

Report of Director of Planning and Regeneration

Site Of Middletons Public House , Trowell Road

1 Summary

Application No: 20/01250/PFUL3 for planning permission

Application by: Swish Architecture Ltd on behalf of Swan Homes (Nottingham) Ltd.

Proposal: Proposed Demolition of the Existing Public House and to Construct 16 No. Dwellings

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation, and at the request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 21st September 2020

2 Recommendations

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

(a) Prior completion of a Section 106 Planning Obligation to secure:

- (i) A financial contribution of £121,680 towards off-site Affordable Housing provision;
- (ii) A financial contribution of £36,782 towards provision or enhancement of off-site Public Open Space; and
- (iii) Local Employment and Training opportunities, including a financial contribution of £5,972

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

2.2 Power to determine the final details of both the terms of the Planning Obligation and the 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 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.

3 Background

- 3.1 The site formerly contained the Middleton Public House, which has since been demolished. To the north of the site is a day nursery which has a fire escape and a number of windows along its southern elevation. The nursery's rear garden area contains play equipment and shares its boundary with the development. To the north of the day nursery are residential properties fronting Bridge Road.
- 3.2 To the west of the site is the former Waitrose supermarket. This has a service yard and landscaped area with trees adjacent to the site boundary.
- 3.3 The site is bounded by Trowell Road to the south and Bridge Road to the east, a service road accessed from and running parallel to Torvill Drive. On the eastern side of the Torvill Drive junction with Trowell Road is a recent development of small retail units, on the site of a former petrol filling station. Trowell Road is fronted by a mix of commercial and residential properties.
- 3.4 The site forms part of an Independent Retail Cluster, as designated within the LAPP, that is centred on the adjacent supermarket.
- 3.5 An application for Permission in Principle was granted on 15th November 2018 for a proposed scheme of between 6 and 8 large detached dwellings on the site.

4 Details of the proposal

- 4.1 Permission is sought for 16 dwellings which would comprise 2 x 4 bed units, 8 x 3 bed units and 6 x 2 bed units. The 4 bed units and 6 of the 3 bed units are provided with garden areas and on-site parking, whilst 2 of the 3 bed units and the 2 bed units do not have gardens and dedicated parking bays within a more communal arrangement.
- 4.2 The larger dwellings are configured to front both Bridge Road and the northern side of a new cul-de-sac within the site. The 2 bed units are configured in a block of 6 back-to-back dwellings that front both Trowell Road and the cul-de-sac. A pair of 3 bed semi-detached dwellings without gardens address the south eastern corner of the site, also fronting Trowell Road.
- 4.3 6 of the larger dwellings are provided with 2 off-street parking spaces whilst all of the others would have a single parking space. A visitor's space is also proposed near to the entrance to the cul-de-sac. Each dwelling is to be provided with an electrical vehicle charging point. External cycle parking is also proposed for the units without gardens.
- 4.4 The dwellings are of traditional design and to be constructed in a mix of brick and roughcast render, some also incorporating timber detailing and bay windows. All are 2 or 2½ storey in height, the latter incorporating accommodation within the roofspace served by dormers and roof lights.
- 4.5 A bin collection point is proposed near to the entrance with the cul-de-sac.
- 4.6 To the Trowell Road frontage a 1.5m high brick wall with railings above is proposed, which would also wrap around the south eastern corner of the site. 1m high dwarf walls are proposed to the larger units fronting Bridge Road. New tree and shrub planting is proposed within the landscaped areas of the site.

- 4.7 Changes have made to the scheme during the course of determining the application, including:- a reduction to the height of the plot adjacent to the children's day nursery; the removal of the rear dormers to the units that back onto the boundary with the day nursery; an increase the total number of car parking spaces from 18 to 23; the addition of bin and cycle storage facilities; and an existing pillar adjacent to the day nursery's entrance and fencing between plot 1 and the nursery's driveway being reduced to 1m in height.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

35 Properties on Bridge Road, Torvill Drive and Trowell Road have been notified twice in writing in relation to the proposed development. The application has also been publicised through a press notice and a site notice. The second round of publicity expired on the 6th November 2020. As a consequence of this publicity 15 letters of objection and 1 letter of support have been received at the time of writing this report. Members will be updated on any further representations received.

