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**Nottingham
City Council**

Nottingham City Council Planning Committee

Date: Wednesday, 19 April 2023

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

Director for Legal and Governance

Governance Officer: James Lavender

Direct Dial: 0115 876 4643

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** 3 - 8
To confirm the minutes of the meeting held on 22 March 2023
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a Land at Trent Basin, Nottingham, NG2 4BN** 9 - 40
 - b Playing fields to the South and West of Westbury School, Chingford Road, Nottingham** 41 - 70
 - c Maythorn House, 1 Bridgewater Close, Nottingham** 71 - 88

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

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Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 22 March 2023 from 2.28 pm - 3.50 pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Leslie Ayoola
Councillor Kevin Clarke
Councillor Gul Nawaz Khan
Councillor AJ Matsiko
Councillor Salma Mumtaz
Councillor Ethan Radford
Councillor Mohammed Saghir
Councillor Cate Woodward

Absent

Councillor Azad Choudhry
Councillor Jay Hayes
Councillor Corall Jenkins
Councillor Angela Kandola
Councillor Sally Longford
Councillor Toby Neal

Colleagues, partners and others in attendance:

Matthew Grant - Local Plans Manager
James Lavender - Governance Officer
Tahira Lee - Solicitor, Legal Team
Martin Poole - Area Planning Manager
Paul Seddon - Director of Planning and Transport
Nigel Turpin - HUD Manager

63 Apologies for Absence

Councillor Jay Hayes - unwell
Councillor Corall Jenkins – work commitments
Councillor Angela Kandola - unwell
Councillor Sally Longford – personal reasons
Councillor Toby Neal - unwell

64 Declarations of Interests

None.

65 Minutes

The minutes of the meeting held on 22 February 2023 were confirmed as a true record and signed by the Chair.

66 159 Hucknall Road, Nottingham, NG5 1FD

Martin Poole, Area Planning Manager, presented planning application 22/01525/PFUL3 by Hockley Developments Ltd, for the approval of a new two-and-a-

half storey building to provide 11 one-bed Class C3 supported living dwellings with staff and communal areas. He delivered a presentation which included site photographs and floor plans.

The following points were highlighted:

- (a) the site contains a single-storey, flat-roofed building which used to be a beauty salon. It is located on the corner of Hucknall Road and Teesdale Road;
- (b) the plans featured two parking spaces fronting onto Hucknall Road as well as bin stores for servicing around the back of the site;
- (c) the application was referred to Planning Committee due to 65 letters of objections being submitted by members of the public. Within these letters, concerns were raised about parking arrangements, who would occupy this dwelling, concerns around anti-social behaviour, and the scale and siting of the dwelling;
- (d) as the dwelling is classed as supported living scheme accommodation, it is unlikely that the occupants will have access to cars. The parking provided will be for the staff on-site;
- (e) the occupants of this dwelling will have been assessed as being able to live within the community with assisted support and therefore there were no concerns around increased anti-social behaviour;
- (f) there were no objections from the statutory consultees.

Members' comments and questions were addressed as follows:

- (g) the principle of development on this site had been established as planning permission was granted in February 2022 for the construction of three houses following demolition of existing building (21/02090/PFUL3);
- (h) there will be staff on-site 24 hours. Office space for staff will be provided on the ground floor and communal spaces will be provided for residents;
- (i) the tree adjacent to the site will be retained;
- (j) the Council's Commissioning and Procurement Team and the Adult Social Care Team support the application;
- (k) full S106 contributions were requested and there was no challenge to the S106 agreement proposed by the Council from the Developer;
- (l) Ward Councillors raised no objections to the application;
- (m) the Committee requested railings to be included on the raised landscaped area at the front of Hucknall Road;

- (n) the Committee wished to ensure appropriate building materials to absorb flood water within the car park;
- (o) proposed Condition 2 of the permission will require details of materials to be submitted and approved by the Planning Team and this would include the railings and car park surfacing;
- (p) the design of the roof could not incorporate solar panels;
- (q) a viability report was not required because full s106 policy requirements would be met.

Resolved to:

1) Grant planning permission subject to:

a. Prior completion of a Section 106 planning obligation to secure:

- i. A financial contribution of £48,235.25 towards off-site affordable housing;**
- ii. A financial contribution of £16,841.11 towards the provision or improvement of off-site open space;**
- iii. A financial contribution of £4,611 towards employment and training.**

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

- 2) Delegate the power to determine the final details of the planning obligation and conditions of planning permission to the Director of Planning and Transport;**
- 3) Confirm that Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (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.**

67 Current Context for Purpose Built Student Accommodation in Nottingham

Paul Seddon, Director of Planning and Transport, and Matthew Grant, Local Plans Manager, delivered a verbal update to the Committee regarding the current context of purpose-built student accommodation in Nottingham, which highlighted the following points:

- (a) over a 10-year period, some university cities have had difficulties housing their students due to a lack of student accommodation within their cities. A lack of sufficient student accommodation drives up competition within the whole city

- housing market, driving up rents and living costs for everyone looking for a home within the city;
- (b) 61,700 students study in Nottingham with 50,900 of those students requiring accommodation;
 - (c) it is recognised that students add vitality, support retail and leisure businesses, and enhance the cultural picture of the city;
 - (d) the University of Nottingham and Nottingham Trent University contribute £13 billion to the economy and provide 25,000 jobs in the area;
 - (e) visiting families of students also contribute to the economy of Nottingham;
 - (f) the large presence of students in residential areas can create an imbalanced and unsustainable neighbourhoods;
 - (g) the 3 types of accommodation used by students are Halls of Residence, Houses of Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA);
 - (h) the construction of PBSA is encouraged as this helps prevent the loss of family homes being used as HMOs and can help reduce anti-social behaviour. They are more environmentally friendly and can accommodate a greater number of students per building and can act as a catalyst for local regeneration, for example, The Island Quarter in Nottingham;
 - (i) an increased supply of PBSAs will help with competition between student housing options and could help reduce rents and helps the Council meet its statutory housing obligations;
 - (j) an Article 4(1) Direction has been in place since 2012 across the city to allow the Planning Authority to control the spread of HMOs in areas where they are prevalent;
 - (k) since the Local Plan was adopted in January 2020, developers need to justify the need for new PBSA and show flexibility in the areas where they can be constructed;
 - (l) the Council monitor the levels of student accommodation by using the PBSA vacancy survey and examining the levels of student council tax exemptions;
 - (m) there has been a growth in student council tax exemptions but this growth has largely been in PBSA exemptions since 2015 rather than HMOs, however the encouragement of PBSA has prevented the issues of a lack of student accommodation that many other university cities have experienced;
 - (n) the majority of residents in PBSAs are first year students, but we are finding increasing numbers of returners (second and third years);

- (o) the Council is projecting an increase in the student population of Nottingham of 2.8% per year which is in line with demographic changes;
- (p) there has been a small dip for the latest year in the number of students living in HMOs which correlates with an increase of students living in PBSA;
- (a) the Draft Nottingham Student Living Strategy outlines three priorities:
 - Priority 1 – Quality, safe accommodation for appropriate locations in Nottingham;
 - Priority 2 – Encouraging neighbourliness;
 - Priority 3 – Encouraging graduates to settle in Nottingham.

Members' comments and questions were addressed as follows:

- (b) the demand from young people who were not just students was for affordable accommodation;
- (c) the demand for student accommodation could not be stopped by the Council or Planning Committee. The approval by Planning Committee of PBSA applications has meant that Nottingham has not reported the cases of insufficient student accommodation being available as seen in some other university cities;
- (d) whilst students do not pay council tax, their presence does revitalise and regenerate areas such as Hockley;
- (e) Members' concerns that the cost of living in PBSAs is expensive and is driving students into cheaper rented accommodation, such as HMOs, were noted.

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Wards Affected: Dales

Item No:

**Planning Committee
19th April 2023**

Report of Area Planning Manager

Land At Trent Basin, Nottingham

1 Summary

Application No: 21/02550/POUT for outline planning permission

Application by: Mr Dominic Page on behalf of Blueprint (General Partner) Limited

Proposal: Hybrid planning application comprising: Full application for the demolition of existing buildings and the development of 110 residential dwellings (Use Class C3 - mix of 2, 3 and 4-bedroom houses), parking barn, road infrastructure, landscaping and associated works; and Outline application (with all matters reserved) for the principle of residential development, up to 280 sq.m of cafe / food & drink floorspace (Use Class E) and Community Transport Hub.

The application is brought to Committee because it is a major application with Section 106 viability considerations where some planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 8th March 2022.

2 Recommendations

1. **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

(a) prior completion of a Section 106 Planning Obligation which shall include:

i) the provision of public access through the site to the section of riverside walkway and edges of the Basin, and to enable the connection of the riverside walkway to adjacent sites so as to provide a continuous riverside walkway

ii) management and maintenance of public spaces and riverside path

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

Power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission be delegated to the Area Planning Manager.

2. That Councillors are satisfied that Regulation 122(2) Community Infrastructure
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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.

3 Background

- 3.1 The application site comprises 3.7 hectares of former industrial land, which surrounds Trent Basin on the north bank of the River Trent and to the west of Trent Lane. The site has been substantially cleared and levelled with a crushed stone surface with the exception of two groups of remaining industrial warehouse buildings, one larger group on the western boundary of the site off Poulton Drive and another smaller group on the northern boundary with Daleside Road. The rectangular Trent Basin water inlet, measuring approximately 113 metres long by 36 metres wide is within the site to the south-east, with the existing Trent Basin housing to the east of this significant feature. There is a drop from the site level to the basin water level of approximately 3 metres.
- 3.2 Further recent residential developments have also been completed and are ongoing to the east of Trent Lane. The surrounding sites to the west are primarily in business/light industrial uses, representing the more established character and uses that operate within the Colwick/Daleside Road industrial estate. A Veolia recycling centre adjoins the western boundary of the site.
- 3.3 The application site falls within the boundary of the Waterside area as defined within the LAPP and is also included in the land covered by the adopted Waterside Nottingham Supplementary Planning Document. The application site forms a significant part of the LAPP allocated site SR73 Waterside – Daleside Road, Trent Lane Basin, which is proposed for predominantly family housing, education, small scale convenience retail, and restaurant/café uses.
- 3.4 The majority of the application site has previously been granted hybrid planning permission in 2014, with phases of development to the east of the Trent Basin having been completed under this consent (13/03029/PFUL3) and subsequent reserved matters submissions. This hybrid planning permission has now expired insofar as those areas of the site to the south and west of the Trent Basin that have not been developed and those areas are now included within the boundary of the current planning application.

4 Details of the proposal

- 4.1 The submission is a hybrid application, meaning one that seeks full planning permission for part of a site and outline planning permission for the remaining part. The full submission element is for 110 dwellings. The outline element is for an unspecified further number of dwellings. The development would be constructed in a number of phases, in a similar manner to the Trent Basin development undertaken to date.
- 4.2 The full submission element of the proposed development would provide a dwellings mix of 58 family houses and 52 maisonettes. The detailed configuration of the proposed dwelling types is:
- 51 x 2-bed
 - 56 x 3-bed

- 3 x 4-bed

The outline element of the submission requests permission for the principle of further residential development along the River Trent boundary of the application site, with a further small area to the north of the Trent Basin being proposed for a cafe / food & drink and Community Transport Hub building. All matters in relation to those areas of the application site are reserved for future submission and determination.

- 4.3 The proposed houses are in a range of terrace styles, with courtyard groupings also being included. The houses would be 2, 3, and 4 storeys, with the 4 storey units being maisonettes. The accommodation would include 2, 3 & 4 bedroom family houses and 2 & 3 bedroom maisonettes.
- 4.4 On site open space would be in the format of a 'pocket park' and minor play space that would be overlooked by housing to the north of the Basin. Other shared enclosed courtyard spaces are included within the layout and the edge of the Basin is given over to public realm, allowing north-south access through the proposed development. Street trees and other amenity planting are also provided throughout the proposed layout.
- 4.5 Car parking within the proposed courtyard housing clusters would be limited to visitors and disabled car users only. Car parking for general residents is proposed within a 'parking barn' or deck car park structure that would be located to the west of the site with direct access off Poulton Drive. The 'parking barn' format is proposed to absorb the majority of parking required across the site to allow for greater community use of the public realm. It is also advised that this format would future proof car parking requirements without affecting the public realm and would encourage sustainable travel opportunities.
- 4.6 A potential position for an E-mobility hub is indicated at the northern head of the Basin. This are forms part of the outline element of the proposed development and full details are therefore reserved for future submission. It is intended the hub will promote innovative approaches to sustainable travel,
- 4.7 Cycle parking for the houses and the ground floor maisonettes are to be provided on plot, generally in the garden areas. Other cycle stores are to be provided between the buildings and within the parking barn. Additional visitor parking spaces are to be provided across the site.
- 4.8 Communal bin stores are provided to serve the majority of the dwellings, with others being on plot.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

113 neighbouring properties have been individually notified at the following addresses:

1 – 8 Dockside Mews
1 – 7 Waterfront Mews
19 – 29(o), 30 – 60(e), Apartments 1 – 10 31 Portside Street
Units 1, 1A, 1B, A3, A5, 5, 6, 9, 9A, Minister House, Poulton Drive

1 – 22 Navigation Street
72 – 106(e), 1 & 2 Trent Villa, Prostrip, CVS (East Midlands) Limited, Trent Lane
20, 22, Unit 2, Air Movement & Fabrications Ltd, Daleside Motors & Café, KRB
Systems Ltd, Daleside Road
Unit 1, Nottingham Waste Centre, Freeth Street

The application has also been publicised by site and press notices. The following responses have been received:

Veolia ES (UK) Ltd: acknowledges the City Council's long-term vision for this area is to transform it into a new sustainable residential Waterside community and support this long-term vision. Veolia operates an established waste management facility on land adjacent to the application site which currently accommodates offices and a yard and building for the storage and transfer of waste. Veolia's long-term ambition is to relocate operations to a new site recently granted planning permission at Colwick Industrial Estate. However this site is years from full operation and the Freeth Street site will continue to operate within the terms of its planning permission and Environmental Permit for the foreseeable future.

