

## **Report of Director of Planning and Regeneration**

### **Sports Ground Junction of Piccadilly, Brooklyn Road, Nottingham**

#### **1 Summary**

Application No: 19/01271/PFUL3 for planning permission

Application by: Steven Milan on behalf of GR No. 9 LTD

Proposal: Construction of 57 new dwellinghouses and associated infrastructure

The application is brought to Committee because it is a major development with important land use considerations which is not fully policy compliant and which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 5th September 2019

#### **2 Recommendations**

- 2.1 To **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:
- (a) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of:
    - (i) A financial contribution of £459,977 towards affordable housing or 20% affordable housing provision on site
    - (ii) An off-site Public Open Space financial contribution of £62,523 towards enhancement in the surrounding area and
    - (iii) A financial contribution of £22,500 towards employment and training and provision of employment opportunities during construction works
  - (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 is located at the corner of Piccadilly and Brooklyn Road and is a playing field associated with the former Henry Mellish school site to the south. Residential properties front the site on Piccadilly, with Jesmond Road marking the eastern boundary of the site. On the western side of Brooklyn Road are playing fields associated with the sports centre beyond. At the corner of Brooklyn Road and Piccadilly is Our Lady of Perpetual Succour Primary school. On the eastern side of Brooklyn Road and directly to the south of the proposed site is the Poor Clare monastery and beyond this a community hall and church. Residential properties in the vicinity of the site are a mix of detached and semi-detached and primarily constructed of red brick and tile.
- 3.2 The site is enclosed by railings, on the north, east and western boundaries, grassed and generally flat. Street trees are situated on the boundary with Piccadilly. The southern boundary to the monastery is partially enclosed by stone walling, railings and hedging. The site forms part of the open space network and is allocated within the Local Plan Part 2 as SR10 – Piccadilly for residential development.
- 3.3 The development as originally submitted sought the provision of a PRS (private rented scheme) whereby the site would be retained and maintained by a single company and properties rented out. The applicant is now proposing that the site would likely be retained by a Registered Housing Provider and units would be market rent units with 20% of the units on site affordable units (shared equity) or a contribution for off-site units provided in lieu.

### **4 Details of the proposal**

- 4.1 Planning permission is sought for the construction of 57 dwellings which would be accessed from Brooklyn Road and Jesmond Road. Properties would be a mix of semi-detached and terraced. 38 x two bed 'Type A' units are proposed and 19 x 3 bed 'Type B' units. Dwellings would all be two storey in height and constructed from a mix of lighter and darker bricks and tiles. The site has been designed to front onto Brooklyn Road, Piccadilly and Jesmond Road with a mix of parking to the front and side of the dwellings. Dwellings would be enclosed with a mix of dwarf brick walls and railings.
- 4.2 As illustrated on the supporting CGI's properties would have projecting brick detailing on the front elevations and at eaves level to provide the dwellings with interest in the street scene.

### **5 Consultations and observations of other officers**

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

29 neighbouring properties notified on Piccadilly, Brooklyn Road and Jesmond Road. Press and site notices displayed.

26 letters of representation received in addition to 19 comments received at the public consultation event undertaken on the 9<sup>th</sup> and 10<sup>th</sup> of July 2019. The points raised were as follows:

## Design

- This is the one piece of green space in the vicinity for local children to play on. It should be retained and trees planted on it.
- Where will bins be stored?
- The layout is too dense, resulting in parking issues and no green space
- The pictures of the houses aren't attractive, the style of ones near Perry Road prison would be preferred
- Understand a need for dwellings but please build attractive, affordable units for families
- Reference should be taken from the Saffron Lane housing project in Leicester
- The layout onto Piccadilly should be revised; pushing the properties back and providing a private access road should be considered
- A single access point from Brooklyn Road would be preferred
- More green space should be provided in particular trees, subject to their layout
- The layout at Henry Mellish appears better than this site with driveways contained within the site
- Existing street trees appear in danger of being removed
- The proposed dwellings are out of character with surrounding built form offering largely 2 bed properties when surrounding ones are generally larger 3/4 bed
- Existing new houses on Piccadilly already stick out as they are not in keeping with older dwellings
- Trees should be included within the site layout
- The preference would be to see less dense development of dwellings with garages
- Properties fronting Piccadilly should all be detached with 2 off road parking spots to match the existing character