Additionally the Case Officer and Ward Councillors attended a meeting on site in September to discuss concerns raised by local residents.

Local residents have raised the following matters:

- The development would result in an increase in traffic congestion along Bridge Road and impact on the ability to safely access the day nursery and other properties along the road. The height of proposed fencing and an existing pillar adjacent to the Day Nursery is of particular concern.
- The development would contribute to additional on-street parking on Bridge Road, whilst also removing on-street spaces used to the southern end of Bridge Road, which could cause on-street parking to be sought further along the road.
- On-street car parking from users of the vets to the east of the site and commuters using bus services on Trowell Road cause obstruction and narrowing of Bridge Road. There are concerns that this situation would be exacerbated by the proposed development.
- It is already difficult for emergency vehicles and refuse vehicles to access Bridge Road.
- Insufficient car parking provision is provided for the development.
- The development is over-intensive and out of keeping with the area.
- The development causes issues of overlooking and loss of light to neighbouring properties.
- The development does not follow the building line of existing residential development on Trowell Road.
- Concern over noise and dust whilst the site is under development.

- Potential for an increase in surface water from the site and water pooling on the site.
- Concern over the existing capacity of foul drains in the area.

The letter of support comments that the development will make a positive contribution to the area and bring into use a vacant brownfield site.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection to the proposal subject to conditions requiring submission of a Remediation Strategy, Environmental Noise Assessment, Electric Vehicle Charging Scheme and also verification that any approved remediation and noise reduction schemes are implemented. The Air Quality Assessment that has been submitted with the scheme is considered to be appropriate and a condition requiring implementation of a dust mitigation scheme is also requested.

Highways: No objection to the proposal subject to conditions requiring the provision of permeable surfacing to the car parking spaces, cycle storage facilities for the 2 bed units, electrical vehicle charging points, sight lines for the new access road, and that the footpath to the west side of Bridge Road be made good. Tracking details for the new access road are also requested.

Drainage: No objection to the proposal subject to a condition requiring submission of a surface water drainage scheme.

Parks and Open Spaces: An off-site contribution towards open space should be sought. The contribution would be £36,782; £6,316 for the 2x4 beds, £19,672 for the 8x3 beds and £10,794 for the 6x2 beds.

Education: No contribution is requested as the schools in the locality have sufficient capacity.

Housing Strategy: An off-site affordable housing contribution of £121,680 (3 units (20%) x £40,560) should be sought in this instance.

Employment and Training: The scheme should provide local employment opportunities for Nottingham residents, including a financial contribution of £5,972 to support this.

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) (2019)

The most relevant sections of the NPPF to this application are:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 8 – Promoting healthy and safe communities.
- Section 12 – Achieving well-designed places.

Section 2 states, from paragraph 7, that a key purpose of the planning system is to achieve sustainable development. The environmental objective of sustainable development involves making effective use of land, improving biodiversity and using natural resources prudently. Paragraph 10 states that there is a presumption in favour of sustainable development.

Section 4, advises that planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 8, promotes health and safe communities, stating that decisions should promote social interaction, create safe and accessible places and support healthy lifestyles.

Section 12 - Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments 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

Aligned Core Strategies (ACS) (September 2014)

- 1 - Climate Change
- 8 – Housing Size, Mix and Choice
- 10 – Design and Enhancing Local Identity
- 12- Local Services and Healthy Lifestyles
- 14 – Managing Demand for Travel
- 19 – Developer Contributions

Land and Local Planning Policies (LAPP) (January 2020)

- SH7 – Centres of Neighbourhood Importance
- HO1 – Housing Mix
- HO3 – Affordable Housing
- HO4 – Specialist and Adaptable Housing
- CC1 – Sustainable Design and Construction
- CC3 – Water
- DE1 – Building Design and Use
- DE2 – Context and Place Making
- TR1 – Parking and Travel
- EN6 – Biodiversity
- IN2 – Land Contamination, Instability and Pollution
- IN4 – Developer Contributions
- EN2 – Open Space in New Development
- EE4 – Local Employment and Training Opportunities

Supplementary Planning Documents

- Affordable Housing Contributions – Commuted Sum Update (January 2020)
- Provision of Open Space within New Developments (September 2020)

