properties. Adjoining and fronting onto the canal are offices and research buildings used by the Environment Agency. Facing opposite across Meadow Lane is Notts County Football Club stadium.

3.2 Planning permission was granted on 29 October 2015 for the redevelopment of the site. The full description of this approved development is:

"Demolition of existing structures and the redevelopment of the site to form 95 dwellings, 385sq.m of retail and cafe floorspace (Class A1/Class A3), new vehicular access and parking, new waterfront pedestrian and cycle path, and public open space.

The site has since been cleared of all of its remaining former structures.

4 DETAILS OF THE PROPOSAL

4.1 The varied submission proposes the same number of dwellings and retail floorspace as previously granted planning permission. The proposed revisions relate to the development block elevations and plans, also with modifications to their siting and internal layout, their materials palette, and landscaping.

4.2 The application submission states that the granted proposals have a very low efficiency of net to gross area, which have brought the financial viability of the scheme into question. The buildability, usability and maintenance aspects of the approved scheme have also been reviewed, with a number of inconsistencies being noted that are advised would also affect viability. Typical issues identified for the apartments include the efficiency of the apartment floor plans; the inconsistency of the structural grid of each building; the core design and how apartments are entered; and the rationale behind the aspects of the materials palette. Typical issues that have been identified for the townhouse relate to the efficiency of their internal layout, including constrained room sizes; extensive terraces without a relationship to the room hierarchy; and the misalignment of drainage and services.

4.3 The proposed varied submission substantially maintains the previously approved layout of the development blocks with the exception of (i) the riverside blocks where two approved blocks (B5/B6) to the north-eastern corner of the site are amalgamated into one block, which also provides for greater separation between the blocks (ii) the central western townhouse block (B1) is shortened to avoid an advised easement situation, and (iii) the central eastern townhouse block (B7) is set back to allow for additional frontage car parking.

4.4 Elevation changes to the previously approved development follow on from the proposed changes to the block plans, with revisions to the materials palette also being proposed to reflect these changes.

4.5 The supporting documents previously provided as part of the first planning permission are carried forward (e.g. flood risk assessment, transport assessment).

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

8 – 18 (consec.) Meadow Close
11 – 13 Ashling Court, Ashling Street
Sport Nottingham Health and Fitness Complex Notts County Football Stadium
Units 1, 5 & 6 Meadow Lane
Suites 1 & 2 Heston House
The Meadow Club, Meadow Lane
All Tools, Ashling Street
Environment Agency Laboratory, Meadow Lane
Express Dairies, Meadow Lane
SLR Consulting Limited

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

The following comments have been received:

City Resident: Agree with the Design & Access Statement and support the redevelopment of this brownfield land.

Additional consultation letters sent to:

Environmental Health: No objection. Recommended conditions remain the same as per the original application and note that the applicant will need to confirm that the noise assessment work done so far is not adversely affected by the layout changes. Request that electric vehicle charging points are also provided on this development as part of the variation.

Highways: No objections in principle. The site has generally good accessibility, including cycle provision. Details of the highways layout are still being discussed. Previous comments relating to the need to Traffic Regulation Orders to prevent parking by football traffic and to control speed still apply as does need for commuted sums for the maintenance of street trees. Highways conditions as previous are recommended.

Drainage: No objection to this variation.

Biodiversity: Waterside areas should be softened with further planting to benefit riparian wildlife. Open space to north-east corner is poorly located and not sufficient for site.

Environment Agency: No objection. The flood risk assessment is unchanged by the variation.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

NE10 - Water Quality and Flood Protection.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

Whether:

(i) The varied siting, design and appearance of the proposed development will maintain the strong sense of character and identity of the previously approved scheme.

- 7.1 The layout of the proposed development is considered to maintain a clear and strong urban form. The townhouses all address the street and are structured in a manner that will provide interest along its length. The siting of the proposed pavilion apartment blocks at the end of the street and fronting onto the riverside also maintain their strength and character by providing appropriate focal points within the scheme and as prominent markers along the riverside edge. It is considered that the amalgamation of the previous two Block B5 and B6 into a larger plan single block does not significantly impact upon the presence and rhythm of blocks along the riverside edge. However, the cranked form of Block B2 at the point where the canal meets the river has not been retained and the detailed design of this block is continuing to be discussed with the applicant. This block has an important and prominent dual relationship to the canal and river and the contribution that its form has to this position within the layout is considered to be significant to the quality and impact of the development as a whole. A further update on the design of this block will therefore be provided at Committee.
- 7.2 The revised designs of the pavilion apartment blocks and townhouses remain individual and contemporary in their appearance, being appropriately varied and yet controlled through their common typology and use of a limited palette of materials. The apartment block maintain their large aperture pattern of glazing and balcony openings, but with some of the balconies becoming expressed elements on the façade rather than all recessed as within the previously approved scheme. The materials palette of the apartment blocks are also modified with the introduction contrasting colours, with a red brick ground floor plinth and lighter toned bricks above. Detailing within the panels of brickwork, including soldier and double soldier courses and other brickwork textures, is also used to provide a further level of interest to the elevations. This approach is repeated on the elevations of the townhouses, with large window openings being maintained and panels of brickwork textures being used as complementary features. It is considered that the revised designs of the pavilion apartment blocks and townhouses have demonstrated that a good quality of appearance will be provided in accordance with Policy 10.
- 7.3 In addition to the landscape qualities of the spaces between the blocks being improved, the revised layout has also reviewed the design of the riverside edge of the development and section of riverside footpath and cycle path that this will

provide. Accordingly, there is a more organised approach to the layout of this important element of open space, with the footpaths and cycle paths being more defined and a buffer zone of planting being provided to secure the fronts of the ground floor apartments that will face onto this space. The greening of the riverside edge has been significantly improved and will consequently further enhance the biodiversity aspect of the scheme in accordance with Policy 17.