## Highways

- The preference would be for rear gardens to back onto roads by turning the properties round with a potential single access off Brooklyn Road
- Having a one way route would allow the roads to be narrowed
- Concern regarding traffic in particular given the large number of existing mostly vans parked on Jesmond Road & on Brooklyn near the football pitches & church
- At school start and end there is a lot of traffic on Brooklyn and buses struggle to navigate the route
- More houses will create more cars on already congested roads, will existing roads be widened to accommodate the increase?
- The existing church car park should be expanded to ease the load
- A lot of people don't have drive ways on Piccadilly so park on the road, where will they park if this scheme is approved?
- I am a disabled driver and need to be able to park near my house on Piccadilly, where will I park if these properties are built?
- Proposed drives for dwellings on Piccadilly don't look wide enough for cars so this will only make the situation worse and could result in accidents
- Parents, carers and staff at Our Lady School use Piccadilly for parking and there doesn't appear to be anywhere else for them to park
- The transport statement is inaccurate stating that the speed limit on

Piccadilly is 30mph when it is signed at 20mph giving concerns that it has been rushed and not accurate

- Could a bus shelter be erected to compensate for the additional people that will need to use existing stops?

### Amenity

- The proximity of the houses to the monastery feels quite oppressive and result in a feeling of being hemmed in. The preference would be for greater separation
- Overlooking already occurs with the monastery and this proposal would further contribute to it
- The development would result in overlooking and loss of breathing space
- The development would result in loss of view and impact on existing space and serenity
- The proposal would result in loss of privacy and harm through noise, fumes and pollution
- The scheme isn't considered to be sympathetic to the nearby convent
- Overpopulating the area would decrease people's health due to increases in traffic and air pollution
- Retaining the land as green space with trees would as recommended by the Duchess of Cambridge be healthy for a child's mind

### S106/schools

- How will the S106 funds be spent? This should ensure there are adequate school places are provided and that new residents can take places at schools closest to the site
- More properties will require more school places and existing schools are already full. Surely we can't invite people to the area and then tell them their children will need to be schooled elsewhere?

### Other

- The preference would be for more council housing, more social rent accommodation.
- What happened to previous plans for the site and consultation notes?
- The preference would be for the land to be retained as a green space for community use
- The scheme feels like money before people
- The development will result in loss of views and overlooking of existing properties, particularly on Jesmond Road
- The preference would be to develop on other land that's for sale in the area
- Given the ex-mining makeup of the area concern that works would destabilise neighbouring land
- Rental properties do not help people get onto the housing ladder, there should be a balance between rented and privately owned
- No regard has been had for existing residents, the proposal will certainly result in a diminishing of the area and a growth in social problems
- Could some of the land be given to the monastery for potential future expansion?
- Can the existing 1930's drainage system cope with the extra demand?
- The proposal will result in de-valuation of existing properties

- The proposal goes against the Nottingham City Council 'Breathing Space Strategy' 2010-2020 which aims to protect and enhance biodiversity in the city.
- Greenfields make a positive contribution to the quality, health and wellbeing of people
- Has permission been refused on the site previously?
- Local doctor and dental surgeries are already over-subscribed
- Believe that the ground has been tested and shown to be unsuitable for building on?
- The site would benefit from a mix of housing i.e. some owner occupier, some retail etc
- The ecology survey should be reviewed as bats are known to be in the area
- Can details be disclosed of the monies that the Council are receiving for the land sale and how it will be spent?

**Additional consultation letters sent to:**

**Pollution Control:** No objection subject to conditions relating to ground contamination and EV charging points.

**Environment Agency:** No objection. The LLFA should be consulted regarding surface water management

**Drainage Officer (LLFA):** No objection subject to surface water management condition

**Highways Officer:** No objection subject to conditions relating to construction traffic management, parking provision, EVCP and travel packs to promote sustainable travel

**Employment and Training Officer:** No objection subject to an employment and training plan being secured via S106

**Education Officer:** There would likely be a shortfall in secondary education provision and a claim for extra provision is therefore required.

**Biodiversity Officer:** The submitted survey needs updating. The development should seek to maximise biodiversity provision through suitably worded conditions.

A revised survey has been received and reviewed and no further comments are raised.

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (2019):**

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 124 notes that the creation of high quality 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 127 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.