7. Appraisal of proposed development

Issue (i) Principle of Development (Policy 8 of the ACS and Policies HO1 and SH5 of the LAPP)

- 7.1 Although the site falls within a Centre of Neighbourhood Importance (CONIs), in this instance the centre is primarily focussed on the adjacent supermarket and included this site due to the former public house (PH) that existed upon it. Now that the PH has been demolished, the site's redevelopment for residential purposes is considered to be the most appropriate alternative use, and one that would not compromise the vitality and viability of the IRC. Indeed, the adjacent supermarket has recently been granted permission for sub-division into a number of smaller units, anchored by a new Aldi store. A development of small retail units has also recently been completed on the opposite corner of Torvill Drive. The application site has no physical or legible connection with the supermarket and is in fact more closely related to Bridge Road, an otherwise residential street. It is also considered that the amenity and design objectives of Policy SH5 would not be compromised by residential development of the site.
- 7.2 The proposed development consists of 10 family units that support policies 8 and HO1 of the ACS and LAPP respectively, which encourage the provision of family dwellings (units with 3 or more bedrooms). The 2 bed units are also felt to be appropriate for Wollaton and would help to widen the range of accommodation in what is a predominantly family housing area. The Nottingham City article 4 direction in place means that the 2 x 3 bed duplex units could not be occupied by more than 2 unrelated people without requiring planning permission for a change of use to a House of Multiple Occupation.
- 7.3 Overall it is considered that the proposal is in accord with policy 8 of the ACS and policies HO1 and SH5 of the LAPP.

Issue (ii) Design Considerations (Policies 1, 10 and 14 of the ACS and Policies DE1, DE2 and TR1 of the LAPP)

- 7.4 In general terms the layout of the development is felt to respond well to its context. The larger block of 2 bed units is appropriate to the width of Trowell Road and suited to the lack of direct vehicular access available to this part of the site. The pair of semi-detached dwellings are designed specifically in response to the prominent corner of the site, whilst the dwellings beyond this respect the building line of Bridge Road and would provide enclosure and natural surveillance to a stretch of this road that is currently an open car park. The density of development is greater than found along Bridge Road but the nature of the site at this prominent junction and fronting a stretch of Trowell Road with a mix of residential and larger scale commercial premises, is felt to provide an opportunity for greater density. The scheme also makes effective and efficient use of a brownfield site that is in a sustainable location, close to community facilities and public transport. Similarly in terms of scale, although the dwellings in the immediate vicinity are largely 2 storey, the slightly greater height of the 2½ storey dwellings is not significant and considered to be appropriate to the scale and character of Trowell Road and its junction with Torvill Drive. However, the development does step down in scale where it adjoins the nearest neighbouring property, the former house that is now a day nursery, and would sit comfortably within the street scene of Bridge Road.

- 7.5 The architectural style of the proposed dwellings together with the materials proposed would complement the existing houses on Bridge Road and the character of the wider area. It is felt that the scheme would make a positive contribution to the site and its surroundings. The layout also provides for clear and legible access, appropriate boundary treatments, bin and cycle storage, landscaping and active frontages that overlook private and communal areas of the site. The communal areas around the units without their own gardens would be subject to management and maintenance arrangements, secured by condition.
- 7.6 Overall, it is considered that the proposed scheme is a thoughtful response to the site and its context and would improve the character and appearance of the surrounding area. The development therefore accords with policies 1, 10 and 14 of the ACS and policies DE1, DE2 and TR1 of the LAPP.

Issue (iii) Residential Amenity (Policy 10 of the ACS and Policies HO4, DE1 and TR1 of the LAPP)