In assessing the application we would request that the City Council take full account of the established, permitted operations that are undertaken at the site, and whether the conversion is a compatible land use, given that it would have the effect of bringing residential accommodation closer to the adjacent commercial use.

It is appropriate to bring to your attention that Veolia has RCV's that operate from the site from 0400 hrs, leaving at this time in order to be able to access customers in areas that operate restricted daytime access and to undertake collections prior to the busier rush hour periods. The wider site operates from 0600hrs to 1800hrs, although the Environmental permit does allow 24hr operations. As such, the establishment of habitable accommodation closer to these operations has the potential to cause amenity issues to future residents that should be fully considered.

If the City Council is minded to approve the application, then Veolia would request that full consideration is given to the use of appropriate conditions to provide suitable mitigation measures to reduce the potential for conflict between the two incompatible land uses, which could, amongst other things, include mechanical ventilation, triple glazing, acoustic fencing and the retention / replanting of suitable boundary screening in order to ensure that the two land uses can continue to operate unfettered.

Neighbour: Objection. There is a total lack of continuity of aesthetic with Phases 1 + 2. Gone is the bold mix of brick colours which is very popular with residents. There are too many long dark red brick facades covering whole terraces of houses, which will also make the courtyards darker. Gone are most of the full height windows and many of the roof terraces. An 'Eco' development should not be clad in aluminium the most energy intensive building material. There is not enough soft planted areas in the courtyards or on the dockside. Tree choice needs looking at. The transport plan is a joke, compared with the reality of what happens today. Most journeys are made by private car. There are 3-4 vehicle households and a downgraded bus service. We need far more information on car charging, running costs and vehicle security in 'Parking Barn'. Every house should have a secure on plot cycle locker. Courtyard disabled parking will be open to abuse and how many disabled residents will live in a 3 storey town house? Need guarantees regarding

completion of these phases as Trent Basin so far has been built at snail's pace, which is not serving anyone's purposes.

Nottingham Civic Society: Largely welcomes the layout and urban design of this phase of the Waterside redevelopment. NCS supports the variety of architecture and house-types consequent upon the use of three different design practices. The focus of the design upon the residents rather than their cars is welcomed and has allowed for a very dense urban grain, tightly grouped around the communal spaces intended to engender community cohesion and support. It is to be hoped that these small courts are looked after and cherished in the manner envisaged by the designers. It does not seem to be made explicit in the Design Statement but presumably some degree of maintenance for the Court areas is envisaged to ensure their continued use and enjoyment in support of community building.

Nottingham Local Access Forum: Welcomes much of what the application apparently offers in terms of provision for active travel accessibility. Support the aim to provide people friendly public realm and good pedestrian permeability. Whilst we see that the application seemingly makes provision for the path, we suggest that a planning condition is applied to ensure that the part of the path through the development is delivered by it. Suggest that a planning condition is applied to safeguard the required area for the future River Trent pedestrian and cycle bridge and associated works, including reasonable provision of space for construction work and future maintenance. Note that the quantum of cycle parking proposed is in line with local plan requirements, but express disappointment at the apparent lack of attention to the quality of cycle parking provision, some of it being remote from individual properties. Might have expected the provision for cycle parking to be more ambitious, both in terms of quantum - with more spaces for larger homes and in terms of quality.

Additional consultation letters sent to:

Environmental Health: No objection subject to conditions. The intrusive investigation has shown that there is contamination of both soils and groundwater and that remediation is required. Satisfactory remediation and mitigation has been recommended in the submitted reports. The proposed verification testing to be undertaken prior to occupation of the dwellings is also acceptable.

Gas monitoring has shown that gas protection measures are required to be incorporated into the buildings on site. Details of how the measures recommend will be incorporated in to the building designs prior to building commencing on site will be required. The proposals for verification of the gas protection measures once they are installed are acceptable.

There are a number of factories that are in close proximity to the site and residential properties. Additional information needs to be obtained about the operating hours of the nearby businesses and the plant and activities that are undertaken. Further monitoring needs to be undertaken when the factories are operating. There also needs to be consideration for the proposed source of noise on site such as the café and the heat pumps.

The proposal includes a potential café and food and drink uses on site which need to adequately control the odours from cooking on the premises to ensure it doesn't affect the amenity of the nearby residential or other commercial uses.

Planning conditions are recommended to cover those aspects where further assessment and details are required.

Highways: No objection subject to conditions. Aspects of detailed design are able to be dealt with under S38/S278 future submissions subject to the extent of proposed highway adoption. Additional highway features/landscaping such as trees will attract commuted sums and will require additional maintenance and the applicant will need to be made aware of the costs. Any on street parking cannot be allocated to individual dwellings. It is advised that residents parking restrictions be incorporated in order to deter football and other attractions nearby from using the on-street parking to the detriment of the residents (costs to be met by the applicant)

Flood Risk Management Team: No objection subject to conditions. All developments must consider the use of Sustainable Drainage Systems (SuDS) within their application. As this is a major development (with an outfall proposed via Trent Basin), we would like the development to achieve greenfield run-off rates (or a flat rate of 5l/s per ha). If this is not feasible this will need to be justified and an appropriate discharge rate will need to be agreed. This must be supported by the relevant calculations and drainage strategy, and if infiltration is deemed a feasible method for this site, we would need to see evidence of the appropriate infiltration testing. Do note the tree pits proposed will offer some surface water management with root storage cells, however there is no context for how they will fit into a wider strategy for the site. Query how will surface water be managed during construction.

Biodiversity: Open space provision is severely lacking. Given the close proximity to the River Trent, offering suitable foraging habitat and an important linear feature for bats, it would be advisable to request that a bat emergence survey is conducted on the buildings prior to determining this application for demolition. It is important that the area of broadleaved woodland on the southern boundary of the site, between the site and the river Trent, is retained and not impacted by the works. Root protection zones must be put in place to protect this habitat, it is one of the few areas of natural bank left within the city along the River Trent. Pleached trees and 'lollipop' trees don't have much ecological value and on a site so close to a major linear feature like the River Trent it is important that we try to retain as much of the green corridor as possible and enhance the site. Native species should be used where possible on the development and the inclusion of fruiting trees is beneficial to many species.

Environment Agency: No objection subject to conditions and advisory notes. Advise any future development within Courts 3 and 4 ensures an 8-metre easement is provided from the privately owned flood defence. This will provide essential access for maintenance, EA inspections and emergency repair works (if required).

Canal & River Trust: No objection. Note that the drawings indicate that a footbridge will be installed across the basin entrance and recommend that the construction methodology be secured by condition to ensure that the means of constructing it does not impact upon the navigation on the river. Recommend that the applicant discusses the design and construction methods with the Trust's engineers. Also note that the outline element of the scheme includes land adjacent to the river that has been identified as a potential location for a new bridge crossing the river. Recommend that any planning permission is compatible with these aspirations.

Rushcliffe Borough Council: No objection. Advise that the layout of the proposed development consider the potential location of any new foot/cycle bridge in this location including the need for supporting infrastructure and construction requirements. The levels between any new bridge and the surrounding development should also be considered along with the impacts of any potential lighting at a raised level on any new bridge structure. Advise that the views of the landscaping officers are sought to ensure that appropriate species are chosen for this environment as inappropriate species selection could lead to pressure to fell trees that impact on residential amenity/balconies if they grow too tall/too close to the properties.

Carbon Neutral: Keen to see the provisional plans for the mobility hub taken forward. Positive to see a considered focus on sustainable travel, although it is not entirely accurate to describe the development as 'car free'. Possible flood risk to the site is of a concern. Unable to comment on the demolition process, and possible emissions incurred from waste, due to lack of information provided. Would like to see intention towards replacing (or exceeding) current biodiversity levels followed through.

Education: Request financial contribution towards secondary school places to be used for new or enhanced education facilities in the South Planning Area.

Nottinghamshire Police: No comments or concerns at this time.

Nottingham Design Review Panel (29 January 2022): The Panel reviewed the proposed development at its pre-application stage. Whilst it was noted that proposal deviated from the original masterplan, the Panel considered that it did so with great success and commended it for its bold design and commercial ambition, changing the way residential schemes are designed in adopting a car-free approach.

The Panel was concerned with the greenspace offer. Whilst it was accepted that connections could be made to surrounding spaces, especially if the bridge over the River Trent is built, there was a need to make far more of a gesture within the site. The pocket park offered potential to create a neighbourhood-wide amenity space it was considered to be too small. The Panel suggested that removing some car and pushing houses further back would make a significant difference to the size of the park and go some way in resolving the greenspace issue.

The Panel considered that both the scale and density of the development was acceptable, although slightly underwhelmed with the scale and massing around the Basin. The Panel commended the courtyard approach to the development, creating a tight but family-based urban form. The architectural quality suggested is impressive with the aesthetic of the buildings pleasing and good articulation of individual blocks.

The introduction of a parking/car barn to free up space for people and landscape rather than cars is a bold transformative model. Nevertheless it would be a large building that could be viewed as dominant in its setting. Therefore, attention needs to be given to its appearance and architectural treatment. As progress is made more towards a future where car ownership will become less, the car barn needs to be flexible and adaptable.

The design of Kilpin Way as a shared surface residential street was supported.

However, the inclusion of footways and the excessive radii gives the route an urban road appearance and the Panel concluded that there is still more work needed on the road design.

6 Relevant policies and guidance

Aligned Core Strategies (ACS)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN2: Open Space in New Development

Policy EN5: Development Adjacent to Waterways

Policy EN6: Biodiversity

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy RE1: Facilitating Regeneration

Policy RE8: Waterside

Policy SA1 - Site Allocations (SR73 Waterside - Daleside Road, Trent Lane Basin)

Policy TR1: Parking and Travel Planning

Waterside Nottingham Supplementary Planning Document

Provides a vision for the development of a sustainable residential community of distinctive character and high quality urban design, embracing the opportunities provided by its unique location. Focussed on delivering a large proportion of high quality family housing, open space, convenient access and services, the area will retain and attract families back into the city. The new neighbourhood will be strongly connected to the city centre, nearby recreation areas and the adjoining existing communities. A primary school, small-scale local retail, leisure and employment uses will be closely linked through an innovative approach to public space.

NPPF (2021):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and

development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7. Appraisal of proposed development

Main Issues

- (i): Land use and regeneration
- (ii): Layout and design
- (iii) Access and highways

Issue (i): Land use and regeneration (ACS Policy 7 and LAPP Policies RE1, RE8, and SA1)

- 7.1 ACS Policy 7 states that the Waterside Regeneration Zone will be the location of new mixed use neighbourhoods at Trent Basin and Meadow Lane, with appropriate local supporting facilities and strong links to surrounding communities and the riverside. It seeks improved green infrastructure, including a continuous footpath and cycleway along the north bank of the River Trent, pedestrian and cycle access across the river, to the city centre and surrounding communities. Development is also required to facilitate enhanced east–west transport links (including public transport),
- 7.2 LAPP Policy RE1 seeks to ensure that development proposals facilitate regeneration and makes the best use of land. LAPP Policy RE8 relates directly to the Waterside Regeneration Zone and encourages the provision of new family housing and other forms of innovative residential accommodation formats as part of mixed use schemes. The incorporation of mitigation measures is also noted where

this may be required to avoid adverse impacts on new occupiers and existing businesses.

- 7.3 The Waterside Nottingham Supplementary Planning Document seeks to ensure that the Waterside realises its full potential, with increasing the delivery of housing being a key priority. The new sustainable community in Waterside is expected to make a significant contribution to meeting the city's housing needs.
- 7.4 The proposed development would continue the innovative formats of residential development that the applicant has created through the phases of development of Trent Basin that have been completed to date. Being aimed primarily at family housing and with the inclusion of a new format of maisonette accommodation, it is therefore considered that the proposed development accords with ACS Policy 7, LAPP Policies RE1, RE8, SA1 (allocated site SR73) and the Waterside Nottingham Supplementary Planning Document.
- 7.5 The response of Veolia to the proposed residential development of the site is acknowledged and accepted. Whilst it may be several years before the proposed development would be progressed to a point proximate to Veolia's waste transfer operations, planning conditions are proposed in order to ensure that appropriate mitigation measures are provided should the advised relocation of the waste transfer operation not have occurred by that time.

Issue (ii): Layout and design (ACS Policies 8 and 10 and LAPP Policies HO1, DE1, DE2 and EN5)

- 7.6 The proposed development has a compact layout and is to a high density for primarily family housing. The proposed layout is a departure from a conventional housing layout, with a focus on the use of courtyard housing and where residents are expected to adopt remote car parking to enable the creation of a predominantly pedestrian and cycle environment. There is consultee support for the format of the development, with the Nottingham Design Review Panel commending its "bold design and commercial ambition". The size of private garden spaces within the layout are limited and there would therefore be a strong reliance on responsible communal behaviour within the shared courtyard spaces.
- 7.7 The level of on-site open space provision was an issue raised at the Nottingham Design Review Panel. The applicants' response has been to widen the 'pocket park' space to the north of the Basin by relocating car parking spaces that had been provided to the rear of the adjacent western terrace of houses into the parking barn. The Biodiversity team note that the proposed open space provision throughout the proposed layout remains low and this is acknowledged. However, the environment being proposed across the site is notably biased towards pedestrian use, including the courtyard spaces and around the Basin, and the provision of the pocket park and enclosed courtyard spaces within the proposed layout will allow for safe play space.
- 7.8 The proposed development is also considered in the context of a future pedestrian bridge crossing of the River Trent, where residents of the existing and proposed developments off Trent Lane would then be able to enjoy access to expansive areas of open space immediately to the south of the river. Whilst a planning application has yet to be submitted for the pedestrian bridge crossing, Transforming Cities funding for this project has been secured. Coordination on the implementation aspects of both projects is underway and has influenced the hybrid

nature of the application submission whereby the detailed design of the riverside element of the proposed development is reserved for future submission following a decision on the final details of the bridge crossing. On this basis it is considered that the proposed development accords with LAPP Policy EN2 in relation to future access to open space.