### **Aligned Core Strategies (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

### **Local Plan Part 2 - Land and Planning Policies (January 2020)**

Policy CC1 - Sustainable Design and Construction

Policy CC3 - Water

Policy HO1 - Housing Mix

Policy HO3 - Affordable Housing

Policy DE1 - Building Design and Use

Policy DE2 - Context and Place Making

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

Policy TR1: Parking and Travel Planning

## **7. Appraisal of proposed development**

### **Main Issues**

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Impact on Residential Amenity
- (iv). Planning Obligations
- (v). Other Matters

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

- 7.1 The site is allocated in the Local Plan Part 2 as Site Allocation SR10 Piccadilly – Former Henry Mellish School Playing Field. The proposed use is “residential (C3, predominantly family housing) with a proportion of the site retained as open space”. Having regard to this allocation, the principle of residential development of the site is considered to be acceptable. As detailed above the proposed housing tenure has yet to be determined with the potential for provision of Private Rental Sector dwellings, Open Market or Affordable Housing. Given the allocated nature of the site and the proposal for residential development the proposal is acceptable in principle and accords with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

**(ii) Design and Impact on the Streetscene** (ACS Policy 10 and LAPP Policies DE1, DE2 and HO1)

- 7.2 The scheme has been the subject of extensive pre-application discussions with the council’s urban design team prior to formal submission to seek to provide the optimum site layout and relationship with existing neighbouring properties. The development seeks the provision of 57 x 2 storey dwellings arranged as a mix of semi-detached and terraced blocks. Properties would front onto Piccadilly and largely be terraced with a mix of parking to the front and side of the units with frontages enclosed by metal railings. This rhythm of built form would continue round onto Jesmond Road to the east and Brooklyn Road to the west. An access road would be provided from Brooklyn and Jesmond Road with street trees included within the road design to both add character to the street scene and contribute towards traffic calming. At the southern end of the site a shared surface to provide access to residents incorporating a turning head has been introduced to provide breathing space to the wall of the monastery situated beyond.
- 7.3 The dwellings would be set back from the roadside with small areas of enclosed frontage providing one to two parking spaces depending on unit size. Terraced units would be finished with a gable frontage at one or either end depending on number of units. Materials are proposed to be a mix of darker brick and lighter brick with brick detailing on the front elevation and at eaves level. To ensure an acceptable form of development it is recommended that precise material finishes and means of enclosure are secured via condition.
- 7.4 Frontages would be enclosed by a mix of 900mm -1800mm high boundary walls of brick to match the dwellings in addition to 900mm high black metal railings. Inner garden boundaries would be enclosed by close boarded timber fencing. No details have been provided in relation to bin storage, however all properties have been designed to provide access to rear garden areas through shared alleyways. Precise details relating to bin storage shall be secured via condition.
- 7.5 Policy HO1 of the LAPP supports the provision of family housing including larger family housing as opposed to other forms of development. The proposed development seeks to provide a mix of 2 and 3 bed properties which would be capable of accommodating a range potential future occupiers including families. The comments regarding the site being overly dense are noted, however the provision of

57 units is largely in line with the proposed anticipated housing provision as detailed within the recently adopted LAPP.

- 7.6 Comments raised proposing a single point of access from Brooklyn Road only are noted and have been given consideration. It is not considered that having one single access point would improve the layout of the scheme and would facilitate the need for a turning head where the current access point on Jesmond Road is proposed which would detract from the overall scheme layout.
- 7.7 Concern has been raised with the applicant that existing street trees on Piccadilly appear to block driveways for new units. The applicant has confirmed two existing street trees would need to be removed to facilitate access to proposed dwellings. Replacement street tree planting is indicated on the submitted site plan, however precise details relating to tree retention and future landscaping, both hard and soft would be secured via condition. The comments received regarding a reduction in density of the site and retention of part of the site as open space are noted; however as detailed above the proposed density and layout is not considered to be significantly out of keeping with the area and the proposed units would positively contribute to the need to develop larger family housing in Nottingham as part of the wider mix and balance in order to provide a wider quality of choice for citizens.
- 7.8 The combination of proposed dwelling types and detailing will provide an appropriate quality of built finish to the development and the development will have its own identity within the area. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