- 7.7 The design of the scheme takes into account the day nursery located along the northern boundary to the site. The garage to the side of plot 1 and the reduction in height of this dwelling minimises any impact in terms of loss of light to the windows located along the side elevation of the main nursery building. This also assists in protecting the privacy and amenity of the future occupants of plot 1 from the security lights and fire escape located along the side elevation of the nursery. A condition is recommended to secure obscure glazing to the side windows of plot 1 that face onto the day nursery. The dwellings that back onto the boundary with the nursery have rear garden depths of approximately 12m and the dormers proposed to their rear elevations have been removed, in order to reduce overlooking of the nursery's garden area. To ensure no dormers or extensions above first floor occur to the rear elevations of these properties, their permitted development rights to undertake such development would be removed. The applicant has also shown that fencing and a brick pillar adjacent to the nursery's access will be reduced to 1m in height in order to improve visibility between its driveway and that of plot 1.
- 7.8 It is noted that on-street car parking does take place along Bridge Road, and local residents and ward councillors have begun discussions in relation to measures that could be employed to address this. Traffic Management have also been made aware of local residents concerns. However, the issues raised regarding current on-street parking are clearly unrelated to the proposed development. It is also noted that the on-street parking at the southern end of Bridge Road takes place within a turning area which should not be used for this purpose; the loss of these inappropriate spaces due to the proposed access to the development cannot be a material highway consideration. Highways did not raise any objection to the originally proposed 18 car parking spaces within the scheme, which has subsequently been increased to 23 spaces. This level of provision is considered to be acceptable, particularly on a site that is close to local facilities and a primary bus route.
- 7.9 The dwellings proposed as part of this scheme range in size from 78-101 sqm for a 2 bed unit, 100-120 sqm for a 3 bed unit and 158-178 sqm for a 4 bed unit. These sizes exceed the national space standards for dwellings which for 2, 3 and 4 bed units are 70 sqm, 84 sqm and 97 sqm respectively. It has also been demonstrated that the larger family dwellings would be provided as adaptable and accessible units. Given the size of the units and the thought given to the layout of the site, the proposal would provide appropriate levels of amenity for future occupants of the

site. The noise assessment condition recommended by Environmental Health and Safer Places would also help to safeguard the amenity of future occupants.

- 7.10 Conditions are recommended to secure the provision of a construction management plan and also to ensure that the dust mitigation measures outlined within the air quality assessment are adhered to. Through the use of such conditions the residential amenity of neighbouring properties would be safeguarded through the construction phase.
- 7.11 The scheme therefore complies with policy 10 of the ACS and policies HO4, DE1 and TR1 of the LAPP.

(iv) Other Matters

Land Contamination and Surface Water (Policy CC3 and IN2 of the LAPP)

- 7.12 As noted in the consultation section above, Environmental Health and Safer Places have recommended conditions to cover ground remediation. Subject to such a condition, the proposal complies with policy IN2 of the LAPP.
- 7.13 The Drainage Team have raised no objection to the scheme and a condition requiring details of surface water would ensure that the development does not cause localised flooding issues. The scheme therefore complies with policy CC3 of the LAPP.

(v) Planning Obligations (Policies 12 and 19 of the ACS and Policies IN4, HO3, EN2 and EE4 of the LAPP)

- 7.14 A policy compliant planning obligation for the proposed development would be expected to provide the following financial contributions:
 - Affordable Housing - £121,680
 - Public Open Space - £36,782
 - Local Employment and Training - £5,972
- 7.15 The applicant has confirmed agreement to these figures and that they would also seek to achieve the proposed local employment and training targets. The proposal therefore complies with policies 12 and 19 of the ACS and policies IN4, HO3, EN2 and EE4 of the LAPP, as well as the Affordable Housing and Open Space Supplementary Planning Documents.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1 of the ACS and Policies CC1, CC3 and EN6 of the LAPP)

- 8.1 The scheme would utilise insulation to reduce U-Values and control heat loss by reducing air leakage. The scheme would also seek to improve energy efficiency through its mechanical and electrical systems. In this way, the energy efficiency of the building would be more than 10% above current Building Regulation targets. Additionally the scheme makes provision for each dwelling to have an electrical vehicle charging point.
- 8.2 The scheme is to incorporate measures such as lower capacity baths and dual flush toilets to reduce water consumption in line with policy CC1 (110 litres per day) of the LAPP. Building materials are to be responsibly sourced in order to reduce the embodied carbon of the development. A condition is recommended requiring further

details of the sustainable design features to be used, to maximise the development's resilience and adaption to climate change. The proposal therefore complies with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

- 8.3 Areas of landscaping are proposed within the scheme and as such biodiversity can be enhanced. A condition is recommended to secure precise details of the proposed landscaping and biodiversity enhancing scheme, in accordance with policy EN6 of the LAPP.