- 7.4 The details of the internal highways layout of the scheme are continuing to be discussed with Highways but remain fundamentally the same as the approved development, with changes being made in relation to the exact alignment of the access roads in association with amendments to the car parking details of the scheme. 80 car parking spaces are being provided, including 4 disabled spaces and 1 car club space. The surfacing and landscaping qualities of the access roads have been improved in association with these changes and, subject to conditions, it is considered that the highway and car parking aspects of the scheme accord with Policy T3.
- 7.5 The S106 agreement for the first planning permission is to be varied so as to also apply to any permission granted under this application. This includes:-
- i) A financial contribution of £83,461 towards primary places within the Greenfields Primary School;
 - ii) The provision of travel information packs for each dwelling, together with funding for the provision of initial travel passes on request (equating to a maximum financial value of £52,310);
 - iii) A financial contribution of £10,000 towards the making, advertising and confirming (if appropriate) of a traffic regulation order to control parking within the development;
 - iv) The on-going management and maintenance of areas of open space within the development;
 - v) Provision and maintenance of a permissive foot/cycle path to be provided along the riverside.
 - vi) Provisions to ensure that development of adjacent land is not prejudiced;
 - vii) The grant of a licence to allow the future construction of a pedestrian bridge link over the Tinkers Leen;
 - viii) Subject to a further viability appraisal, a financial contribution towards the provision of affordable housing

all of which requirements are still felt to be necessary to make this development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Confirmation has been received that the variation will not exceed the pooling requirements of Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The previously approved development has proposed a 'fabric-first' approach to minimise energy consumption. The orientation of the buildings have also taken into account the benefits of passive solar gain whilst also making provision for overheating in summer. It is considered that a 'fabric-first' approach is an appropriate means to achieve carbon reduction targets and, subject to a requirement to implement the development using this approach. The comments of the Biodiversity team are recognised in the enhanced greening qualities of the

riverside edge of the proposed development. It is therefore considered that the proposed variation accords with Policies 1 and 17.

- 8.2 The Environment Agency and Drainage team has no objection to the proposed variation, which is considered to accord with Policy NE10.

9 FINANCIAL IMPLICATIONS

This permission is linked to the previous Section 106 Agreement, which secured, amongst other things, various financial obligations outlined in 7.5 above. The grant of this application is to be made subject of an appropriate variation being made to the original s106 Agreement to make it also apply to this permission

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

Ensuring 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: 17/01720/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTZSSNLYGA000>

2. Pollution Control, 21.9.17

3. Environment Agency, 30.8.17

4. Drainage Team, 21.8.17

5. City Resident, 22.8.17

17 Published documents referred to in compiling this report

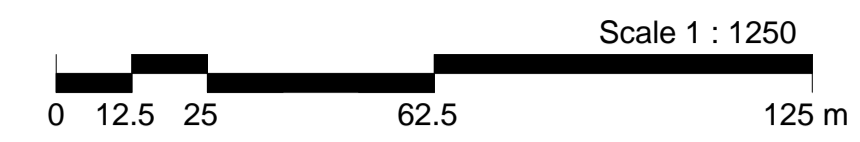
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

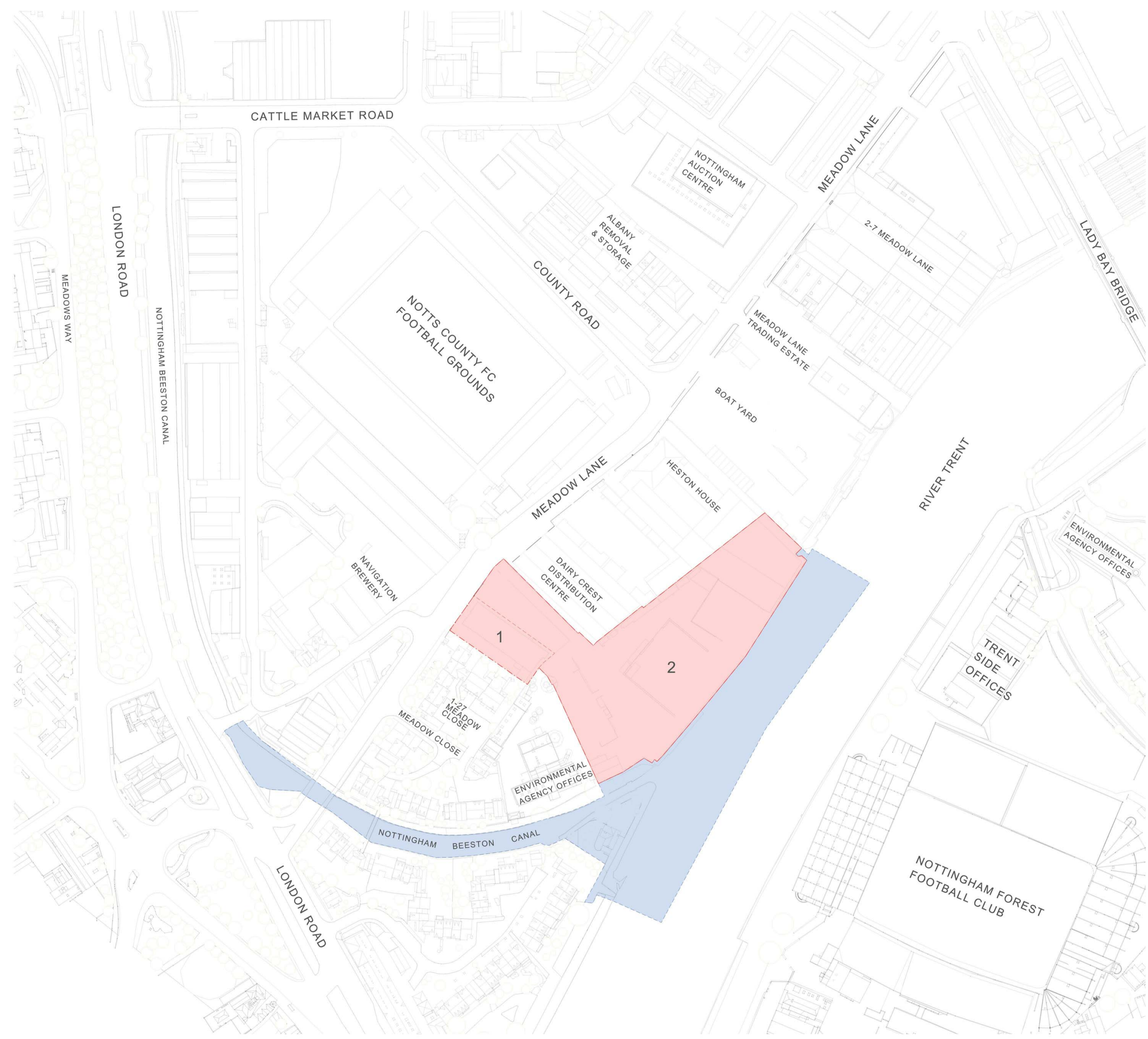
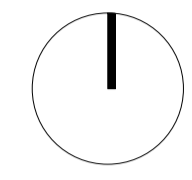
Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074