- 7.9 The primary vehicle route through the site is to be called Kilpin Way, which will connect Poulton Drive in the west with Trent Lane in the east. A section of this road off Trent Lane is to be implemented in association with the development of the Waterside School. The remaining section of Kilpin Way running through the site is to be provided in association with the proposed development.
- 7.10 All other areas of the masterplan have been designed to be pedestrian friendly, allowing easy movement through the site and aided by a clear townscape structure, long views and defined front boundaries to the dwellings. Courtyard spaces provided within the layout then provide a safe pedestrian place that are connected by semi-private pedestrian routes. The courtyards are described by the applicant as people-friendly spaces, which also allow for drop off and disabled parking. The Nottingham Design Review Panel commended the tight but family-based urban form of the courtyard approach to the development which, as a departure from conventional housing layouts, is considered to be bold and forward thinking in its design.
- 7.11 It is noted that several architectural practices have initially been chosen to work within the masterplan to provide a townscape with variety. Taller terraced typologies provide strong frontages with significant townscape markers at pivotal locations. The Basin has a strong edge created by a terrace of bespoke typologies. Four storey maisonette buildings line the triangular pocket park with the other edge being formed with 3-storey terraced houses. The entrance into the neighbourhood from Poulton Drive is also marked by a row of 4-storey maisonettes. All of the dwellings are confirmed to be designed to meet the Nationally Described Space Standards.
- 7.12 It is noted that the Nottingham Design Review Panel considered the architectural quality to be impressive and with good articulation being provided to individual blocks. The support of Nottingham Civic Society for the variety of architecture and house types is also noted and welcomed.
- 7.13 The proposed material palette is for the primary use of a red brick, with occasional blue brick detailing. In accordance with the use of different architectural practices, the proposed development does include the use of corrugated slate blue coloured cladding as a lighter weight contrast to the primary red brick finishes. Accent and other details, e.g. re-constituted stone or precast concrete coloured to match tones within the brickwork, are also included.
- 7.14 The proposed 'parking barn' that is to serve the majority of the dwellings is a decked car park structure that is proposed to be clad with perforated cladding panels and planting. Whilst the intent of this element of the proposed development is clear, it is not considered that its design and appearance has been resolved to the extent that it is able to be supported. It is therefore recommended that further design details are to be provided as a condition of planning permission.

Outline element

- 7.15 The outline areas of the hybrid planning application have been identified on the

proposed masterplan drawing. These areas include a larger section of the site adjacent to the River Trent and to the west of the Basin, which would include a future section of the riverside path, and a smaller area to the north of the Basin that is indicatively proposed as an E-Mobility Hub and ancillary café/food & drink use.

- 7.16 The section of the site adjacent to the river has been purposefully omitted in order that the design and details of the future pedestrian bridge crossing of the River Trent at this point is able to be determined. It is anticipated that the layout of the dwellings that follow would continue the approach used on the rest of the site, with the scale and design having regard to the influence that the bridge crossing may have on this section of the development.
- 7.17 It is important that the riverside path is extended across this section of the proposed development and this has been acknowledged indicatively in the application submission. It is intended to secure a S106 planning obligation in order to ensure the provision of public access along the western edge of the Basin, across the section of riverside walkway, and unrestricted opportunity to continue the riverside walkway onto adjacent future development sites.
- 7.18 It is therefore considered that the proposed development accords with ACS Policies 8 and 10 and LAPP Policies HO1, DE1, DE2 and EN5.

Issue (iii) Access and highways

- 7.19 The design of the new primary road through the site (Kilpin Way) has been revised during the course of the consideration of the application. Initially being limited to pedestrian and cycle movements across the head of the Basin, it has been considered that it is important that this route also functions as a vehicular route to connect with future residential developments to the west of the site as indicated in the Waterside Supplementary Planning Document. The applicant's ambition for a predominantly pedestrian and cycle environment is also recognised in the configuration of the road, which is purposely configured to slow and therefore deter through traffic.
- 7.20 Parking is largely proposed within the proposed parking barn, with limited further parking spaces being provided on-street and with several disabled parking spaces within one of the courtyards. Each dwelling is to be allocated a single parking space within the parking barn, complying with the local plan and Waterside SPD requirements of 1.5 space per dwelling. It is intended that the parking barn will also provide parking for the outline element of the proposal. Confirmation of this provision will be expected upon the submission of full details of this later phase of development, at which time the success of the applicant's measures to minimise car usage should be able to be demonstrated. Further car parking provision within the later phase of development would otherwise be expected to be accommodated.
- 7.21 Highways have no objection to the revised details subject to appropriate planning conditions and it is therefore considered that the proposed development accords with ACS Policy 14 and LAPP Policy TR1.

Other

- 7.22 The site is located across Flood Zones 1 and 2 and a Flood Risk Assessment (FRA) has been submitted. Finished floor levels are to be a minimum of 25.04m AOD with the less vulnerable parking barn in the western portion of the site to be

set at a minimum of 24.60m AOD. On this basis the Environment Agency have no objections to the proposed development subject to conditions and advisory notes, including the need for an 8-metre easement to the riverside flood defence for access for maintenance.

- 7.23 The response of Flood Risk Management is also noted and appropriate conditions regarding surface water drainage are proposed. It is therefore considered that the proposed development accords with ACS Policy 1 and LAPP Policy CC3
- 7.24 The response of Environmental Health is noted and appropriate conditions regarding site contamination remediation and verification, and the further assessment and mitigation of potential noise and cooking odours are proposed. It is therefore considered that the proposed development accords with LAPP Policy IN2.

8. Sustainability / Biodiversity

Sustainability

- 8.1 The design specification of the proposed development is proposed to be in excess of the Building Regulations requirements, with an expected reduction of carbon emissions of approximately 42.08%. The applicant's ambition is to achieve a 75% reduction of carbon emissions with the intention to install photovoltaics across the site.
- 8.2 The proposed development is to be designed and constructed to meet the optional water efficiency requirement rate of 110 litres/person/day in accordance with ACS Policy 1 and LAPP Policy CC1 and regulatory condition is proposed to this effect.

Biodiversity

- 8.3 The majority of the application site included within the previous hybrid planning permission had been cleared of its vegetation prior to that application being submitted and in association with building demolitions and remediation works that were undertaken at that time. Whilst areas of vegetation have now naturally regenerated, the only significant area of established landscaping is along the section of riverside that was not included within the previous hybrid planning permission and is now included within the outline area of the application site.
- 8.4 The submitted Biodiversity Metric Assessment demonstrates that the proposed development achieves a significant net gain against the historic baseline position but would unlikely to be able to achieve a net gain based on the site's current condition. It is considered reasonable that the historic baseline position be used in order to determine the net gain position where the previously cleared site had been committed for redevelopment and where the merits of the proposed development have been confirmed above. The comments of Biodiversity are noted and conditions are proposed to ensure existing landscaping and habitat protection as well as appropriate specie selection for new planting.
- 8.5 It is therefore considered that the proposed development accords with ACS Policy 17 and LAPP Policy EN6.

9. Section 106

- 9.1 In accordance with ACS Policy 19; LAPP Policies HO3, EN2, and IN4; Affordable

Housing Policy and Developers Contributions Supplementary Planning Guidance; The Provision of Open Space in New Residential and Commercial Development Supplementary Planning Document; and the Education Contributions from Residential Developments Supplementary Planning Document the proposed development would be expected to provide on-site affordable housing or a contribution to off-site provision, on-site open space or the provision of additional areas of open space elsewhere, and financial contributions to be directed to funding works associated with addressing the increased pressure on existing school provision that a development will generate. In the absence of appropriate provision being made on site, the S106 contributions that would be attributable to each of these areas would be as follows:

Affordable Housing: £1,061,175.50
Public Open Space: £294,071.69
Education: £500,294.21
Employment & Training: £109,219.77

- 9.2 The applicant has submitted a viability appraisal with the application, which has been independently assessed by the Council's consultants. The independent assessment agrees that the scheme is unable to provide a policy compliant S106, concluding that a reasonable argument has been presented to remove the planning policy contributions in order to give the scheme the best chance of being delivered. On the basis of the conclusions of the independent assessment of the applicant's viability appraisal it is therefore considered that the proposed development accords with ACS Policy 19 and LAPP Policy IN4.
- 9.3 The response of the Education team is noted but is not able to be accommodated in the context of the conclusion of the viability assessment.

10 Financial Implications

As noted above, contributions totalling £1,964,761.18, secured through Section 106 obligations, are required to comply with the council's planning policies. The applicant has submitted a viability assessment seeking to demonstrate that the development would be unviable if these contributions are made. The viability assessment has been the subject of an independent review process and the recommendation reflects this.

11 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.

12 Equality and Diversity Implications

The provision of Disability Discrimination Act (DDA) compliant accessible buildings.

13 Risk Management Issues

None.

14 Strategic Priorities

Helping to deliver well-balanced neighbourhoods with a mix of housing types that meet Nottingham's future needs.

Ensuring that all planning and development decisions take account of environmental and sustainability considerations.

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 21/02550/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R37Y6OLYH2P00>

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

NPPF (2021)

The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

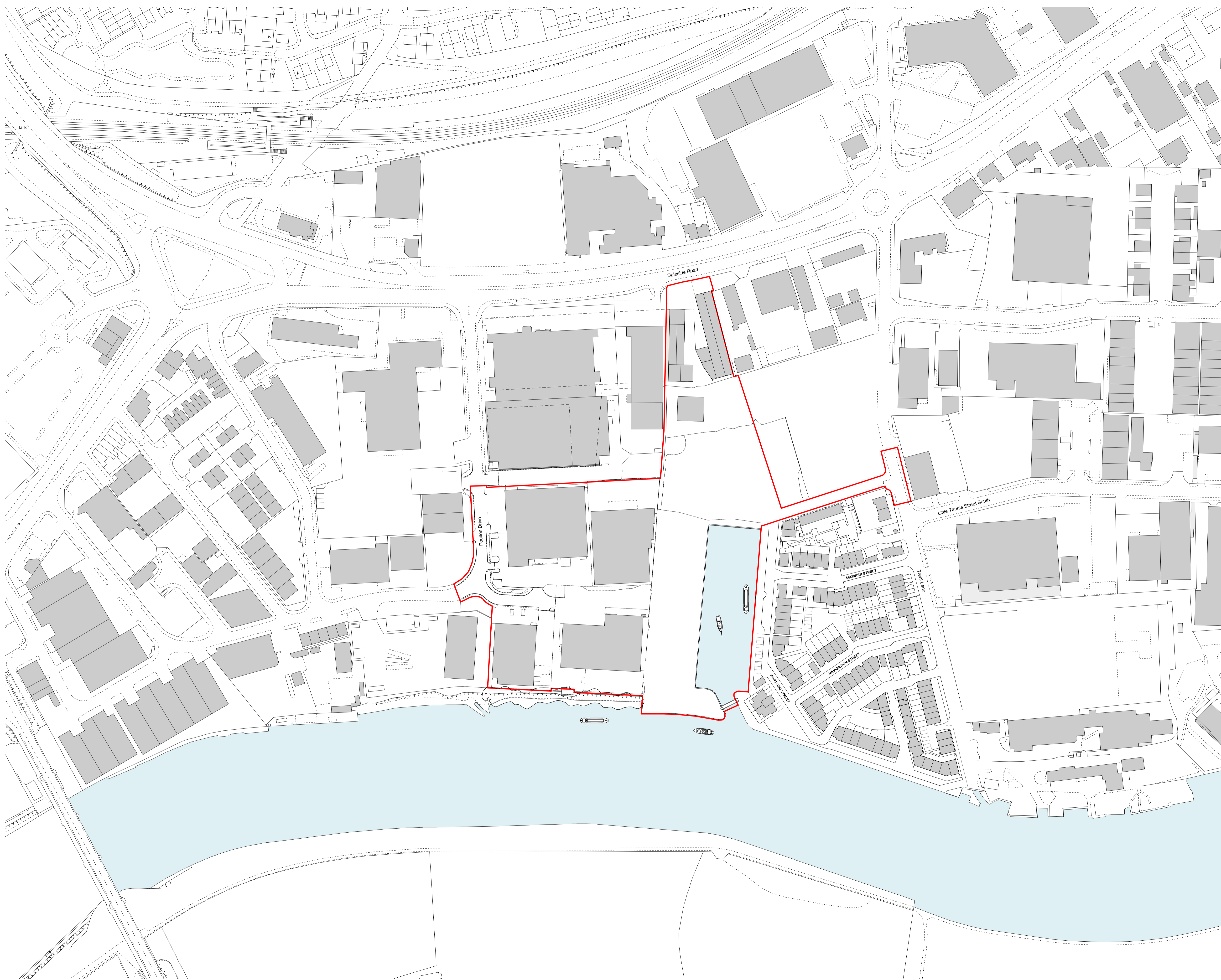
Education Contributions from Residential Developments Supplementary Planning Document

Waterside Nottingham Supplementary Planning Document (2019)

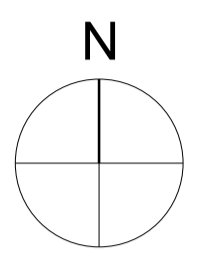
Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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



- General Notes
1. This drawing is copyright of the architects and must not be copied in whole or part without prior consent.
 2. Do not scale from this drawing.
 3. Refer to drawing number.
 4. This drawing is to be read in conjunction with all other relevant architects' and engineers' drawings.
 5. All dimensions to be checked on site prior to commencement of works and any discrepancies are to be checked with the architects immediately.
 6. Unless otherwise stated all dimensions are in mm.



- Application Area
- Land in applicant's ownership

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rev	_____	date	_____	issued	_____
comments	_____				
client	Blueprint				
project	Trent Basin - Phases 4 to 8				
status	Planning				
drawing title	Site Location Plan				
drawing no	PMA_00_ZZ_DR_A_0001				
scale	1:1250	date	27.10.21	drawn	CJ
original	A1	revision	-	checked	AM

Proctor & Matthews Architects
 Sarah Wigglesworth Architects
 Turner.Works

My Ref: 21/02550/POUT (PP-10127811)

Your Ref:

Contact: Mr Jim Rae

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
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Mr Dominic Page
No.1 Marsden Street
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M2 1HW

Date of decision:

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

Application No: 21/02550/POUT (PP-10127811)
Application by: Blueprint (General Partner) Limited
Location: Land At Trent Basin, Nottingham, NG2 4BN
Proposal: Hybrid planning application comprising: Full application for the demolition of existing buildings and the development of 111 residential dwellings (Use Class C3 - mix of 2, 3 and 4-bedroom houses), parking barn, road infrastructure, landscaping and associated works; and Outline application (with all matters reserved) for the principle of residential development, up to 280 sq m of cafe / food & drink floorspace (Use Class E) and Community Transport Hub.