9 FINANCIAL IMPLICATIONS

The applicant has indicated that they are willing to meet the required planning obligation financial contributions.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Providing a high quality and sustainable development

14 CRIME AND DISORDER ACT IMPLICATIONS

The development would provide a residential development with good natural surveillance

15 VALUE FOR MONEY

None.

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

1. Application No: 20/01250/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QC7NEFLYMQ700>

17 Published documents referred to in compiling this report

Aligned Core Strategies (ACS)

Land and Local Planning Policies (LAPP)

Affordable Housing Contributions – Commuted Sum Update Supplementary Planning Document

Provision of Open Space in New Developments Supplementary Planning Document

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Key



City Boundary

Description

No description provided



**Nottingham
City Council**

My Ref: 20/01250/PFUL3 (PP-08819571)

Your Ref:

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Nottingham

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Date of decision:

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

Application No: 20/01250/PFUL3 (PP-08819571)

Application by: Swan Homes (Nottingham) Ltd.

Location: Site Of Middletons Public House , Trowell Road, Nottingham

Proposal: Proposed Demolition of the Existing Public House and to Construct 16 No. Dwellings

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 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 Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
- b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

3. Prior to the commencement of the development, 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 include the impact of any transportation noise, deliveries to the supermarket, 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 LAmix(5 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).

Reason: To safeguard the residential amenity of future occupants of the development to accord with policy IN2 of the LAPP.

4. Prior to the commencement of development, a surface water drainage scheme that incorporates the measures set out within the Flood Risk Assessment submitted with the application to reduce surface water discharge rates by 80% to 5.0l/s for all events via attenuation with a non-return valve to ensure resilience, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that surface water does not contribute towards localised flooding to accord with policy CC3 of the LAPP.

5. Prior to the commencement of development, a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the following:

- (i) Measures to accommodate the vehicles of all site operatives and visitors;
- (ii) Measures to accommodate construction vehicles loading or offloading during the construction period;
- (iii) Hours of delivery, which shall be outside of peak commute times;
- (iv) Proposed construction traffic routing;
- (v) A drawing showing the location of material storage areas, welfare units and plant/machinery on site during construction;
- (vi) A drawing showing the type, location and height of temporary enclosures and gates erected during the construction phase to the secure the site;
- (vii) A drawing showing the proposed location and dimensions of the vehicular access to the site during construction;
- (viii) Measures to prevent mud and debris being deposited on local highways.

The development be implemented in accordance with the approved details.

Reason: To ensure that the construction of the development does not have an adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR1 of the LAPP.

6. Prior to the commencement of development, drawings showing the detailed design of the vehicular access proposed off Bridge Road including its layout geometry (with tracking), signing, lining, a 'Swept Path Analysis', visibility splays and a road safety analysis, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the access into the site is of an appropriate design so as to safeguard the local highway network to accord with policy 10 of the ACS, and policies DE1 and TR1 of the LAPP.

7. Prior to the commencement of development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development incorporates sustainable design features to accord with policy CC1 of the LAPP.

8. Prior to the commencement of any above ground development, details of the external materials of the dwellings shall be submitted to and approved in writing by the Local Plan Authority. The information shall include details of the type, make and colour of bricks, render,

roof tiles, window frames (and reveal depths), rainwater goods, timber detailing and external doors to be used within the development. The development shall thereafter be implemented in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS and policy DE1 of the LAPP.

Pre-occupation conditions

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

9. Prior to the development first being occupied, a landscaping scheme (both hard and soft landscaping, including details of surfacing and means of enclosure/gates), shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved drawings, soft landscaping shall be maximised within the site. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. The landscaping scheme shall also include proposals for the on-going management and maintenance responsibilities for the landscaped areas, the access road, street lighting, means of enclosures/gates and cycle storage facilities.

The soft landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development. Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority. Management and maintenance of the hard and soft landscaping shall at all times be in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policy DE2 of the LAPP

10. Prior to any dwelling being first brought into use, their associated car parking space/s shall be provided, and marked out where appropriate, in accordance with the details approved as part of the landscaping scheme (condition 9).

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS and policy DE1 of the LAPP.

11. Prior to any dwelling being first brought into use, their associated electrical vehicle charging point, bin and cycle storage facilities (including any bin collection areas) shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate bin and cycle storage facilities are provided as part of the development to accord with policy DE1 and TR1 of the LAPP.