**(iii) Impact on Residential Amenity** (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.9 The proposed layout has been informed through discussions with urban design colleagues. The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation from existing neighbouring built form. Proposed properties which would front onto Piccadilly would offer a separation of approximately 24m between existing dwellings which is considered to be an acceptable degree of separation. The relationship to the monastery to the south has again been given due consideration; the closest dwellings plot 44 & 45 have been positioned to the north east and south west of the monastery. The plots have been orientated to be side (largely blank gable) towards the monastery which would be situated approximately 15m-16m to the south. Existing first floor north facing windows in the monastery would have views over the shared surface which would provide access to dwellings at the southern side of the development. Landscaping is proposed along this boundary of the site which would further soften views into the site from the monastery. Given orientation and separation it is not considered that the proposed development would significantly impact upon the occupiers of the monastery through overlooking or overbearing.
- 7.10 Comments regarding loss of green space and increase in pollution through additional vehicles in the area are noted. Loss of the playing field as green space is regrettable, however it must be acknowledged that the site is allocated for residential development and the proposal would seek to contribute positively towards the wider aim of providing family housing for city residents. In relation to increase in vehicle movements and pollution; as requested by pollution control colleagues all dwellings will look to provide one electric vehicle charging point to

respond to the move towards electric vehicle provision and the push to reduce reliance on vehicles powered by fossil fuels.

- 7.11 Having regard to the layout of the development, the scale of the proposed buildings, and the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Sufficient parking is provided both on plot and within road build out for future occupiers and visitors. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

**(iv) Planning Obligations** (ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4)

- 7.12 The site is currently owned by the Council with sale of the land pending. As the Council (as land owner) cannot enter into a s106 Agreement with itself an agreement will be required with the developer under s111 of the Local Government Act 1972 to require them to enter into a s106 Agreement in respect of the appropriate planning obligations on transfer of ownership. The applicant has submitted a viability assessment which has been reviewed by CP Viability on behalf of the Council. The outcome of the review has resulted in slight reduction (£8,023) of the proposed Affordable Housing contribution. Full contributions would be provided in relation to open space & employment and training.

Contributions sought are as follows:

- £459,977 – Affordable Housing
- £62,523 – Open Space
- £22,500 – Employment and Training

- 7.13 The applicant is yet to determine the exact make-up of the proposed development and as such a S106 would look to secure either 20% provision of affordable units on site with the exact make-up of the allocation to be agreed within the S106 or the payment of a financial contribution.
- 7.14 An initial request for a contribution towards provision of additional secondary education places was received from education colleagues. However, subsequently it has been confirmed that the monies from the sale of the land are ring fenced and would be invested directly within the education budget. It is therefore neither necessary nor appropriate to secure further funds via a planning obligation.
- 7.15 Unlike other similar schemes that Members have reviewed recently, in this instance no contribution has been sought from the NUH NHS Trust in relation to provision of health care provision.
- 7.16 It is considered that the development would accord with policies 8 & 19 of the ACS and policies EN2, HO3 and IN4 of the LAPP.

**(v) Other Matters** (Policies 1, 10 and 17 of the ACS and policies CC3, EN6, EN7 & TR1 of the LAPP)

Highways & Drainage

- 7.17 The layout has been revised during the application process to provide improved functionality. Roads have been designed with reference to the Design Quality

Framework with the small spur to the south to be a shared surface. Street trees would be included within build outs for traffic calming and to contribute to the street scene. Electric vehicle charging points would be provided on all properties which would be secured via condition. The comments received regarding on-site parking being insufficient and prejudicing existing parking that currently occurs on the southern side of Piccadilly are noted. The proposal has been reviewed by Highway and Drainage colleagues and subject to condition in relation to provision of a construction traffic management plan, surface water management plan and travel packs to promote sustainable travel the development is considered to be acceptable and would accord with policies 1, 10 & 14 of the ACS and policies CC3 and TR1 of the LAPP.

#### Trees and Biodiversity

- 7.18 Given the timeframe from initial submission to bringing to committee for debate an updated ecology survey has been provided by the applicant. The site is grassland with some street trees fronting Piccadilly. Whilst the site provides green open space, it is considered to be of limited ecological value. A landscaping and biodiversity enhancement scheme will be secured via condition to seek to provide biodiversity gain across the site. Subject to condition the proposal would accord with policies EN6 & EN7 of the LAPP.

### **8. Sustainability**

- 8.1 The buildings would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. The majority of the houses will have roof-mounted PV panels, with precise details to be secured via condition. The applicant has stated that passive measures will be utilised to deliver energy efficient solutions notably; a fabric first approach to improve U values and air permeability, maximisation of natural day light, whole house mechanical ventilation and energy efficient light fixtures. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.2 Ground, groundwater and ground gas remediation details have been submitted and reviewed by pollution control colleagues. Subject to development being undertaken in accordance with the submitted reports the proposal would comply with Policy IN2 of the LAPP.