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 - THE PROJECT CDM RISK REGISTER

NOTES

Drawing from Consented Application (drawing number 05069_B1_00_000_0)



REV	DESCRIPTION	DATE
A	Issued for S73 Application	31/07/17
-	Issued for S73 Application	28/07/17

Planning Issue



158 Edmund Street
 Birmingham
 B3 2HB
 United Kingdom
 T +44 (0)121 212 3553
 www.bdp.com

PROJECT TITLE
 Meadow Lane

REFERENCE	DESCRIPTION	DATE
P2007917	Public Use	

DRAWING TITLE	SCALE
Location Plan	1250 @ A1
DATE FIRST ISSUED	28/07/17

REVISION	DATE
2007235-BDP-(00-01)-DR-A-XX-XX_00001	A

My Ref: 17/01720/PVAR3 (PP-06274885)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Hunter Page Planning Ltd
FAO: Mr Giles Brockbank
Thornbury House
18 High Street
Cheltenham
GL50 1DZ

Date of decision:

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

Application No: 17/01720/PVAR3 (PP-06274885)
Application by: Elevate Property Group
Location: Land To Rear Of And Including Banton House, Meadow Lane, Nottingham
Proposal: Variation of condition S1 of planning permission reference: 13/02877/PFUL3 (revised development block elevations and plans, with modifications to siting, materials palette, and landscaping).

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 grant of planning permission reference 13/02877/PFUL3 on 29 October 2015.

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. Notwithstanding the details submitted on the approved layout drawings, no development shall commence until details of the proposed phasing of construction have been submitted to and approved by the Local Planning Authority. The proposed phasing shall include details of temporary turning spaces at each carriageway terminal leading to the next phase of the development and shall ensure that refuse and emergency tender vehicles can manoeuvre safely on the highway. Development shall be implemented in accordance with the approved phasing unless otherwise varied in writing by the Local Planning Authority and temporary turning spaces shall be implemented before the phase of development that it is intended to service is first occupied.

Reason: In the interests of highway safety and in order to service the approved development.



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Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

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Continued...

3. No development shall commence on any phase of the approved development until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policies BE2 and NE9 of the Local Plan.

4. No development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved by the Local Planning Authority. The Remediation Strategy and each component shall have regard to the Preliminary Risk Assessment entitled Phase 1 Desk Study Environmental Assessment by Delta Simons dated 23/11/2011 (ref 11-0548.01):

- a) A Site Investigation Scheme, based on the Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) The results of the Site Investigation and the Detailed Risk Assessment referred to in the Site Investigation Scheme and, based on these, an options appraisal and Remediation Strategy 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 the Remediation Strategy are complete.

Any changes to these components will require the express written approval of the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

5. No development shall commence on any phase of the approved development until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- i) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
 - ii) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
 - iii) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
 - iv) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - v) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

6. No development shall commence on any phase of the approved development until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution.

7. No development shall commence on any phase of the approved development until a detailed specification of sound insulation requirements at the various plot facades and floors located within that phase has been submitted to and approved in writing by the Local Planning Authority.

The detailed specification above shall have regard to the Supplementary Noise Assessment by Acoustic Air dated May 2014.

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



8. The development of the commercial elements of the approved development shall not be commenced until an environmental noise assessment and sound insulation scheme for these elements has been submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not to exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps)

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

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

9. No development shall commence until samples of the external materials of the buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

10. No development shall commence on any phase of the approved development until details of all hard surface treatments, including the roads, footways, riverside walkway, public realm and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

11. No development shall commence on any phase of the approved development until details of the means of enclosure (boundary walls and fences) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

12. Notwithstanding the details included within the Landscape Strategy document and Landscape Masterplan drawing, no development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a preference towards the use of native species and suitable species that will attract/create ecological assets) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy and NE5 of the Local Plan.

13. No development shall commence on any phase of the approved development until an ecological enhancement strategy for each phase or the whole site has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement strategy shall be carried out as approved unless varied with the further written consent of the Local Planning Authority.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy NE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 1406 - Revision A prepared by Acuity Consulting in April 2014 as well as the email from Acuity Consulting to the Environment Agency on the 6th November 2014 and the following mitigation measures detailed within both the FRA and the accompanying email:

1. The internal finished floor levels of the 'more vulnerable' (Flood Risk Vulnerability Classification) developments shall be set no lower than 600mm above the 1 in 100 year plus climate change flood level i.e. no lower than 25.05mAOD.