12. Prior to the development being first occupied, any redundant footway crossings and/or damaged or altered areas of footway/highway shall have been reinstated to the satisfaction of the Local Planning Authority.

Reason: To ensure that footways are made good to accord with policy DE1 and TR1 of the LAPP.

13. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority in relation to the remediation of the site:
- 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 has been remediated to comply with Policy NE10 and NE12 of the Local Plan.

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

Reason: To safeguard the residential amenity of future occupants of the development to accord with policy IN2 of the LAPP.

15. Prior to the first occupation of plot 1 of the development as indicated on the approved site layout plan, the brick pillar adjacent to the boundary with the adjacent day nursery on Bridge Road shall be reduced to 1m height in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to assist visibility for those entering and leaving the driveway to the Day Nursery and also plot 1 to accord with policy DE1 and TR1 of the LAPP.

Regulatory/ongoing conditions

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

16. The development shall be carried out in accordance with the dust management details set out in the Air Quality Assessment submitted with the application.

Reason: To ensure that construction operations on site do not cause nuisance to neighbouring properties to accord with policy IN2 of the LAPP.

17. The windows in the side elevation of the dwelling at plot 1, facing onto the adjacent day nursery, shall be none other than obscurely glazed and non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the amenities of the occupiers of nearby property to comply with policy 10 of the Aligned Core Strategies and policy de1 of the LAPP.

18. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order relating to "permitted development", no dormers, roof or first floor extensions shall be added to the rear elevations of plots 13, 14, 15 and 16 without the prior express permission of the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby property to comply with policy 10 of the Aligned Core Strategies and Policy DE1 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 22 June 2020.

Reason: To determine the scope of this permission.

Informatics

1. Contaminated Land, Ground Gas and Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing and Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

Cut and fill operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions and 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.

2. Environmental Noise Assessment

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

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

3. Surface Water Drainage

This application proposed to reduce surface water discharge rates by 80% to 5.0l/s for all events via attenuation with a non-return valve to ensure resilience, these proposals are considered to be acceptable. Water butts were also proposed for the properties to aid water management in this location. The applicant is requested to confirm the proposed adoption/maintenance regime for the proposed permeable surfaces and attenuation system. Any responsibilities for future owners of the properties in relation to the plant/equipment associated with the surface water scheme should be outlined within the deeds to properties.

4. Highways

1. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, parking and turning within the site during the demolition/construction period. Vehicles delivering to the site cannot be permitted to wait or park on the highway. Demolition Construction Traffic Management Plan (CTMP) will be required and this will also include a construction traffic routing agreement. This is in the interests of highway safety.

2. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management. 0115 876 5238 or email Highway.Agreements@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

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 on 0115 8765238. 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 on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

5. Nottingham City Council operates the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980). Following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage

of that dwelling. Please contact Highways Network Management on 0115 876 5293 in the first instance.

6. The applicant is to investigate TROs on the adjacent existing highway network and implement any TROs required to protect the access and provide for highway safety considerations. All costs are to be borne by the applicant. Traffic Regulation Orders required for parking and speed orders on the site with all costs borne by the applicant. Prior to occupation of the consented development, if it is necessary to amend and introduce Traffic Regulation Orders, this will be a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicants expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed, please contact Highways Network Management on 0115 876 5293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

7. The applicant has advised that electric vehicle charging points will be provided for each new dwelling, this provision would accord with Council Guidelines. Please contact Rasita Chudasama 0115 8763938 Rasita.Chudasama@nottinghamcity.gov.uk to seek advice on the electric vehicle charging points (EVCP).

8. The off street car parking spaces shall shall be provided with permeable surface construction.

5. Bin and Cycle Storage

It was indicated as part of the application process that each property would be provided with their own bin storage facilities that were in safe and convenient locations for each new household, and that an area would be provided adjacent to the access road for a bin collection area for plots 5 to 16. This bin collection point should not be enclosed, but should be appropriately hard surfaced in a manner that makes clear its intended purpose. The cycle storage facility is to be provided for the duplex units and should be located well within the site in area with high natural surveillance, be covered, secure and well lit.

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: 20/01250/PFUL3 (PP-08819571)

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.