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

Time limit

1. The fully detailed element of the development hereby permitted (Phases 4 & 5 on the Site Plan - Phases Explained Drawing) 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.

2. Applications for the approval of Reserved Matters relating to the layout, scale, appearance and landscaping of subsequent outline phases of development (Outline Planning Area, Courts 3 & 4 on the Site Plan - Phases Explained Drawing) shall be made to the Local Planning Authority before the expiration of six 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.

3. The subsequent outline phases of development (Outline Planning Area, Courts 3 & 4 on the Site Plan - Phases Explained Drawing) shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.



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Nottingham
A city we're all proud of

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Continued...

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)

4. Prior to the commencement of any individual phase of the approved development, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

1. A site investigation scheme (with a focus on groundwater and already identified 'hotspots') based on the results of site investigation undertaken to date to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

2. The results of the additional site investigation and subsequent detailed risk assessment an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. 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 and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020) and paragraph 174 of the National Planning Policy Framework (2021).

5. Prior to the commencement of any individual phase of the approved development the applicant shall submit drawings detailing how the gas protection measures outlined in 'Trent Basin Poulton Drive Remediation Strategy Report' by BWB dated March 2023 s2 (ref: TRB-BWB-ZZ-RP-YE-0002_RS NTH 2085) will be incorporated into the buildings on site for appraisal and approval.

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 IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



6. Prior to the commencement of any individual phase of the approved development, an environmental noise assessment and sound insulation and ventilation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition, it shall include predicted noise levels for any [relevant premises which may not currently be operating, and] plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas, commercial / residential separation).

The sound insulation and ventilation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation and ventilation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

7. Prior to the commencement of any individual phase of the approved development, details of the surface water drainage works for that phase shall be submitted to and approved in writing by the Local Planning Authority. An assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment to be provided to the Local Planning Authority.

Where a sustainable drainage scheme is to be provided the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime. Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

8. Prior to the commencement of any individual phase of the approved development, including any works of demolition, a Construction Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:

1. Details of temporary site entrances for construction traffic purposes.
2. Provision to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.
3. Adequate precaution to prevent the deposit of mud and other similar debris on the adjacent public highways.
4. A routing agreement associated with each phase of construction. All vehicles associated with the development shall access the site in accordance with the approved routing agreement.

The Construction Management Plan for each phase of development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants and in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

9. Prior to the commencement of any individual phase of the approved the development, details in relation to the management of surface water on site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

10. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. A piling Risk Assessment will be required to satisfy this condition. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

11. Prior to the commencement of any individual phase of the approved development, details of the finished floor levels of each dwelling and all roads within that phase, including street-scene cross sections, shall be submitted to and approved in writing by the Local Planning Authority. The development of all phases 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 layout and appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

12. Prior to the commencement of any individual phase of the approved development, details/samples of the external materials of the buildings within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details/samples unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

13. Prior to the commencement of any individual phase of the approved development, details of all hard surface treatments within that phase, including the roads, foot/cycle paths and parking areas, shall be 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 Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

14. Prior to the commencement of any individual phase of the approved development, details of the means of enclosure for the site and individual dwellings within that phase shall be 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 Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

15. No development of the subsequent outline phases of the approved development (see Condition 3) shall commence until a scheme for the provision and management of a 10 metre wide buffer zone alongside the River Trent has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development. The scheme shall include:

i) plans showing the extent and layout of the buffer zone;

ii) details of the retention of existing and provision of supplementary landscaping demonstrating biodiversity net gain;

iii) details demonstrating how the buffer zone will be protected during development and managed over the longer term, including a named body responsible for its management and production of detailed management plan

iv) details of a riverside footpath to the dimensions and detail indicated within the Waterside Nottingham Supplementary Planning Document (2019)

Reason: In accordance with Policy 17 of the Aligned Core Strategies (2014), Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020), and paragraphs 174 and 180 of the National Planning Policy Framework (2021).



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16. Prior to the commencement of any individual phase of the approved the development and prior to the occupation of the commercial units on site, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall 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 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 sound insulation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

17. Prior to the commencement of any use within the development where food and drink is prepared, cooked or served, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

18. Prior to the commencement of any individual phase of the approved development, a landscaping scheme for that phase shall be 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 Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



19. No development of the subsequent outline phases of the approved development (Outline Planning Area, Courts 3 & 4 on the Site Plan - Phases Explained Drawing) shall be commenced unless the decked 'parking barn' structure as part of the fully detailed element of the approved development has been constructed and is available for use.

Reason: In the interest of ensuring that appropriate car parking provision for residents of the approved development in accordance with Policy TR1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020) and the Waterside Nottingham Supplementary Planning Document (2019).

20. Notwithstanding the details included as part of the application submission, development of the decked 'parking barn' structure shall not be commenced until large scale elevation and section details of this element of the approved development has been submitted to and approved by the Local Planning Authority. Development shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of ensuring the quality of design and appearance of this element of the approved development and therefore in accordance with Policy 10 of the Aligned Core Strategies (2014) and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

Pre-occupation conditions

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

21. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
 - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that 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 IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

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

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

23. No individual phase of development shall be first occupied until a verification report demonstrating that the drainage system has been constructed in accordance with the agreed scheme, including details of a management company that will be responsible for future maintenance.

Reason: To ensure the Drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



24. 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 development including any mitigation measures have been implemented prior to occupation of any part of the development.

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

25. Prior to first occupation of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

Regulatory/ongoing conditions

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

26. The development shall be carried out in accordance with the submitted flood risk assessment (Trent Basin Phases 4-8, Nottingham, Flood Risk Assessment, TB4-BWB-ZZ-XX-RP-YE-0002_FRA, November 2021) and the following mitigation measures it details:

(i) Finished floor levels of residential dwellings ("More Vulnerable") shall be set no lower than 25.04 metres above Ordnance Datum (AOD) as stated within section 4.3 of the FRA.

(ii) Finished floor levels of the Parking Barn ("Less Vulnerable") shall be set no lower than 24.6 metres above Ordnance Datum (AOD) as stated within section 4.3 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: Finished floor levels shall be set to a minimum height of 25.04m AOD to ensure it is above the 1% Annual Exceedance Probability (AEP) flood event plus 50% climate change allowance (24.84m AOD) and the 1% AEP Breach Scenario (24.74m AOD) plus 300mm freeboard. The Parking Barn will be set to a minimum height of the 1% AEP plus 30% climate change allowance (24.6m AOD) in order to ensure that future occupants/users remain safe for its designed lifetime and in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

27. 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 Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

28. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G



of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

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 7 December 2021.

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.

0. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (EMAQ, 2018).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <https://www.cheshirefire.gov.uk/business-safety/fire-safety-advice-for-businesses/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

0. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, 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 verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- 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.

0. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

- The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
- Example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
- Photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

The approved sound insulation and ventilation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

0. Air Source Heat Pump

Air source heat pumps generate noise and care is required to select, specify and correctly site and install an air source heat pump so that will not raise ambient noise levels in the area and provoke justified complaints from neighbours.

The key considerations are:

- The sound power level (and directionality of the sound) of the air source heat pump
- Its location ie is it surrounded by sound reflecting surfaces
- Its proximity to neighbouring gardens and dwellings
- The ambient background noise levels when the air source heat pump is operating both day and night

0. Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. 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.

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.

0. Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- o on or within 16 metres of a sea defence
- o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- o in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

0. Flood Warning Service

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

0. In line with the Humber RBMP, it is recommended that the proposed development is used as an opportunity to restore more natural processes to the watercourse. There is an opportunity to soften the edges of the basin, if possible by removing some of the concrete and creating natural edges, or if not using retrospective techniques such as things such as floating reed beds as have been used along sections of the Beeston Canal. This will create a more sympathetic area for wildlife and provide a more aesthetically pleasing area for people and would offer a significant environmental gain and help provide 10% biodiversity net gain for the project. These measures should be implemented and incorporated into the Landscape Management Plan

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: 21/02550/POUT (PP-10127811)

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

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

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.



DRAFT ONLY

Not for issue

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Wards Affected: Bilborough (May 2019)

Item No:

**Planning Committee
19th April 2023**

Report of Director of Planning and Transport

Playing Fields to South Located West Of Westbury School, Chingford Road Nottingham

1 Summary

Application No: 22/02157/PFUL3 for planning permission

Application by: Strata

Proposal: Full planning application for the residential development of 130 new homes alongside associated site infrastructure, open space, and landscaping.

The application is brought to Committee because it is a major application on a prominent site where there are important land use and design considerations.

To meet the Council's Performance Targets this application should have been determined by 29th January 2023. An extension of time has been agreed with the applicant until 30th May 2023.

2 RECOMMENDATIONS

2.1 To **GRANT PLANNING PERMISSION** subject to: -

(a) prior completion of a Section 111 Agreement to secure a section 106 planning obligation to provide for:

- (i) an on-site provision of 20% affordable housing
- (ii) A financial contribution of £63,885 towards employment and training together with the provision of employment and training opportunities during the construction phase
- (iii) a financial contribution of £390,427 towards secondary school provision.

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

2.2 Power to determine the final details of the planning obligation (including affordable housing mix) and conditions of planning permission to be delegated to the Director of Planning and Regeneration.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations

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.

3 SITE AND SURROUNDINGS

- 3.1 The application site is an area of open space of 6.16ha adjacent to Westbury Academy in Bilborough. The site is bound on all sides by existing development; Chingford Road to the south, Westbury Academy to the south east, Denewood Crescent to the east, Yatesbury Crescent to the north and Wigman Road to the west.
- 3.2 The site is currently in the City Council's ownership, pending sale to the applicant, and it is allocated for housing development in the LAPP.
- 3.3 The site's topography rises to the north-west corner but otherwise the site is generally level and flat. Public pedestrian access can be achieved via Yatesbury Crescent and St Martin's Road. There are also a number of unrecorded public rights of way across the site that have most likely acquired public status by default through long use and should be treated as public. The site currently does not have vehicular access.
- 3.4 There are no designated or non-designated heritage assets located within the site, however, three Listed Buildings – Church of St Martins (Grade II*), Bilborough Old Rectory (Grade II) and St Martin's Cottages (Grade II), are located immediately to the north of the site.
- 3.5 There are 27 individual trees, 19 tree groups and 14 hedgerows within the site but none are protected by a Tree Preservation Order (TPO).
- 3.6 The site is located within Flood Risk Zone 1 of Environment Agency Flood Map (the lowest risk of flooding which is acceptable in principle for development).

4 PLANNING HISTORY

An application (ref: 19/00023/PDA) was submitted in January 2019 for determination as to whether prior approval was required for the demolition of four residential properties (34-40 Chingford Road). Prior approval was granted and the properties subsequently demolished. There are no other pertinent planning applications relating to the proposed development site.

5 DETAILS OF THE PROPOSAL

- 5.1 Planning permission is sought for the construction of 130 new homes at a proposed density of 32 dwelling per hectare. 20% of the houses would be affordable i.e. 26 units. The open market houses would comprise: 76 x 3 bed houses, 11 x 4 bed houses and 17 x 5 bed houses. The affordable units would comprise: 20 x 2 bed houses and 6 x 3 bed houses. Properties are a mix of two, two and half and three storeys in height. The development is made up of

a mixture of terrace, semi-detached and detached properties with parking provided to the front and side of the properties. All parking areas within the curtilage of dwellings will be provided with Electric Vehicle Charging Points (EVCP's). Dependent on the house-type, either a garage, shed or dedicated bike store is provided for cycle storage.

- 5.2 Vehicular and pedestrian access would be provided from Chingford Road with additional pedestrian access to be provided via the retention of the pedestrian links from the north of the site.
- 5.3 A high level of green infrastructure totalling 2.1ha is to be incorporated in the site, including the provision of a large amenity area of public open space that is to incorporate a Sustainable Urban Drainage (SUD) feature in the form of an attenuation basin.
- 5.4 The proposal has been subject to a number of detailed design changes since the original submission.

6 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

188 Neighbouring properties were notified by letter, a site notice posted, and press notice published. The overall expiry date was 1 December 2022.

7 representations of objection have been received, raising the following concerns:

- There are regular queues of traffic past the Police station on Strelley Road and Wigman Road. Additional cars from Chingford Road will add substantially to the gridlock.
- There are regular accidents at the junction of Wigman Road / Strelley Road.
- The field is used by children to play, and dog walkers all year round. It's a vital green space that helps with mental health.
- The field is covered in wildlife. There are protected bats in the St Martins Church area. Large mammals including foxes, hedgehogs and rabbits live on the field and all the associated invertebrates. The birds share the surrounding trees with squirrels. This housing development will be detrimental to the locals' wellbeing.
- Dozens of people use this space daily, it has always been a safe place to walk with families and dogs. Taking away the space would limit family interaction, outdoor adventures and well-being for the increased stress of workers and carers.
- There are brown sites that can be utilised for housing, leave the green spaces green for the community to use for health and wellbeing.
- When this was ear marked for housing, we were told it would be housing that match what we already had in the area. Everything that has been said has gone out the window. So, against the 3 storey high buildings as we don't want this.