### **9 Financial Implications**

The previous use of the site for education results in the receipt from the land sale being re-invested into the education budget which would occur via internal transfer on completion of the land sale.

As noted above, the development will otherwise provide policy-compliant Section 106 contributions of:

- £459,977 – Affordable Housing
- £62,523 – Open Space
- £22,500 – Employment and Training

**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**

Contribution towards the provision of family housing, encouraging families to stay within the boundaries of the city.

**14 Crime and Disorder Act implications**

None

**15 Value for money**

None.

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

1. Application No: 19/01270/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSNY2ILYG0B00>

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

Nottingham Local Plan – Part 2 (January 2020)  
Aligned Core Strategies (September 2014)  
NPPF (2019)

**Contact Officer:**

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# NOMAD printed map



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Key  
 City Boundary

Description  
No description provided

**My Ref:** 19/01271/PFUL3 (PP-07819206)  
**Your Ref:**  
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Date of decision:

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

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Application No: 19/01271/PFUL3 (PP-07819206)  
Application by: GR No. 9 LTD  
Location: Sports Ground Junction Of Piccadilly, Brooklyn Road, Nottingham  
Proposal: Construction of 57 new dwellinghouses and associated infrastructure

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

**DRAFT ONLY**  
**Not for issue**

2. Prior to the commencement of the development, a Remediation Strategy that has regard to the Ground Investigation Report by Hydrock dated March 2018 (ref HPF-HYD-XX-GI-RP-GE-0002) 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 Remediation Plan 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).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) 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 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, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. 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 TR2 of the LAPP*

4. Prior to the commencement of above ground development details of an electric vehicle charging scheme, making provision for each property, including a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable.

*Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan - Part 2.*

5. Notwithstanding the details hereby approved, prior to the commencement of above ground development, precise details of the materials to be used externally within the development shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

*Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS*

**DRAFT ONLY**  
**Not for issue**

6. Prior to the commencement of above ground development a detailed drainage management plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include:

- detailed soakaway designs
- infiltration rates and
- exceedance routes mapped to ensure no risk to neighbouring third parties

The approved design shall be installed prior to first occupation and maintained thereafter for the lifetime of the development

*Reason: in the interests of promoting sustainable drainage and negating flood risk and to accord with policy CC3 of the LAPP*

7. No above ground development shall be commenced until design details of the following, including drawings and sections at a scale of not less than 1:50 where indicated (\*), have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Windows and doors, including their reveal depths \*  
Treatment of window and door heads and cills \*  
Verges and eaves \*  
Rainwater goods and soil pipes  
Bin storage

*Reason: In the interests of the character of the area and to accord with policy 10 of the Aligned Core Strategies and policy DE1 of the LAPP*

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

8. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme (hard and soft) shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and any trees or plants which die, 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 Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.*

**DRAFT ONLY**  
**Not for issue**

9. 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: In the interests of amenity of residents and to accord with Policy IN2 of the LAPP*

10. No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of residential and visual amenity and to accord with policy 10 of the ACS*

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

- a) the roads serving the development have been provided and surfaced;
- b) the individual parking spaces have been provided and surfaced;
- c) the house plots and flats have been enclosed.

*Reason: In the interests of the living conditions of future and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan - Part 2.*

12. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme (hard and soft) shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and any trees or plants which die, 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 Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.*

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**Not for issue**

13. Prior to the first occupation a scheme of biodiversity enhancement together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: provision of bird and bat boxes/bricks, use of native bee friendly planting and hedgehog friendly fencing.

*Reason: In the interests of biodiversity gain and to accord with policy EN6 of the LAPP*

14. Prior to the first occupation details of solar PV installation utilising all available appropriately orientated roof slopes shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the submitted timeframe.

*Reason: In the interests of promoting sustainable development and to accord with Policy CC2 of the LAPP*

### **Regulatory/ongoing conditions**

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

### **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 6 June 2019.

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

### **Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

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

3. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) or by phone on 0115 8765012.

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

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## **Not for issue**

'Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

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

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

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

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

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

5. A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

6. 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](mailto:Highway.Agreements@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.

7. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

8. 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.

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**Not for issue**

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.

9. Developers wishing to have the completed roads on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)). Following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling. The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers.

The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance.

10. The Highway Authority 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. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

11. 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; 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.

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.

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**Not for issue**

## **RIGHTS OF APPEAL**

Application No: 19/01271/PFUL3 (PP-07819206)

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

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

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.

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**Not for issue**