2. The internal finished floor levels of the 'less vulnerable' (Flood Risk Vulnerability Classification) developments shall be set no lower than 24.47mAOD.

3. Flood resilient measures recommended in section 4.1.3.1 of the approved FRA shall be incorporated throughout the development. It is recommended that flood resilient measures of the 'less vulnerable' developments shall be incorporated to a height of 600mm above the 1 in 100 year plus climate change flood level i.e. no lower than 25.05mAOD.

4. An 8m wide unobstructed easement from the River Trent bank top shall be accommodated throughout the site layout.

5. As part of the development, the Tinkers Leen culvert is to be opened throughout the site to provide an open watercourse. Any buildings (including any overhang) adjacent to the deculverted Tinkers Leen shall be set back a minimum of 3.00m from the bank top.

6. In accordance with section 4.2.2 of the approved FRA, green/brown roofs shall provide source control for the apartment blocks and rainwater harvesting and water butts should be considered for the housing.

7. The surface water run-off generated by the 1 in 100 year critical storm shall be limited to 30% less than the previous discharge rate (based on the equivalent M30-60 value of 30.80mm/hr).

8. The occupants of the site shall sign up to the Environment Agency Flood Line Warnings Direct via <https://fwd.environment-agency.gov.uk/app/olr/register> or by calling the Flood line on 0845 988 1188.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

1 & 2. To reduce the risk of flooding to the proposed development and future occupants.

3. To minimise the consequence of flooding and to facilitate a quicker recovery in the event of a flood.

4 & 5. To allow future maintenance operations to be undertaken as and when required and to improve habitat and amenity.

6 & 7. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site so that the discharge will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

8. To prepare for an imminent flood or in extreme circumstances, facilitate evacuation from the site.



15. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

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

16. No dwelling on each phase of the approved development shall be occupied until the following information relating to that phase has been submitted to and approved 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 the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

17. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the commercial elements of the development including any mitigation measures have been implemented prior to occupation of that part of the development.

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

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

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

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

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

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

Reason: To promote sustainable travel.

21. No phase of the development hereby permitted shall be occupied until the name and contact details of the Travel Plan Coordinator has been provided to the Local Planning Authority. The actions and measures contained within the Residential Travel Plan shall be implemented at all



times, which also includes annual resident travel surveys, submitting annual travel plan updates to the Local Planning Authority, and invoking remedial measures in the event of any shortfall in the progress towards agreed targets.

Reason: To promote sustainable travel.

Regulatory/ongoing conditions

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

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution.

23. No construction work, landscaping or other activity shall be undertaken which may compromise the remediation measures implemented to deal with ground gas contamination of the site.

Permitted Development Rights for premises constructed as part of this development, as far as they relate to the extension of the footprint of the original building or new building structures within the curtilage of the site, are withdrawn. For residential properties this prohibition shall include the erection of a garage, shed, conservatory or porch or similar structure.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

24. The integral garage parking spaces within the dwellings hereby permitted shall be remain permanently available for the parking of motor vehicles and shall not be converted or used for any other purpose. The integral garage parking spaces shall be used solely for the benefit of the occupants of the dwelling or their visitors and for no other purpose.

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

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

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

26. All new public rights of way and sustainable transport routes crossing the site shall be constructed to adoptable standards.

In order to ensure the appropriate standard of construction of these routes.



27. The approved development shall be implemented in accordance with the approved Energy and Sustainability Statement by BSE3d Consulting Engineers Ltd. that form part of the approved documents.

Reason: In the interests of ensuring the sustainable development of the site in accordance with Policy 1 of the Aligned Core Strategy.

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

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

3. The Remediation Strategy (including its component elements) must be undertaken and implemented by competent persons and must be conducted 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 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.

The purpose of the withdrawal of Permitted Development Rights is 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 without health or safety risks to the occupiers of the development and/or adjoining occupiers.

4. Environmental Noise Assessment

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.

5. Commercial Noise



The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

6. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

7. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring and prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out if a disturbance to the highway is likely. Please contact them on 0115 876 5238.

8. The applicant is advised that the Highway Authority will require that traffic speed within the development is regulated by a Speed Order, with costs of making the order to be borne by the applicant (up to £5,500).

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: 17/01720/PVAR3 (PP-06274885)

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.

WARDS AFFECTED: Clifton North

Item No:

**PLANNING COMMITTEE
November 2017**

REPORT OF CHIEF PLANNER

109-113 And Land To Rear, Ruddington Lane

1 SUMMARY

Application No: 17/01760/PFUL3 for planning permission

Application by: Mr Ben Holmes on behalf of Featherstones PDD

Proposal: Demolition of number 111 Ruddington Lane; the creation of an access from Ruddington Lane and the development of 21 dwellings, comprising apartments, 1 , 2 , 3 and 4 bed houses together with groundworks, landscaping and other associated works.

The application is brought to Committee on the request of the Ward Councillors.

To meet the Council's Performance Targets this application should have been determined by 3 November 2017, however an extension of time has been agreed.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

- a) Prior completion of a planning obligation which shall include;
 - (i) a financial contribution towards off-site public open space;
 - (ii) a financial contribution towards off-site education provision

- b) The indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions and the obligation to be delegated to the Chief Planner.