- NCC is determined to ride roughshod over local peoples desires by selling off 'green' land to developers in an effort to recoup some of their losses due to their usual mismanagement of funds. There are plenty of 'brown' field sites with unused business premises which could be used first.
- For almost 10 years now Chingford Road has had to bear the brunt of building traffic.
- The current trees and shrubs provide a good level of privacy from the field and they also harbour a large number and variety of wildlife. Once the 3 story houses are erected and if the existing trees are removed then privacy into our property will be lost and this will affect the property value. What plan is in place to prevent the invasion of privacy?
- If the trees and shrubs are to be removed, would Strata be willing to either replace or offer for high level fencing / wall to be built for all existing properties along Chingford Road?
- The tree survey has been undertaken subsequent to a draft layout and the conclusions about trees to be removed to facilitate construction must therefore be discounted. In particular the LPA should negotiate the retention of T33 which is an outstanding landscape feature and in apparently good condition.
- This area of the city is overstretched on its resources already. The Police cannot cope with the crime as it is at this moment in time, so with the addition of some 130 homes with a possible average of 3.5 people to a home that then gives you an additional 455 people to this area, and if these people are of the wrong type of background, ie drug users, alcoholics and of the criminal element, then yes the crime rate for this area will rise.
- Schools in this area are saying that they are having to lay off staff due to the current economic situation, so if they are unable to cope at this moment in time how on earth will they cope with the additional children that these people bring?
- Doctors and dentists, again another part of the infrastructure that will most defiantly be overstretched if not already.
- It would be interesting to see how many of these homes go out to the rental sector, knowing full well that if they do that it will be mostly paid for from the benefits system. An estate that will be paid for from the benefits sector of government, yet again the workers and tax payers having to pick up the bill.

Local Access Forum: The LAF supports much of the application but registers an objection as there is insufficient detail in relation to rights of way and active travel. If the application is to be approved the following are required:

- I. A commitment to register all footpaths/bridleways with the Highway Authority as public rights of way (PROW), and a firm timeline for that to be done before first occupation of any dwelling.
- II. A revised drawing to show the principal north-south road, detailing a shared path, i.e. dedicated to cycles and walkers, of sufficient width given the scale of student commuting that may be expected. This should be appended to the S38 plan.
- III. A revised PROW drawing showing all paths within the public open

space (POS) and elsewhere on site to be bridleway rather than footpath.

- IV. A path connection on the POS through to St Agnes Close.
- V. A path connection to the existing path located to the southern boundary of the school, which is tarmaced, has a litter bin, and is presumably maintained by the local authority. We note that this path is unacceptably narrow generally and in particular where it approaches Chingford Road, and this should be reviewed by the council.

Nottingham Open Access Forum: Accept that this site is designated for development and we acknowledge the provision of open space slightly larger than the minimum requirement set out. We do have concerns over the proposed removal of vegetation and biodiversity net gain provision. The application calls for the removal of 8 trees, 5 tree groups and 3 hedgerows. There is insufficient detail on mitigation for this loss in terms of replacement, monitoring and management. We also question the classification of the notable Ash specimen T33 which we believe should be retained.

Nottingham Civic Society: welcomes the substantial landscaped buffer zone which will ensure that the proposed residential development would not harm the setting of the three listed buildings which together represent the original core of the village of Bilborough, namely St Martin's Church (Grade II*) Bilborough Old Rectory (Grade II) and St Martin's Cottages (Grade II). NCS agrees with the conclusions of the applicant's Heritage Statement that there would be only a small amount of visual change to the settings of these listed buildings which would not amount to harm.

The open space which includes the sustainable drainage basin, and the extensive landscaping proposed to transform the appearance of the playing field would need an appropriate management scheme, the details of which should be agreed as part of this application to ensure the open space is suitably maintained and cared for. The proposed streets of dwellings facing the open space should contribute activity and casual surveillance of the space discouraging misuse and anti-social behaviour.

In terms of the urban design of the new development, some streets appear to be overly dominated by frontage parking leaving little opportunity for planting to soften their appearance. There are no sample street perspectives provided in the application to demonstrate the character of the new streetscape. A view into the new development from the Chingford Road entrance to the estate would help illustrate the character.

Nottingham University Hospitals NHS Trust: A contribution is required for this proposed development of £145,853.00. This contribution will be used directly to provide additional health care services to meet patient demand.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection subject to conditions requiring verification of radon gas mitigation and the implementation of noise

and sound insulation measures.

Highways: No objection subject to conditions relating to:- a construction traffic management plan, the vehicular access off Chingford Road, internal vehicular accesses having visibility splays, provision of vehicular and cycle parking, and electric vehicle charging provision.

Drainage: No objection subject to conditions relating to surface water management.

City Archaeologist: An archaeological excavation will be required at this site prior to any groundworks commencing. The excavation must be undertaken in accordance with the approved Written Scheme of Investigation. All archaeological works must be carried out by a suitably qualified and experienced archaeological contractor who is a Registered Organisation with the Chartered Institute for Archaeologists.

Environment Agency: No objection.

Education Officer: Requested contribution of £390,427 towards secondary school provision. No claim for primary school from this development as there is sufficient capacity in the area.

Biodiversity Officer: No objection. There is a really great gain in biodiversity units on the site which is positive. This is a good example of use of the metric and habitat creation to provide over 10% gain in biodiversity units on site.

Requested condition to provide hedgehog friendly fencing, and bat and bird boxes.

Tree Officer: Tree 33 should be safeguarded against damage and retained. The Tree Protection Plan needs to be amended to incorporate this change. T33 is a tree of significant amenity value.

Rights of Way Officer: No objection. Suggest that the applicant submit a revised PROW plan dedicating PROW around large POS as public bridleways, to be maintained by the developer at their expense. Satisfied that it is necessary to stop up the unrecorded public bridleways in order to enable the development.

Carbon Neutral Policy Team: Supports most of the sustainability measures but not convinced with the reason for not installing ASHPs.

7 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2021)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible.

Paragraph 126 notes that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

In determining applications that may affect heritage assets, paragraph 194 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; b) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and c) development

whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 197 of the NPPF then states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 199 - 202 indicate that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraphs 203 - 205 require that the effect of an application on the significance of a non-designated heritage asset should be taken into account

in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Paragraph 206 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Aligned Core Strategies (ACS) (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 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy LS5: Community Facilities

Policy TR1: Parking and Travel Planning

Policy SA1: Site Allocations

Supplementary Planning Documents (SPDs)

Biodiversity SPD (2020)

The Provision of open Space in New Residential and Commercial Development (2019)

Education contributions from residential developments (2021) SPD

Strategic Flood Risk Assessment (SFRA) (2008)

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

There are no designated listed buildings within the site but there are listed buildings located immediately to the north of the site. As such consideration needs to be given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66 places a duty on local planning authorities to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings (including Grade II) however, it does not prevent the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring.

8 APPRAISAL

Main Issues

- (i) Principle of the Development
- (ii) Layout, Scale and Design
- (iii) Impact on Heritage Assets
- (iv) Impact on the Amenities of Surrounding Residents and Future Occupants
- (v) Highway Considerations including Public Rights of Way
- (vi) Flood Risk and Drainage
- (vii) Impact on Trees
- (viii) Other Matters, including Planning Obligations
- (ix) Sustainability and Biodiversity

(i) Principle of the Development (Policy 8 of the ACS, Policies HO1, HO3 and SA1 of the LAPP)

- 8.1 The site is identified in the LAPP as Site Allocation SR21 - Chingford Road Playing Field for development to comprise a mix of family dwellings as well as safeguarding a portion of public open space (POS) in the north-western part of the site. The proposed scheme conforms with this allocation.
- 8.2 Policy HO1 of the LAPP states that outside of the City Centre where sites are capable and suitable of accommodating family housing, and in line with Policy 8 of the ACS, the City Council will encourage development of sites for family housing, including larger family housing (within use class C3), as opposed to other forms of residential accommodation. The proposed type and mix of housing is considered to accord with the aims and objectives of these policies.

All of the housing is provided with adequately proportioned gardens and each unit has dedicated parking spaces. It is considered that the proposed scheme would provide a balanced mix and size of house types to meet the future needs of the local community.

- 8.3 Policy HO3 of the LAPP states that for development where 15 or more homes will be provided, or the site has an area of 0.5 hectares or more, 20% of the homes will be required to be affordable housing. Whilst the proposed scheme meets this requirement, the precise details of the affordable housing scheme are currently being negotiated. An update will be provided at Committee.
- 8.4 The proposal is therefore considered to be acceptable in principle, in accordance with policy 8 of the ACS and policies HO1, HO3 and SA1 of the LAPP.

(ii) Layout, Scale and Design (Policy 10 of the ACS, Policies DE1 and DE2 and of the LAPP)

- 8.5 The scheme has been the subject of extensive discussions with the Council both before and since the submission of the application. These have focussed on providing an appropriate road hierarchy, a well-connected and permeable layout, the design and integration of the public open space (POS) with the housing development, parking arrangements, street trees and boundary treatments.
- 8.6 The Civic Society are in general terms supportive of the scheme but have raised concern that some streets appear to be overly dominated by frontage parking leaving little opportunity for planting to soften their appearance. This has been addressed through the changes sought, along with the provision of additional street trees which have been incorporated within 'build-outs' that would also aid traffic calming. Where frontage parking is present, landscaping is also used to breakup parking bays allocated to individual units.
- 8.7 Whilst it is felt that the revised layout is well conceived and responds well to the site and its surroundings, there remain some outstanding detailed design issues, particularly relating to treatment of the roads, that officers would wish to negotiate further and it is therefore recommended that these be addressed by condition.
- 8.8 The area of POS incorporates new planting, a network of footpaths and a SUDS attenuation area that is accessible and useable other than on the rare occasions it is required to hold storm water.
- 8.9 The proposed dwellings would be a mix of 2, 2.5 and 3 storeys in height, comprising detached, semi-detached and short runs of terraced dwellings. The largely traditional design of the proposed dwellings would sit comfortably within the context of the site and would provide attractive street scenes. Front boundaries, where appropriate, would be enclosed by hedging and estate style fencing. Brick walls would be provided to the side boundaries of rear gardens which adjoin the street, with close boarded timber fencing enclosing

the rear gardens in all other circumstances.

- 8.10 Principle facing materials comprise red or buff brick and grey or red tiles. Roofs of the proposed houses are typically gable ended, albeit there are several examples of hipped roofs. Several of the 2.5 storey units would also have rooflights or dormer windows.
- 8.11 Subject to further design detail of the roads, precise materials and landscaping being secured by condition, it is considered that the development would be a positive addition to the site and wider area, in accord with policies 10 of the ACS and policies DE1 and DE2 of the LAPP.

(iii) Impact on Heritage Assets (Policy 11 of the ACS, Policy HE1 of the LAPP)

- 8.12 With regards to the impact of the proposal on local heritage assets, consideration must be had to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the duty of having special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses.
- 8.13 The NPPF glossary (GPA3 - 'The setting of a Heritage Asset') states that: *"The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 8.14 There are no designated or non-designated built heritage assets located within the site. A Heritage Report has been submitted in support of the application which has identified six Listed Buildings, one Conservation Area (Strelley Conservation Area) and two non-designated built heritage assets located within a 1km search radius around the site. However, the report has established that only three Listed Buildings – Church of St Martins (Grade II*), Bilborough Old Rectory (Grade II) and St Martin's Cottages (Grade II), have the potential to be affected by the development of the site through changes within their settings.
- 8.15 The site, in particularly the north-western part, makes a limited contribution to the significance of the Church of St Martins and the Bilborough Old Rectory. The site makes no contribution to St Martin's Cottages. The proposed development would result in a small visual change within the setting of these three Listed Buildings, but this would be seen within the context of existing residential development and, furthermore, the large area of proposed POS which would help to preserve the existing setting of these heritage assets.
- 8.16 It is concluded above that the proposed development would not cause harm to the significance of any designated or non-designated built heritage assets. Therefore, in relation to the statutory duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is concluded

that the setting of the adjacent listed buildings would be preserved. Policy 11 of the ACS and policy HE1 of the LAPP are also satisfied in this regard.

(iv) Impact on the Amenities of Surrounding Residents and Future Occupants (Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 8.17 The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation distances between properties are adequate. The layout would ensure that there is no significant degree of overlooking or the loss of light for the future occupants. All proposed dwellings meet the Nationally Described Space Standards and would be provided with appropriate sound insulation measures.
- 8.18 The site is surrounded by residential properties with a number backing onto sections of the site boundary. Concern has been raised by one of the neighbouring residents that once the 3 storey houses are erected and if the existing trees are removed, then the privacy of their property will be lost. None of the 3 storey dwellings back onto these shared boundaries, but rather have been positioned overlooking the POS and sparingly to mark prominent corners throughout the layout. Furthermore, none of the 2.5 storey dwellings have either dormers or large rooflights on their rear elevations. Many of the adjacent properties, particularly along Chingford road and Wigman Road have very generous deep gardens and elsewhere appropriate back-to-back distances would be maintained.
- 8.19 The proposal therefore complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP in this regard.

(v) Highway Considerations including Public Rights of Way (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 8.20 Some of the representations received raise concern about the level of traffic and congestion that would arise from the proposed development.
- 8.21 A Transport Assessment accompanied the application and demonstrates that the development would have a negligible impact on both the operation of the highway network and highway safety. Vehicular access is to be provided via a new raised table priority crossroads junction with Chingford Road and Calveley Road. This would be designed to current standards to accommodate the anticipated demand and is demonstrated that suitable visibility splays could be achieved at the access junction without the requirement for third party land. The exact design will be subject to agreement via the S278/S38 process. Footways flanking both sides of the site access are proposed, connecting with the existing pedestrian infrastructure on Chingford Road. The internal site design incorporates the continuation of these footways, ensuring good permeability within the site. Pedestrian connections to Yatesbury Crescent and St Martin's Road to the north are also proposed.
- 8.22 There are many amenities and facilities in the local area. The nearest bus

stops are located on Wigman Road, an approximately 300m walk to the west of the proposed site access on Chingford Road. Additional bus stops are located on Strelley Road and Moor Road, within an approximately 500m walk to the north of the site.

- 8.23 Highways are satisfied with the updates that have been made to the layout but still require further detailed design amendments to some of the roads, which can be secured through condition. It is considered that a sufficient number of parking spaces is being provided throughout the layout, with visitor car parking spaces additionally being available.
- 8.24 The applicant has confirmed that an Electric Vehicle Charging Point (EVCP) would be provided for each dwelling, which can be secured via condition.
- 8.25 Local Access Forum (LAF) has requested a commitment to register all footpaths/bridleways with the Highway Authority as public rights of way (PROW). They have also requested a revised PROW plan showing all paths within the POS and elsewhere on site to be bridleway rather than footpath. The stopping up order procedure is at an advanced stage with DfT. The ROW officer is satisfied that it is necessary to stop up the unrecorded public bridleways in order to enable the development to be carried out. The ROW officer considers that the footways at the side of the roads do not have to be "bridleways" but the proposed PROW in the NW corner / POS should be dedicated as public bridleways. A revised plan to reflect this can be secured through condition. A path connection from the POS through to St Agnes Close as requested by the LAF cannot be feasibly achieved and would result in depletion of the existing dense boundary vegetation in that area that is proposed to be retained. Given that this is not an existing access point and the other opportunities available to pedestrians entering the site, it is not considered appropriate for this to be pursued.
- 8.26 Overall, it is considered that the level of traffic generated by the proposals can be accommodated and would have no material impact on the safe operation of the local highway, nor would it significantly add to any congestion at the peak times on the local network. Subject to the recommended conditions, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

(vi) Flood Risk and Drainage (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 8.27 The Environment Agency's Flood Map shows the site lies within Flood Zone 1 (low risk of flooding). The application has been supported by a detailed Flood Risk Assessment (FRA) which shows that the site is not susceptible to any risk of flooding other than from surface water which is predicted to impact a small area in the southern part of the site. Mitigation measures have been included to ensure that the development is safe for its lifetime from flooding and, where possible, will reduce flood risk overall.
- 8.28 The EA has raised no objection to the proposal on flood risk grounds. Subject to the imposition of suitable conditions suggested by the Drainage team, the

proposal accords with policy 1 of the ACS and policy CC3 of the LAPP.

(vii) Impact on Trees (Policy EN7 of the LAPP)

- 8.29 The trees at the site are located close to the site boundaries and within neighbouring properties. No tree cover exists within the central areas of the site which consists of a large expanse of open grassland. A tree survey was submitted with the proposal which identifies 27 individual trees, 19 tree groups, and 14 hedgerows within the site.
- 8.30 The development proposals indicate that 8 trees, 5 tree groups and 3 hedgerows would need to be removed to facilitate the new development.
- 8.31 Whilst not objecting the Tree Officer of the Council and Nottingham Open Access Forum have requested that tree T33 (a large ash to the rear of 42 Chingford Road) should be retained.
- 8.32 It should be noted that T33 is a category C tree which is of low quality with an estimated remaining life expectancy of at least 10 years. Therefore, the future of retention of this tree needs to be assessed in the context of the wider aspirations for the site. The proposal would secure 130 new family homes for the City (including policy compliant affordable homes) alongside all the other economic, social and environmental benefits that the development would bring. The tree is located at a pivotal point at the access to this development. To retain this tree and its RPA would sterilise the only achievable vehicular access into the site thus stifling development and resulting in an undeliverable site allocation.
- 8.33 The proposed scheme would provide significant replacement trees to outweigh any perceived harm resulting from the removal of this tree or any others. As part of the landscaping scheme approximately 175 trees of varying species and sizes would be planted, excluding any trees to be planted in rear gardens. This would result in a greater tree coverage across the site when compared to its current situation. In addition, the landscaping plan has specifically chosen a mixture of semi mature, heavy and extra heavy standard trees to plant as bookends to the site entrance, throughout the POS, along main routes and at focal points to give early structure and maturity to the scheme.
- 8.34 On this basis, the benefits of the scheme are considered to significantly outweigh the merits of retaining T33 or any of the other trees, and the proposal is therefore in accord with policy EN7 of the LAPP.

(viii) OTHER MATTERS

Archaeology (Policy HE1 of the LAPP)

- 8.35 A desktop archaeological assessment has been undertaken and reviewed by the Council's Archaeologist. An archaeological excavation would be required

prior to any groundworks commencing, which can be secured through condition.

Contamination (Policy IN2 of the LAPP)

- 8.36 No significant soil contamination or ground gas issues were identified during the site investigation. Environmental Health have raised no objection and requested standard conditions to deal with the risks associated with radon gas.

Planning Obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2, LS5 and EE4 of the LAPP)

- 8.37 As the Council currently owns the land and cannot enter into a s106 agreement with itself, an agreement is to be secured with the developer under s111 of the Local Government Act 1972 requiring a s106 planning obligation to be completed on transfer of the land. A policy compliant planning obligation for the proposed development would be expected to provide the following contributions:

- (i) On-site provision of 20% affordable housing
- (ii) A financial contribution of £63,885 towards local employment and training
- (iii) a financial contribution of £390,427 towards secondary school provision

- 8.38 Policy HO3 of the LAPP requires that 20% of the homes will be required to be affordable housing. The tenure and mix of these homes is subject to on-going negotiation.

- 8.39 The contributions for local employment and training and education would meet the requirements of policies EE4, LS5 and IN4 of the LAPP. These contributions together with the on-site affordable housing provision will be secured through the s111/106 agreements.

- 8.40 The NUH Trust has also made a request for a contribution of £145,853.00 towards the provision of additional secondary health care services to meet patient demand arising from the development. It is accepted that health care provision is a material planning consideration within chapter 8 of the NPPF (Promoting Healthy & Safe Communities) which seeks to ensure that planning decisions deliver healthy, inclusive and safe places. Policy IN4 of the LAPP states that developments will be expected to meet the reasonable costs of new infrastructure and services required as a consequence of the proposal, including for community facilities. Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise. These concern the need for the specific contribution sought; the method of calculation for the figure requested, and reassurances that the monies sought are necessary and would be spent on healthcare provision directly, fairly and reasonably related to this development. In the absence of the Trust being able to satisfy these outstanding issues, they have been unable to demonstrate

that the contribution sought is compliant with the CIL Regulations 2010. This view also reflects the approach of the Planning Court in the recent case of R v Harborough DC.

(ix) Sustainability and Biodiversity (Policies 1 and 17 of the ACS, Policies CC1 and EN6 of the LAPP)

- 8.41 The Sustainability Statement submitted with the application states that Photovoltaic Panels are to be installed on the most appropriate house types. The proposal would also achieve carbon emission reductions through fabric improvements, highly efficient insulation materials, by maximising water efficiency and by effective management of waste. An Electric Vehicle Charging Point is to be installed for each dwelling. Policy 1 of the ACS and policy CC1 of the LAPP are satisfied in this regard.
- 8.42 The Preliminary Ecological Appraisal submitted with the application has identified that the site as existing is of low ecological value. Whilst some areas of the scrub and trees would be lost, there would be no overall loss of these habitats, with a greater area of scrub and number of trees present post development. Further to this, at least 10% of houses within the development would be fitted with an integrated bird bricks/swift boxes, against adjacent vegetation, to create new opportunities for nesting birds. All vegetation clearance required in conjunction with the development would take place outside of the nesting bird season (March to August inclusive), to ensure that there is no impact on nesting birds.
- 8.43 The site is assessed as providing low value habitat for foraging and commuting bats, although the boundary vegetation does provide a linear corridor in an otherwise urban environment. No trees were found to host features which were suitable for roosting bats. Whilst much of the boundary vegetation to the south is being lost, the vegetation to the north, particularly the north-west, is being enhanced to create a wide scrub corridor with trees, neighboured by species rich grasslands which would encourage invertebrate diversity and therefore enhance foraging opportunities, promoting the use of the site by bats as opposed to just for commuting. Integrated bat bricks would be installed in at least 10% (thirteen) of the new buildings on site.
- 8.44 All these measures would provide over 10% gain in biodiversity units on the site, which is welcomed by the Biodiversity Officer. The proposal would enhance the biodiversity value of the site in accord with policy 17 Of the ACS, policy EN6 of the LAPP and the Biodiversity SPD.

9 Financial Implications

Financial contributions as detailed above are in accordance with policies IN4, EN2 and EE4 of the LAPP and relevant Supplementary Guidance.

10 Legal Implications

The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 to have special regard to the desirability of preserving a listed building or

its setting or any features of special architectural or historic interest which it possesses arises in the context of the development's affect upon Church of St Martins (Grade II*), Bilborough Old Rectory (Grade II) and St Martin's Cottages (Grade II),and so must be considered as a material consideration in the planning balance.

The Committee must afford considerable importance and weight to the desirability of preserving the setting of the listed buildings and give great weight to the conservation of these designated heritage assets irrespective of the level of any harm to their significance.

Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), requires clear and convincing justification. Here the Planning Officer offers the opinion that the harm is less than substantial which, should the Committee accept this view, would require the harm to be weighed against the public benefits of the proposal. A balanced judgement should be reached on the scale of the harm or loss and the significance of the non-designated heritage asset.

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

11 Equality and Diversity Implications

The proposed development has been designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a partially cleared brownfield site with a high quality, sustainable and mixed-use development

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that would contribute to a safer and more attractive neighbourhood

Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities

14 Crime and Disorder Act implications

The development would enhance natural surveillance in and around the site.

15 Value for money

None.

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

1. Application No: 22/02157/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RKKB4QLYMF600>

17 Published documents referred to in compiling this report

NPPF (2021)

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

Biodiversity (2020) SPD

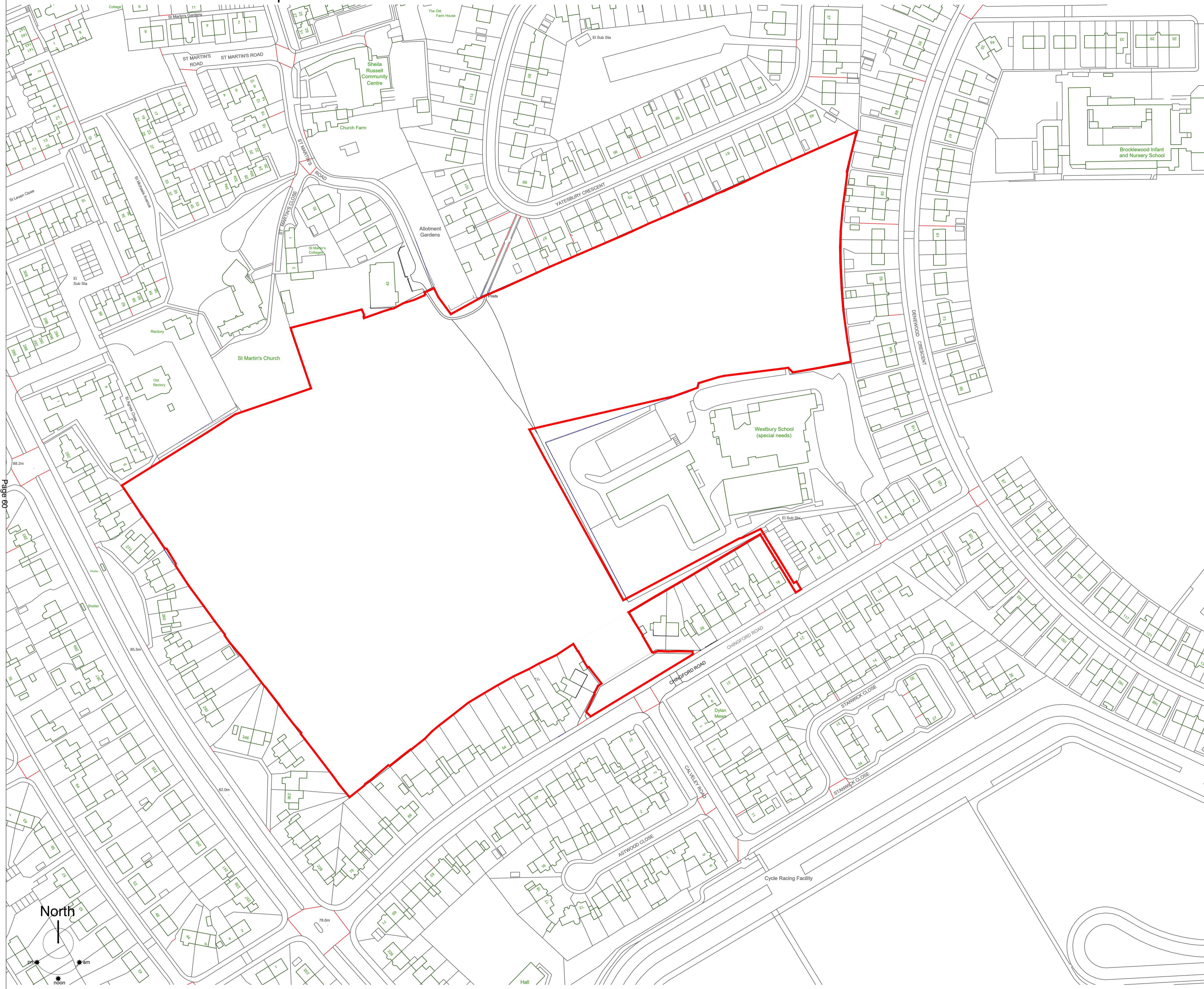
The Provision of open Space in New Residential and Commercial Development (2019) SPD

Education contributions from residential developments (2021) SPD

Contact Officer:

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Email: Mohammad.Taufiqul-Islam@nottinghamcity.gov.uk

Chingford Road | Location Plan



All work to be carried out in accordance with the requirements of the Building Regulations, Water Authority and the Construction (Design and Management) Regulations currently in force. Do not scale from this drawing. Architect to be notified of any discrepancies. Verify relevant dimensions on site before commencing work or preparing shop drawings. This drawing is copyright.