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

- 2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 This is an irregular shaped parcel of land of 0.47 hectares located to the rear of properties on the eastern side of Ruddington Lane. The site comprises what was formally part of the rear gardens to No 107 - 109 Ruddington Lane, separated from the dwellings by an access track (vehicular). The site is currently very overgrown with a mixture of dense vegetation and trees, and contains some garden buildings. The site largely appears as one area of land, rather than individual gardens.
- 3.2 To the north of the site is the Ruddington Lane Recreation Ground, to the east is the Compton Acres tram stop. The (dissected) rear gardens to the other properties in the row are to the south, which are also overgrown with vegetation.
- 3.3 Outline planning permission was granted in 2011 for the erection of dwellings and creation of associated parking, which was for a slightly smaller site (involving fewer rear gardens) but included the same access arrangement as proposed in the current application (11/02745/POUT).

4 DETAILS OF THE PROPOSAL

- 4.1 This application seeks full planning permission for 21 residential units comprising of 12 houses and 9 apartments. Accessing the site requires the demolition of 111 Ruddington Lane, which is currently a semi-detached property, to provide a vehicular and pedestrian access.
- 4.2 The proposed units consist of:
- 1 no. 1 bed bungalow (Type A)
 - 3 no. 2 bed houses (Type B)
 - 7 no. 3 bed houses (Types C, D, DD, E)
 - 1 no. 4 bed house (Type F)
 - 9 no. 2 bed apartments
- 4.3 There are eight different house types but all share a common architectural language. The height of the dwellings rises gradually from the site entrance, where the bungalow is located, to the rear of the site where there is a three storey apartment building. Two storey dwellings with rooms in the roof form the majority of the site. During the pre-application process the number of dwellings and the site layout have been reduced and altered respectively, to sit more comfortably in the context of the surrounding area.
- 4.4 All the properties are proposed to be finished in predominantly brick, with cladding panel features and concrete roof tiles. Dormers are a prominent feature of the design of the dwellings.
- 4.5 The plans have been amended from the original submission with alterations to the design and orientation of the bungalow at the entrance of the site (Type A). The amendments improve the appearance of the dwelling from the street and remove an issue of overlooking and loss of privacy with the existing dwellings on Ruddington Lane. These changes seek to address concerns raised by the occupants of the nearest adjacent property.

- 4.6 The amended plans also show enlargement of the ground floor windows in the Type B units to improve their design, and the reduction in height of property types D, DD, E & F. This would improve the overall appearance of the scheme and ensure the new development better relates to the size and scale of the dwellings on Ruddington Lane, which is the main contextual reference for the development. The majority of the dwellings, with the exception of the three storey apartment block, are now comparable in height to the dwellings on Ruddington Lane. The three storey apartment building responds to the change in ground levels between the application site and the Compton Acres tram stop, which sits at a higher level.
- 4.7 All one and two bedroom properties have a parking space. All three and four bed properties are proposed to have two parking spaces, some within integral garages. The apartment building has a landscaped parking area to the south with one space per apartment.
- 4.8 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities relating to construction jobs.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 22 neighbour notification letters were sent to neighbouring residents on Ruddington Lane, Kenny Avenue and Horwood Drive. The application has also been advertised with 3 site notices. The period for comment expired on 25.09.2017. In response 7 comments have been received which are summarised below:
- Concern about the increased traffic generated by the new dwellings, which has already been increased by the two new developments over the road
 - Concern about the increased traffic during the construction phase
 - Concern about the loss of wildlife habitat
 - Concern about the siting of the proposed property Type A(bungalow at the entrance of the site), and its impact on the privacy of the neighbouring residents
 - Not enough space for the parking requirements of the new dwellings within the site
 - Loss of privacy to the dwellings on Ruddington Lane because of the height of the new dwellings
 - Loss of green space and trees/change to the character of the neighbourhood
 - The bungalow at the entrance of the site might set a precedent for other neighbours to build at the end of their gardens
 - Properties would be above the ground level of existing properties
 - There are existing drainage issues and concern is expressed about 21 additional dwellings making the situation worse
 - The access road to the side of this property is a tight road and there may be an increase in accidents
 - Concern about subsidence
 - Concern about the increase in the scale from the previous proposal; coupled with existing new developments would be an overdevelopment of the area, which was once a semi- rural location

- Concern that there are no other 3 storey buildings in the area and this may set a precedent for other developers
- The development would result in increased noise in the area
- Apartments are already being built in the area so there is no need for further apartments in this location
- Increased residents in the area will add to the congested roads during commuter times
- The plans appear to show the cinder path, which allows access along the rear of the properties on Ruddington Lane, to have disappeared
- The loss of wildlife habitat means the development could displace some animals, such as bats and badgers, into the rear gardens of the neighbouring properties
- The building works may damage the neighbouring properties
- The development would impact on the value of the properties on Ruddington lane because people would prefer new build properties

5.2 One neighbour also commented that they have no objection to the general concept of development.

Additional consultation letters sent to:

City Archaeologist: A condition should be imposed requiring an archaeological field evaluation, which should be undertaken in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation to be approved by the City Archaeologist. Evidence indicates that Iron Age/Roman agricultural activity took place within close proximity to the proposed development area and it is possible that such activity and occupation may have extended within the proposed development area. Evidence for Iron Age and Roman occupation is considered to be of local and regional importance.

Planning Policy: No policy objections to the higher density than previously envisaged, providing the design and layout are satisfactory. It is noted that the site is proposed to be allocated for residential development in the emerging LAAP, but for less units.

Environmental Health and Safer Places: Request conditions to ensure the mitigation measures set out in the Acoustic Assessment submitted as part of the application are in place prior to occupation of the dwellings. With regard to contaminated land, the Phase 1 Desk Study identifies a number of low risks on the site, therefore a Phase 2 intrusive investigation to confirm ground contamination and gas risks is recommended.