Rev	Date	Description	By	Checked
A	02.03.2022	Location plan updated following title review.	LM	LA
B	03.09.2022	Location plan updated to survey information and Land comments regarding relation to school and existing boundaries.	LM	LA
C	30.09.2022	Survey information and demolished homes removed from plan.	LM	LA
D	26.10.2022	Red-line amended to align with title plan following feedback from Land.	LM	LA
E	09.01.2023	Red-line amended to include pathway to be stopped up and remove area of land to be retained by school.	LM	LA
F	17.01.2023	Red-line amended to include more of the existing path to be stopped up.	LM	LA

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KEY:
Application Boundary



strata homes limited | quay point | lakeside | doncaster | DN4 5PL
t: 01302.308508 | www.strata.co.uk

scale: 1:1000@A1 | drawn by: LA | date: 08.02.22

Project: Chingford Road, Nottingham

Drawing: Location Plan

Planning Ref: N/A

Drawing Number: 21-CL6-SEGB-CRB-03 | Revision: F

My Ref: 22/02157/PFUL3 (PP-11364609)

Your Ref:

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Date of decision:

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

Application No: 22/02157/PFUL3 (PP-11364609)
Application by: Strata
Location: Playing Fields To South Located West Of Westbury School, St Martins Road, Nottingham
Proposal: Full planning application for the residential development of 130 new homes alongside associated site infrastructure, open space, 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 date of this permission.

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

Pre-commencement conditions

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

2. Prior to the commencement of development a Construction Traffic Management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading and offloading, during the construction period. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR1 of the LAPP.



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

DRAFT ONLY

Not for issue

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Continued...

3. No development involving the breaking of ground shall take place unless a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with policy 11 of the ACS and policy HE2 of the LAPP.

4. Prior to the commencement of development and notwithstanding the approved drawings, details of the proposed new vehicular access on Chingford Road shall be submitted to and approved in writing by the Local Planning Authority. Details to be provided shall include the layout, geometry, signing and lining of the junction, a swept path analysis and visibility splays.

The vehicular accesses shall be constructed in accordance with the approved details.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the ACS and Policies DE1, DE2 and TR1 of the LAPP.

5. Prior to the commencement of the development, details of the management of surface water on site during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented at all times during construction.

Reason: In the interests of ensuring the appropriate management of surface water during construction, in accordance with Policy CC3 of the LAPP.

6. Prior to the commencement of the development, details of the design and associated management and maintenance of the surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority.

The approved drainage system shall be implemented in accordance with the approved detailed design, prior to occupation of the first dwelling.

Reason: In the interests of ensuring the appropriate management of surface water and to minimise the risk of surface water flooding events affecting occupants of the development in accordance with Policy CC3 of the LAPP.

7. Prior to the commencement of development, and notwithstanding the approved drawings, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the road and footpath design and configuration including street trees, traffic calming features, surface materials and the reconfiguration of turning head adjacent to the end of St Martin's Road.
- b) Details of existing and proposed levels, shown in the form of sections illustrating the relationship between existing and proposed dwellings, for the plots adjacent to the site boundary.

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

Reason: In the interests of the appearance of the development and the amenities of existing neighbouring residents, in accord with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

8. Prior to the commencement of above ground development and notwithstanding the approved drawings, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the external materials of the approved dwellings including their facing, roofing and hardsurfacing materials.
- b) Details of the window frames and reveal depths, doors, rain water goods and meter boxes/ventilation louvres (if any).
- c) Details of all means of boundary enclosure, including of the public realm.

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

Reason: In the interests of the appearance of the development, in accord with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

9. Prior to the commencement of above ground development, details of a scheme of bird/swift boxes/bricks, bat boxes/bricks and hedgehog friendly fencing throughout the development, shall be submitted to and approved by the Local Planning Authority.

The approved scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of biodiversity in accordance with Policy 17 of the ACS, Policy EN6 of the LAPP and the Biodiversity Supplementary Planning Document (February 2020).

Pre-occupation conditions

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

10. Prior to occupation of the 1st, 50th, 100th and 130th dwellings, the following shall be submitted to and be approved in writing by the Local Planning Authority:

A Verification Report to demonstrate that the approved Remediation Statement by JNP Group dated Dec 2022 to deal with radon gas contamination of the site, has been fully implemented and completed for the dwellings completed at that point.

Reason: To ensure that the proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.

11. Prior to occupation of the 1st, 50th, 100th and 130th dwellings, verification that the approved sound insulation and ventilation scheme, as set out in the Noise Impact Assessment by ENS dated 26/09/2022, has been implemented and is fully operational for each dwelling completed at that point, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

12. Prior to occupation of the first dwelling and notwithstanding the approved drawings, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the type, height, species and location of all new trees (including street trees) and shrubs which shall comprise native species and plants attractive to pollinators.

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. 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 and in the interests of biodiversity, in accordance with Policies 10 and 17 of the ACS and Policies DE1, DE2 and EN6 of the LAPP.

13. Prior to occupation of the first dwelling, details of the management and future maintenance of the public open space, street trees (if not to be adopted as part of the public highway) and other areas of land that are neither within the adopted public highway or the curtilage of one of the dwellings, shall be submitted to and approved by the Local Planning Authority.

Thereafter the approved maintenance and management arrangements shall be implemented at all times.

Reason: To safeguard appropriate and on-going management and maintenance arrangements for the public areas within the development, in the interests of the amenities of future residents and users of the public open space, in accordance with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

14. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:

- a) the parking space/s for the dwelling have been provided and surfaced;
- b) the means of enclosure for the dwelling has been installed;
- c) the on-plot hard surfacing for the dwelling has been installed;
- d) the Electric Vehicle Charging Point for the dwelling has been installed.



Reason: In the interests of the living conditions of future and neighbouring occupiers, and of promoting sustainable transport, in accordance with Policies 1 and 10 of the ACS and Policies CC1, DE1 and DE2 of the LAPP.

Regulatory/ongoing conditions

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

15. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: To ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the LAPP.

16. No external lighting shall be installed other than in accordance with the details of a scheme that have first been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be sensitive to bats and should be designed to negate impact on adjacent residential properties.

External lighting shall only be implemented in accordance with the approved scheme.

Reason: In the interest of ensuring that the development of the site has regard to protected species and neighbouring properties, in accordance with Policies EN6, DE1 and DE2 of the LAPP.

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 30 October 2022.

Reason: To determine the scope of this permission.

Informatives

1. Radon Gas Contamination

An appropriate Radon Report depends on the type and size of the site in question & may be either a Radon: England & Wales GeoReport (https://shop.bgs.ac.uk/Shop/Product/GRS_S003) or a Radon Risk Report (<https://www.ukradon.org/services>).

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

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

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

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

The Remediation Strategy must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, 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 how gas precautions will be validated and the Verification Report must provide details of the inspection process.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with radon gas contamination of the site.

Any radon gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of radon and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

NB: Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

2. Environmental Noise Assessment

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme

example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)

photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc



The approved sound insulation and ventilation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

3. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them via highway.approvals@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

4. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management at highway.management@nottinghamcity.gov.uk or 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

5. Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed. For TRO advice and further information the applicant is advised to contact traffic.management@nottinghamcity.gov.uk.

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: 22/02157/PFUL3 (PP-11364609)

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,



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Nottingham
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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.



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Wards Affected: Dales

Item No:

**Planning Committee
19th April 2023**

Report of Director of Planning and Transport

Maythorn House, 1 Bridgewater Close

1 Summary

Application No: 22/01763/PFUL3 for planning permission

Application by: CPMG Architects on behalf of Pelham Waterside Two LLP

Proposal: New 4-storey block containing 22 apartments and associated external works (redesign of apartment block element of planning consent ref: 19/02505/PFUL3)

The application is brought to Committee because it is a major application with Section 106 viability considerations where planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 23rd March 2023

2 Recommendations

- 2.1 That the committee indicate its approval in principle to the proposed form of development but subject to the outcome of the Viability Assessment review
- 2.2 In the event that the Viability Assessment review indicates that the Development is not viable were policy compliant planning obligations to be required, to delegate the power to GRANT PLANNING PERMISSION to the Director of Planning and Transport subject only to conditions substantially in the form listed in the draft decision notice at the end of this report, the final details of which shall be in his discretion
- 2.3 In the event that the Viability Assessment review indicates that the Development is sufficiently viable to provide some or all of the required policy compliant planning obligations to delegate the power to GRANT PLANNING PERMISSION to the Director of Planning and Transport

i) subject to the prior completion of a Section 106 Agreement to include:-

- (a) a financial contribution towards off-site public open space and/or
- (b) a financial contribution towards education provision.

on such terms as he is satisfied meets the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (both in relation to quantum and allocation) and

- ii) subject to conditions substantially in the form listed in the draft decision notice at the end of this report, the final details of which shall be in his discretion

3 Background

- 3.1 The application site is located toward the southern end of Trent Lane and forms part of a larger site that was previously occupied by a business/manufacturing premises. The previous buildings have been demolished and the site cleared. It adjoins a neighbouring site to the north that has been developed by the applicant for family housing and an apartment block (Pelham Waterside). The neighbouring site to the south has also been recently redeveloped with three apartment blocks, which are nearing completion (The Yacht Club). The Trent Basin housing development is also opposite on Trent Lane to the west.
- 3.2 The site has a narrow frontage to Trent Lane but is long, stretching back to the boundary with the River Crescent apartments to the east. The site then dog-legs to the north, taking in an area of land that includes a belt of trees and other vegetation. The northern boundary of the site then aligns with the northern boundary of the applicants' neighbouring site.
- 3.3 Planning permission has been previously granted on 11 December 2020 for the redevelopment of the larger site, including the demolition of the previous buildings and the construction of 12 houses and 27 apartments, with associated infrastructure (19/02505/PFUL3). The apartments block element of the granted planning permission was for a 5-storey building. Whilst the demolition of the previous buildings has occurred, development has yet to be commenced and the alternative development of the apartment element is the subject of this planning application. The application states that whilst the approved development was put out to competitive tender, the returned tenders exceeded the development value, particularly in the case of the apartment element, and therefore it was decided that the apartment design needed to be revisited to make it commercially viable.

4 Details of the proposal

- 4.1 The application proposes the alternative development of the apartment block element of the granted planning permission with a 4-storey block containing 22 apartments and associated external works. The apartment block would be located towards the eastern boundary of the site and to the south of the completed apartments block on the applicants' neighbouring site. Access would be an extension to the existing access road, leading to a 23 space car park to the rear. There would be perimeter landscaping and with a pedestrian access that links to open space areas that are to be implemented as part of the first planning permission. A section of link road to connect with Waterside Way has also been secured as part of the granted planning permission.
- 4.2 The proposed apartments block would contain 7 one-bed apartments and 15 two-bed apartments. The building would have a square plan form, with a stair and lift core centrally positioned within the plan. The block would be flat roofed with the exception of a modest projecting gabled corner element. The elevational treatment focuses on the use of ordered tall window openings, with panels of projecting brick detailing adding visual texture. The brick type is proposed to match that used on the applicant's neighbouring Pelham Waterside development.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

16 Waterside Way
Apartments 1-23 Harecastle House, 18 Waterside Way
River Crescent Residents Association, River Crescent, Waterside Way

The application has also been publicised by site and press notices. The following responses have been received:

Neighbour: The re-design of the apartment block has resulted in a cheap square box design that will not add any value to the area. The existing surrounding buildings are each uniquely shaped and thus a square shed has no place amongst. The distance between the proposed development and existing Harecastle House is less than 10m which will take away the right of any privacy of existing tenants. The documents within the application also does not declare what green space will be provided in exchange of building 20+ flats and hard landscaping the surface. Also, no consideration has been made to the fact that the proposed development will be surrounded by neighbours/families/kids and working hours must address this. Tree felling that took place as (presumably) part of site establishment works had loud machinery working 7am till 6pm. Furthermore, no consideration has been made for the dust/vibration that will be caused during construction and cleaning/maintenance required to surrounding buildings and areas.

Additional consultation letters sent to:

Environmental Health: No objections subject to conditions regarding site contamination and noise assessment.

Flood Risk Management: No objections subject to conditions. Several areas where further clarification would be beneficial but conditions will require detailed drainage design, the management of surface water during construction, and maintenance arrangements post-construction.

Environment Agency: No objection subject to conditions and informatives. The proposed alterations are considered insignificant with respect to the risk and impacts of flooding from the adjacent River Trent. We therefore have no concerns with the revised proposals and recommend that condition 11 of planning reference 19/02505/PFUL3 is further imposed on this application, subject to approval. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

The previous use of the proposed development site includes sign-making which presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located on secondary A aquifer and is adjacent to the River Trent.

We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning

condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Carbon Neutral Team: Neutral response. We believe these changes to the original proposal may result in a reduction to the scheme's overall carbon impact. This would be achieved predominantly through reduced embodied energy due to a reduction in quantity of structural steel being used. However, within the proposal still remains a number of environmental concerns, namely the long term flood risk and promotion of single-person car use through the inclusion of high car parking space numbers. It is for these reasons stance on this proposal is neutral.

6 Relevant policies and guidance

Aligned Core Strategies (ACS)

Policy 1 - Climate Change
Policy 7 - Regeneration
Policy 8 - Housing Size, Mix and Choice
Policy 10 - Design and Enhancing Local Identity
Policy 14 - Managing Travel Demand
Policy 16 - Green Infrastructure, Parks and Open Space
Policy 17 - Biodiversity
Policy 19: Developer Contributions

Land and Planning Policies (LAPP)

Policy CC1: Sustainable Design and Construction
Policy CC3: Water
Policy RE1: Facilitating Regeneration
Policy RE8: Waterside
Policy HO1: Housing Mix
Policy HO3: Affordable Housing
Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy EE4: Local Employment and Training Opportunities
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy EN7: Trees
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy SA1 - Site Allocations (Site SR74 Waterside - Trent Lane, Park Yacht Club)
Policy TR1: Parking and Travel Planning

Waterside Nottingham Supplementary Planning Document

Provides a vision for the development of a sustainable residential community of distinctive character and high quality urban design, embracing the opportunities provided by its unique location. Focussed on delivering a large proportion of high

quality family housing, open space, convenient access and services, the area will retain and attract families back into the city. The new neighbourhood will be strongly connected to the city centre, nearby recreation areas and the adjoining existing communities. A primary school, small-scale local retail, leisure and employment uses will be closely linked through an innovative approach to public space.

NPPF (2021):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7. Appraisal of proposed development

Main Issues

- (i) Land use and regeneration
- (ii) Layout and design

Issue (i): Land use and regeneration

- 7.1 The application site falls within the Waterside Regeneration Zone and is an allocated site for residential, predominantly family housing redevelopment - LAPP Policy SA1 (site SR74).

- 7.2 The regeneration policies of the LAPP and ACS positively promote development proposals which contribute to the creation of a new mixed use riverside quarter in the Waterside Regeneration Zone, with appropriate supporting facilities and strong links to surrounding communities and the riverside. Policy RE1 also supports the use of previously developed land in the context of the formation of sustainable communities and a successful economy.
- 7.3 It is appropriate to reinforce the regeneration of sites off Trent Lane through the further provision of a good quality housing development that is of an appropriate density, layout and design to its setting. It is therefore considered that the proposed development will strengthen the further phased regeneration of the Waterside area and accords with LAPP Policies RE1 and RE8, ACS Policy 7, and the Waterside Nottingham Supplementary Planning Document.

Issue (ii): Layout and design

- 7.4 The proposed four storey apartments building is positioned to the south-eastern corner of the site and is appropriately grouped with the applicant's recent apartments building to the north and the apartment buildings of River Crescent to the east and The Yacht Club to the south. The orientation and scale of the proposed apartments building is also designed with regard to the layout of adjacent house types and is not considered to impact significantly upon those neighbouring units.
- 7.5 It is relevant to note that planning permission has been granted for a five storey apartment block on this site and that it forms part of the larger vacant site still to be developed, which also includes further two and three storey houses. The separating distance between the proposed development and the neighbouring existing Harecastle House apartment block has been considered to be appropriate in this respect, with oblique relationships between apartment windows minimising any loss of privacy. It is therefore considered that the proposed scale and layout of the proposed development is appropriate to the site and area and, in association with the aspects of density and layout of the larger site, will create a cluster of distinctive contemporary dwellings that will reinforce the emerging quality and wider regeneration of the Waterside area.
- 7.6 Whilst now being simplified in an effort to improve the viability of the proposed development, it is considered that the use of tall window openings with panels of projecting brick detailing and a consistent palette of good quality buff brickwork will provide sufficient modelling to the elevations and contribution to the overall street scene.
- 7.7 The proposed apartment sizes comply with the Nationally Described Space Standards.
- 7.8 The proposed development is, therefore, considered to accord with Policy DE1 of the LAPP and Policy 10 of the ACS.

Other

- 7.9 Highways have no objection to the proposed layout and parking provision subject to conditions, which is therefore considered to accord with Policy TR1 of the LAPP and Policy 14 of the ACS.

- 7.10 The application site falls within defended Flood Zones 2 and 3. The Environment Agency have no objection to this application subject to conditions specifying minimum floor levels and remediation of any site contamination. The comments of the Flood Risk Management are noted and there is on-going discussion with the applicant over areas where further clarification has been requested. Planning conditions are also recommended in accordance with the advice of the Flood Risk Management Team. Accordingly, it is considered that the proposed development accords with ACS Policy 1 and LAPP Policy CC3.
- 7.11 The Environmental Health team have no objection to the application subject to conditions regarding site contamination and noise assessment in accordance with LAPP Policy IN2. An informative note on acceptable hours of construction works is also included to minimise any noise nuisance to neighbouring properties.

8. Sustainability / Biodiversity

Sustainability

- 8.1 The Energy Statement submitted with the application advises that there will be a focus upon improving the building's fabric efficiency and employing higher efficiency equipment for the building services.
- 8.2 The response of the Carbon Neural Team is noted and the proposed development is therefore considered to accord with LAPP Policy CC1 and ACS Policy 1.

Biodiversity

- 8.3 The Biodiversity team have been previously satisfied with the survey information and have recommended that a bat-licensed ecologist is on site during demolition as a precautionary measure in accordance with LAPP Policy EN6 and ACS Policy 17.
- 8.4 Public open space is also being provided on the larger site through the remodelling of the existing dense vegetation along the eastern boundary of the site and the formation of an informal seating and planted community space to the north of the new access link road with Waterside Way. The provision of this space will be of benefit to future resident and also secures the landscaped qualities of this area of the site, including significant trees. Accordingly it is considered that the public open space requirements of the proposed development will be met through the provision of this amenity in accordance with LAPP Policies EN2 and IN4 and ACS Policy 16.

9. Section 106 (LAPP Policies HO3 and IN4)

- 9.1 In accordance with ACS Policy 19; LAPP Policies HO3, EN2, and IN4; Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance; The Provision of Open Space in New Residential and Commercial Development Supplementary Planning Document; and the Education Contributions from Residential Developments Supplementary Planning Document the proposed development would be expected to provide on-site affordable housing or a contribution to off-site provision, on-site open space or the provision of additional areas of open space elsewhere, and financial contributions to be directed to funding works associated with addressing the increased pressure on existing school provision that a development will generate. In the absence of appropriate provision being made on site, the S106 contributions that would be attributable to each of

these areas would be as follows:

Affordable Housing: £279,764.45

Public Open Space: £59,426.74

Education: £31,176.38

Employment & Training: £16,310.02

- 9.2 The applicant has submitted a viability appraisal with the application, which is being assessed by the Council's consultants. The conclusions of the viability review is being impacted due to necessary further regard to the linked viability appraisal for the previously approved development of the site (19/02505/PFUL3). It is therefore currently uncertain as to whether the viability review will be concluded in time for the Committee meeting. The applicant is concerned that the opportunity for a decision is able to be presented Committee in order that mobilisation and the commencement of development is able to be carried out as soon as possible. Subject to further progress being made on the viability appraisal and in the interests of the on-going regeneration of this site within the Waterside Regeneration Zone Committee is asked to give its approval in principle to the nature and form of the development but to delegate the power to grant permission to the Director of Planning and Transport to grant conditional permission subject to provision of planning obligations if they are viable and meet the CIL tests but otherwise for the development to granted permission in the absence of such obligations

It is considered that the proposed development accords with ACS Policy 19 and LAPP Policy IN4 subject to satisfactory conclusions being reached on the viability appraisal.

10 Financial Implications

As noted above, contributions totalling £386,677.59 secured through Section 106 obligations, are required to comply with the council's planning policies. The applicant has submitted a viability assessment seeking to demonstrate that the development would be unviable if these contributions are made. The viability assessment is the subject of an independent review process and the recommendation reflects this.

11 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.

12 Equality and Diversity Implications

The provision of Disability Discrimination Act (DDA) compliant accessible buildings.

13 Risk Management Issues

None.

14 Strategic Priorities

Helping to deliver new affordable homes and well-balanced neighbourhoods with a mix of housing types that meet Nottingham's future needs.

Ensuring that all planning and development decisions take account of environmental and sustainability considerations.

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 22/01763/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RHRY2SLYMBG00>

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

NPPF (2021)

The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

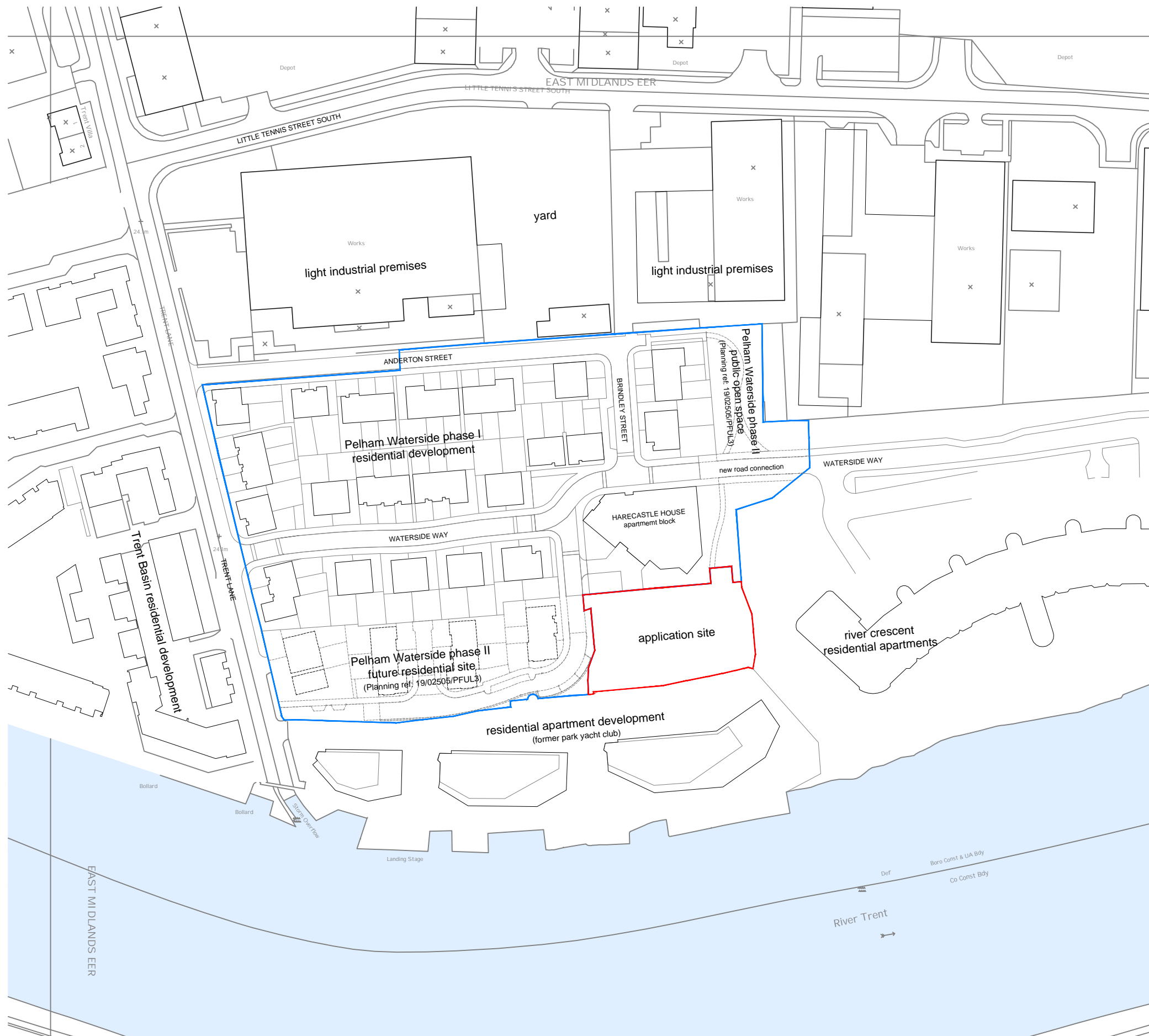
Education Contributions from Residential Developments Supplementary Planning Document



Waterside Nottingham Supplementary Planning Document (2019)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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




 scale / metres


rev	date	by	description	chkd
P2	17.08.2022	scm	Updated for new application	sc
P1	24.10.2019	scm	Minor adjustment to boundary line	sc


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job title
Trent Lane Phase II
Apartment block
 drawing title
Site Location Plan

drawing status
PLANNING SUBMISSION

drawn by	date	checked by	scale
GL	12/08/19	scm	1:1250
job no.	drawing no.	revision	media
8670	70-000	P2	A3

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 ISO 9001: 2015 Quality Management ISO 14001: 2015 Environmental Management
 BS EN 19650:2018 Information Management

My Ref: 22/01763/PFUL3 (PP-11498663)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Date of decision:

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

Application No: 22/01763/PFUL3 (PP-11498663)
Application by: Lisa Raine
Location: Maythorn House, 1 Bridgewater Close, Nottingham
Proposal: New 4-storey block containing 22 apartments and associated external works
(redesign of apartment block element of planning consent ref: 19/02505/PFUL3)

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until a Construction Traffic 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 Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.



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Continued...

3. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation, based on the findings of the Phase 1 Preliminary Site Assessment Report by Curtins submitted with this application (ref: 072854-CUR-XX-RP-00001, dated 2/10/19), and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

4. Prior to the commencement of the development, an environmental noise assessment, sound insulation scheme and a sound insulation scheme verification plan shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, commercial/industrial noise, noise from people on the street, and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

The sound insulation scheme verification plan shall include details of the post-completion acoustic measurements and other data that will be collected following completion of the development in order to demonstrate that the internal noise levels set out above have been achieved.

The sound insulation scheme and verification plan shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

5. No development shall commence until the detailed design of the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime. Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

6. No development shall commence until until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.

7. The development hereby permitted shall not be commenced until the tree protection measures and construction exclusion zone identified within the approved Tree Survey & Arboricultural Method Statement (AT2 Tree Surveys 5.2.20) have been implemented. The tree protection measures shall remain in place throughout the duration of construction operations.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy EN7 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

8. No above ground development shall commence until details 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: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

9. No above ground development shall commence until details of secure and covered cycle parking store(s) to provide a minimum of 22 cycle parking spaces for use by residents of the approved apartments building has been submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented prior to the first occupation of the apartments building.

Reason: To enable future occupiers to make sustainable transport choices in accordance with

Pre-occupation conditions

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

10. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) 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 development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

11. The development shall be carried out in accordance with the submitted flood risk assessment (reference 072854-CUR-00-XX-RP-C-0001-V01, revision V01, dated 09 October 2019). Finished floor levels (FFL) shall be set at or above 24.45mAOD where possible, but where site constraints mean that level is not achievable, FFL shall be set no lower than 24.1mAOD. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

12. Prior to the first occupation of the development, a drainage system verification report shall be submitted to and approved by the Local Planning Authority. The verification report must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

Reason: To ensure that the drainage system is constructed to the National Non-Statutory Technical Standards for SuDS.

13. Prior to first occupation of the development, a verification report, which shall include the data referred to in the verification plan, to demonstrate that the approved sound insulation scheme and any complementary acoustic ventilation is fully operational and meets the required internal noise levels, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).



14. The approved development shall not be first occupied unless the new road connection linking the sections of Waterside Way has been completed and is available for use by vehicles and pedestrians.

Reason: In the interests of ensuring the provision of this key connection and in accordance with Policies RE8 and DE2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

15. The approved development shall not be first occupied 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 by the Local Planning Authority.

Reason: In accordance with Policies DE1 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).

Regulatory/ongoing conditions

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

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

Reason: In accordance with Policies DE1 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).

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 22 December 2022.

Reason: To determine the scope of this permission.

Informatives

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: 22/01763/PFUL3 (PP-11498663)

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,



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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.



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