Highways: The swept path analysis does not take into account on-street parking. Any vehicles parked on the approach may hinder access for refuse and emergency vehicles. A Traffic Regulation Order will be required to prevent parking on the approach to the access, which should be imposed by condition. A condition would also be required for details of visibility splays to be provided within land controlled by the applicant, which should be dedicated as highway land. The road layout is generally considered to be in line with the recommendations previously provided on the approved outline application, including a 4.8m carriageway, 1.8m footway and a

0.5m/0.6m service strip opposite. A narrowing of the road width to 3.7m is accepted as a pinch point to reduce vehicle speed. Concern is expressed about the continuity of the pedestrian links because they cross over from one side of the street to the other. It is noted that some of the properties have integral garages as part of the parking provision and the internal space does not meet preferred standards, and some of the parking spaces are smaller than the size recommended in the ^C Design Guide.

Drainage: It is noted that this is a greenfield site and therefore we would look to limit the surface water run-off to 5l/s per hectare of the developed site. Furthermore they must be able to mitigate for run-off to third parties as this is a greenfield site; developing on it may cause additional risks to any nearby properties and therefore the overland flow paths of the water must be fully considered.

With the inclusion of the SuDs features within the proposals we would also need to see a maintenance plan for the lifetime of the development, and plans as to the ownership of any of the SuDs features.

Environment Agency: Originally objected to the proposal due to a lack of the required information in the FRA. A new FRA has submitted to the Environment Agency for comment. The response from the EA will be included in an update sheet.

Tree Officer: The important tree T11 is retained in its own small space. Recommend that an Arboricultural Method Statement be required by condition, as well as fuller landscaping details.

Biodiversity Officer: No response had been received at the time of the report being written. Any comments shall be included in the update sheet.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

- 6.5 Paragraphs 100 to 104 sets out a sequential approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking the account of climate change.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 - Density.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

BE16 - Archaeology.

NE3 - Conservation of Species

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

Aligned Core Strategy (September 2014):

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

Policy 16: Green Infrastructure, Parks and Open Space

Policy 19: Developer Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Density, layout and design considerations;
- (iii) Highway considerations;
- (iv) Impact on residential amenity;
- (v) Flood Risk;

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

- 7.1 The principle of residential development was established by an outline planning permission in 2011(11/02745/POUT), although the current proposal relates to a slightly larger site that includes more gardens than were previously available. Furthermore, the site is within a Primarily Residential Area and is proposed to be allocated for housing within the emerging LAPP.
- 7.2 The NPPF, Aligned Core Strategy and Local Plan policies supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. It is considered that the proposed range of house types within this scheme would contribute towards the Council's strategic objectives to create sustainable balanced communities and a varied mix of housing options.
- 7.3 The proposed development would provide 21 new dwellings comprising a mix of houses and apartments. The size and layout of the units are considered to be generous and would provide a high quality scheme with a good degree of amenity in terms of space and outlook. All the houses have been provided with access to private rear gardens or patios. Some houses and apartments have been designed with a rear outlook over the park to the north. Additionally, the development is located in a sustainable location, directly adjacent to the Compton Acres tram stop and would have direct access to adjacent park.
- 7.4 The proposal therefore accords with the NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, and Policies ST1 and H2 of the Local Plan.

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

- 7.5 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.6 Considerable work and amendment of the scheme has been carried out to ensure that the scale and density of the development respects that of surrounding residential properties and sits comfortably within the context of the surrounding area. This has been particularly important given the need to raise the floor levels of the whole development given the location of the site within Flood Zone 3. The scale of the development sensitively rises from the single storey bungalow at the entrance of the site (which relates to the existing properties garden outbuildings), through the 2 and 2.5 storey dwellings within the central part of the site that relate to the height of the two storey dwellings on Ruddington Lane, to the three storey apartment block adjacent to the elevated tram stop.
- 7.7 The scheme has also been designed to provide active frontages to the street and the park, and secure private rear gardens. The new family dwellings are mostly 2 and 2.5 storey in height and a mixture of semi-detached and detached dwelling, to reflect the context of the surrounding residential properties, yet also creating their own distinctive character. Bin stores are primarily proposed to be located in rear gardens.

- 7.8 The design aesthetic of the development is contemporary but traditional in form. The buildings' elevation treatment, together with the palette of materials, would create a clear and cohesive architectural language. The final details of the materials would be dealt with by condition.
- 7.9 The proposal include a pocket of public landscaping (which is proposed to be managed by a management company), which help to reflect the softer suburban context of the site. A number of trees are proposed to be retained. Details of hard surfacing and landscaping would be dealt with by condition.
- 7.10 Overall the scale, density, layout and design of the development are felt to be a positive and well considered response to the site and its context, yet would create a development with its own distinct and pleasant character. The proposal therefore accords with the NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan.

(iii) Highway considerations (Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.11 The proposed scheme has a mixture of single or double off-street parking spaces per dwelling located either within each plot, or adjacent to the apartment block. This is considered to be an acceptable level of parking provision. However, it was noted that the proposed garages do not meet with the preferred standards in terms of internal layout and some of the parking spaces do not meet the recommended standards in terms of size. However, it is considered that the layout and parking provision would be acceptable.
- 7.12 Highways have commented on the footpath arrangement, which is not continuous and crosses over the road at two points. From a design point of views, this is considered to be an acceptable arrangement and given the nature of the street, which is a cul de sac which would only be entered by vehicles visiting the 21 properties in the street, it is considered to be an acceptable layout in terms of safety for future users.
- 7.13 Highways have requested further information on visibility splays and turning areas within the site, along with the requirement for a Traffic Regulation Order, which can be addressed by condition.
- 7.14 The site is in a sustainable location with strong pedestrian, cycling and public transport links to the city centre and surrounding areas in close proximity, including an immediately adjacent tram stop. On balance therefore, the proposal would comply with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

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

- 7.15 The proposed layout has been designed to take into account the existing residential properties along Ruddington Lane which are, with the exception of the bungalow at plot 1, located across the existing vehicular access track and separated by the remaining rear gardens. It is considered that the layout of the site adequately respects the amenities of existing residents and future occupants of the new development, in terms of light, outlook and privacy.

- 7.16 The bungalow at the entrance of the site is closest to the adjacent 107 Ruddington Lane. This dwelling has been re-orientated and re-designed so that there are blank walls on the north and west elevations closest to this property, which is not directly facing the proposed bungalow but would view it at an angle. The bungalow has been designed so that no windows face directly towards existing properties, with the exception of a bedroom window on the western elevation facing the rear of the No. 109, which is within the application site and set back from the shared boundary due to the L shape of the dwelling. New fencing is proposed along the shared boundaries with both of these neighbouring properties.
- 7.17 With the exception of plot 1, which is discussed above, there is a minimum distance of approximately 32m from the rear of the dwellings on Ruddington Lane to the side elevation of nearest proposed dwelling, and 36m to the front elevation of the nearest proposed dwelling. This is considered to be an acceptable separation distance to ensure that there would not be a significant loss of amenity in terms of privacy or outlook.
- 7.18 Some concern has been expressed by neighbouring residents regarding the loss of wildlife habitat. The Council's Biodiversity officer had not commented at the time of the report. Any comments received shall be provided in the update sheet. It is noted that a large area of land to the south of the site remains as existing overgrown gardens.
- 7.19 The development therefore accords with Policy 10 of the Aligned Core Strategy and Policies NE3 and NE9 of the Local Plan in this regard.

(v) Flood Risk (Policy 1 of the Aligned Core Strategy and Local Plan Policy NE10)

- 7.20 The NPPF states that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Authorities should apply a sequential, risk-based approach to the location of development. The site was previously sequentially tested under application 11/02745/POUT and in relation to its allocation in the emerging LAPP, and is considered acceptable for residential development with appropriate flood mitigation measures.
- 7.21 The FRA initially submitted with the application was not considered to be adequate and the Environment Agency requested more information. A revised FRA was subsequently submitted and the EA has been consulted. Their response had not been received at the time of the report being written. Comments will be included in an update sheet.
- 7.22 Subject to the revised FRA being satisfactory, the proposal would accord with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

(vi) Planning Obligations (LP Policy R2 and Aligned Core Strategy Policies 10, 16 and 19)

- 7.23 A Section 106 planning obligation is required in order to secure financial contributions towards the following:

- Public Open Space – £29,292

- Education - £23,034

It is proposed that the public open space contribution would be used towards improvements at Ruddington Lane Park, which is immediately adjacent to the site and would be readily accessible to the residents of this development. It is proposed that the secondary education contribution would be used for the Emmanuel School, with no requirement for a primary school contribution.

- 7.24 In respect of both the open space and education, the Section 106 obligations sought would not exceed the permissible number of obligations in accordance with Regulation 123 (3) of the Community Infrastructure Levy Regulations 2010.

(vii) Other Matters Local Policies NE5, NE9 and BE15 of the Local Plan

- 7.25 The City Archaeologist has requested that an archaeological field investigation should be carried out due to the existence of known Iron Age and Roman activity in close proximity to the site. This will be secured by condition.
- 7.26 The Council's Tree Officer has requested that an Arboricultural Method Statement to be submitted and implemented to ensure that the tree shown to be just outside the application site, labelled T11, is protected during the construction period. This will be addressed by condition.
- 7.27 The Council's Drainage Officer has requested a condition relating to the provision of SUDs and the future ownership and maintenance thereof, which will be secured by condition.
- 7.28 The Council's Environmental Health and Safer Places officer has requested conditions to ensure the mitigation measures set out in the Acoustic Assessment submitted as part of the application are in place prior to occupation of the dwellings, and regarding on-site investigation relating to ground conditions/gas.

8. SUSTAINABILITY / BIODIVERSITY

The development has been designed to meet a 10% reduction in carbon emissions beyond Building Regulations (Part L 2013). This is largely achieved by a 'fabric first approach' involving increased insulation to walls, floors and roofs to provide a higher 'u' value. Furthermore, the houses are orientated to make use of solar gain/shading, and incorporate natural ventilation.

9 FINANCIAL IMPLICATIONS

The development would provide financial contributions through a Section 106 legal agreement, as set out above.

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: Development of a site allocated for residential development in the emerging development plan with a high quality, sustainable residential scheme.

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: 17/01760/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
2. Environmental Health and safer Places comments received 06 November 2017
3. Comments from a resident of 101 Ruddington Lane
4. Comments from a resident of 103 Ruddington Lane
5. Comments from a resident of 107 Ruddington Lane
6. Comments from a resident of 131 Ruddington Lane
7. Comments from a resident of 147 Ruddington Lane
8. Comments from a resident of 9 Brewill Grove
9. Comments from a resident of 143 Ruddington Lane
10. Highways comments received 26 September 2017
11. Environment Agency comments received 19 October 2017, but awaiting final comments at the time of writing the report.
12. Archaeologist comments received 11 October 2017
13. Tree Officer comments received 28 September 2017.
14. Drainage Officer comments received 30th August 2017.
15. Planning Policy comments received 5 October 2017.

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

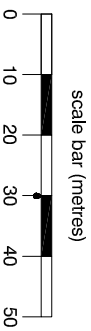
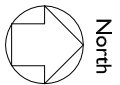
Aligned Core Strategy (September 2014)

Nottingham City Land Planning Policies Document (emerging)

Contact Officer:

Kathryn White, Case Officer, Development Management.

Email: Kathryn.white@nottinghamcity.gov.uk. Telephone: 0115 8762529



notes

1. Refer to figured dimensions, do not scale.
2. If in doubt refer to the Architect before work starts
3. All dimensions are to be checked on site
4. The Architects disclaim responsibility for variations from this drawing made without their written consent
5. Please ensure that there have been no additional revisions to this drawing before starting work.

revisions

client
Featherstones PDD Ltd

job
Ruddington Lane
Wilford

drawing
Site Location Plan

scale
1:1250 @ A4

date
July 2017

no.
16021-SP-01

revision

drawn by

phone_ 0115 941 1761
web_ marsh-grochowski.com
address_ 37a Sneinton Hermitage, Nottingham
NG2 4BT

My Ref: 17/01760/PFUL3 (PP-06255071)
Your Ref:
Contact: Ms Kathryn White
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Ben Holmes
Unit 7 Wheatcroft Business Park
Landmere Lane
Edwalton
Nottinghamshire
NG12 4DG
United Kingdom

Date of decision:

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

Application No: 17/01760/PFUL3 (PP-06255071)
Application by: Featherstones PDD
Location: 109-113 And Land To Rear, Ruddington Lane, Nottingham
Proposal: Demolition of number 111 Ruddington Lane; the creation of an access from Ruddington Lane and the development of 21 dwellings, comprising apartments, 1 , 2 , 3 and 4 bed houses together with groundworks, landscaping and other associated works.

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

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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)



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Continued...

2. The development shall not be commenced until details of sustainable drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The information shall seek to demonstrate that the surface water run-off would be limited to 5l/s per hectare of the developed site. Overland flow paths of the water must be considered to ensure the development would not cause additional risk to nearby properties and the plans must also include details of the lifetime maintenance and ownership of the SUDs features.

The development shall be carried out 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 to comply with Policy NE10 of the Local Plan.

3. The development shall not be commenced until details of a Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period and shall provide for:

- All site operatives, visitors and construction vehicles loading, off-loading, parking and turning during the construction period shall be accommodated within the site.
- Vehicles delivering to the site cannot be permitted to wait/park on the highway.
- Adequate precaution shall be taken during the construction period to prevent the deposit of mud and other similar debris on the adjacent public highways.

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

4. The development shall not be commenced until details of an electric vehicle charging scheme, including a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of developing a sustainable community in accordance with Policy 1 of the Aligned Core Strategy.

5. The development shall not be commenced until a detailed landscaping and planting scheme for the development, indicating the type, height, species and location of proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. The details shall also include arrangements for the future management and maintenance of the landscaped areas that are not within individual plot boundaries.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

6. The development shall not be commenced until details of the areas to be hard surfaced, to include the use of permeable materials, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.



7. The development shall not be commenced until details of the external materials of the buildings have been submitted to and approved in writing by the Local Planning Authority.
- The development shall be carried out in accordance with the approved details.
- Reason To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.*
-
8. The development shall not be commenced until details of all doors, windows and window reveals have been submitted to and approved in writing by the Local Planning Authority.
- The development shall be carried out in accordance with the approved details.
- Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*
-
9. The development shall not be commenced until details of the means of enclosure for all site and individual plot boundaries, have been submitted to and approved in writing by the Local Planning Authority.
- The development shall be carried out in accordance with the approved details.
- Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*
-
10. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.
- The development shall be carried out in full accordance with the approved Method Statement.
- Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*
-
11. No development shall commence until an Archaeological Field Evaluation is submitted, which should provide information regarding the character, extent and condition of any remains and will provide an evidence base for establishing what, if any, further archaeological work is required in advance of, or during development.
- The Archaeological Field Evaluation should be undertaken in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation to be approved by the City Archaeologist.
- The development shall be carried out in accordance with the approved Field Evaluation and Scheme of Investigation.
- Reason: To ensure that any important archaeological remains are safeguarded in accordance with Policy BE16 of the Local Plan.*

12. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase I Desk Study Report by Geodyne dated 09/02/2017 (ref D36176) and 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 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 protect the health of future residents and to prevent ground pollution in accordance with Policies NE9 and NE10 of the Local Plan.

13. Notwithstanding the approved drawings, prior to the commencement of the development details of the following shall be submitted to and approved in writing by the Local Planning Authority.

- Visibility splays.
- Further details of the junction crossing the existing cinder path.
- Details of the turning head, including size and configuration.
- Details of the width of the proposed footpath in the north east corner linking the site to Ruddington Lane Recreation Ground.

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

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan.

Pre-occupation conditions

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

14. No individual dwelling shall be occupied unless the car parking space associated with that dwelling has been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

15. No individual dwelling shall be occupied unless the boundary treatments associated with that dwelling have been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.



16. Prior to the first occupation of any of the dwellings hereby approved, an application and draft designs for amendments to the Traffic Regulation Order in the area shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue implementation of the proposed amendments, prior to first occupation of the dwellings.

Reason: In the interests of highway safety and sustainable development in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.

17. Prior to the completion of all dwellings, verification that the approved sound insulation scheme as set out in the Acoustic Assessment by Vangardia dated 07/03/2017 (No 102366) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure the amenity of future residents is satisfactory in accordance with Policy NE9 of the Local of the Local Plan.

18. 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 the amenity of future residents is satisfactory in accordance with Policies NE9 and NE10 of the Local Plan.

Regulatory/ongoing conditions

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

19. 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.

20. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of each dwelling 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 10 of the Aligned Core Strategy.

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 4 August 2017.

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. Environmental Noise Assessment

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. Noise Control: hours of work and equipment during demolition/construction

To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

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

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

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning



5. 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, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) 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.

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: 17/01760/PFUL3 (PP-06255071)

DRAFT ONLY

Not for issue

Continued...



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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/pics.

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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