

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

### **Former Melbury School Playing Fields, Melbury Road**

#### **1 Summary**

Application No: 20/00264/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Starfish Commercial & NCHA

Proposal: Construction of 50 houses and bungalows.

The application is brought to Committee because a resolution to grant planning permission would directly conflict with the recommendation of an external statutory consultee, the Nottinghamshire County Council as Local Highway Authority.

To meet the Council's Performance Targets, an extension of time has been agreed to determine the application by 1<sup>st</sup> February 2021.

#### **2 Recommendations**

2.1 To **GRANT PLANNING PERMISSION** 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) An Education contribution towards secondary school places of £122,864;
- (ii) Local Employment and Training opportunities, including a financial contribution of £16,244

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

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

The site was formerly part of the Melbury Primary School playing fields but allocated for residential development in the Land and Planning Policies (LAPP) local plan document (site SR20, College Way), adopted in January 2020. The site is approximately 1.29ha in area. Along its northern boundary is the Melbury Primary School, to its east are 37 to 65 (odd numbers only) Melbury Road, to the south are 28 to 32 White Lodge Gardens and a garage court, whilst to the west is a small woodland and an area of open space accessed from College Way. College Way adjoins Bilborough Road, further to the west, by way of a roundabout junction and currently serves Bilborough College and the housing estate that was built concurrently with the redevelopment of the College in the 2000s. College Way and the housing estate it serves are located within the Broxtowe Borough Council administrative area; the boundary between the City and Broxtowe runs along the western boundary of the application site. College Way extends up to the site boundary, in anticipation of future development.

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

- 4.1 Permission is sought for the erection of 50 dwellings comprising 45 two bed houses and 5 three bed affordable homes. Two of the 2 bed units are to be bungalows. The scheme also includes the provision of two areas of public open space; 0.254 ha in the northern part of the site and 0.03ha the southern (a total of 0.284ha). The application when originally submitted proposed 58 dwellings and 0.09ha of open space.
- 4.2 The development would be accessed from an extension of College Way, which currently adjoins the western site boundary at its midpoint. To the north of this central access road is to be the primary area of open space provided as part of the development, enclosed by overlooking housing that backs onto the northern and eastern boundaries of the site. To the southern side of the central access road dwellings are configured to overlook both this primary open space and a smaller area to be provided along the southern site boundary. The scheme retains a number of large trees located to the eastern and southern boundaries, the latter within the open space proposed in this part of the site, although some smaller self-set trees would be lost as part of the development. A wide and substantial hedge that runs along part of the western boundary is also to be retained.
- 4.3 The majority of dwellings would have parking spaces to their frontages but some side parking is also proposed. The 2 bed properties have been provided with one off-street parking space and the 3 bed properties two. In addition, the new streets have been designed to accommodate 18 further parking spaces in designated bays, along with street trees.
- 4.4 The dwellings, with the exception of the two bungalows, would be two storeys in height and arranged in short terraces or as semi-detached properties. Corner properties are designed to face both frontages. The dwellings are proposed in red brick with buff brick gable features, reconstituted stone cills and other detailing in a blue brick. White UPVC windows are proposed in reveal and storm porches above the front doors. Roofs are to be finished in a dark grey tile and to have a consistent 35 degree pitch, with the gable features at a steeper 45 degree pitch. Frontages are to be enclosed using low railings and exposed rear gardens with brick walls. Elsewhere wooden fencing is proposed between the rear gardens.

- 4.5 All of the dwellings are to be affordable housing provided by NCHA; 24 units as shared ownership properties and 26 for rent. 6 of the units would be provided as Accessible and Adaptable dwellings. The scheme is designed to achieve 10% betterment on current Building Regulations in terms of carbon savings, and additionally each plot is to be provided with an Electrical Vehicle Charging Point (EVCP).

## 5 Consultations and observations of other officers

### Adjoining occupiers consulted:

Properties on Melbury Road, White Lodge Gardens and College Way have been notified of the proposal and also re-consulted on the revised scheme. A site notice has also been displayed and a press notice published. As a result of this publicity 5 representations have been received, which raise the following matters:

- Impact on traffic using College Way and the estate, which has very narrow streets and there is already a problem with congestion and difficulties accessing properties in the estate
- Concern over parking from the new development spilling out onto the surrounding estate
- Concern over debris on the estate roads during construction
- Disappointment that no pre-application consultation was undertaken with residents of the College Way residential area
- Concern over the findings and comments made in the submitted transport assessment which were based on only 6 transport surveys

### Additional consultation letters sent to:

**Nottinghamshire County Council Highways:** Object to the scheme and recommend refusal of the application. Whilst the application site resides within the administrative boundary of Nottingham City Council, it will be accessed via an extension of College Way which is managed and maintained by Nottinghamshire County Council. For the avoidance of doubt, these comments relate solely to the means of access, and not the internal road layout which should be assessed separately by Nottingham City Council's Highway Development Control Officers.

College Way is a 5.5m wide (approx.) residential access road with lit footways on both sides. On-street parking pushes two-way flows onto the same side of the carriageway, and causes an obstruction to pedestrians when straddling the footway. Such practice occurs at junctions and on bends where it also restricts the view of approaching vehicles.

We envisage a development of this scale will generate c. 34 trips in the peak hour as opposed to the 29 put forward by the applicant. The number of additional vehicles in this setting are considered a safety issue as the lack of width and restricted visibility caused by on-street parking will result in significant levels of traffic routing through locations where their presence will increase the likelihood of vehicle conflicts.

Removing the parking with double yellow lines will merely push vehicles into other areas within the estate and potentially create new issues elsewhere. Notwithstanding this, the process of introducing double yellow lines is determined

separately to the planning process by Traffic Regulation Order, where there can be no guarantee a scheme will be implemented, particularly if objections are received.

**Nottingham City Council Highways:** No objections raised to the scheme, subject to conditions securing a construction traffic management plan, EVCP scheme, residential travel packs and precise details of the proposed vehicular access to the site. They note that the necessary highway agreements will need to be sought from County Highways for the link through to College Way, which is a matter separate from the granting of planning permission. They have also reviewed information submitted by the traffic consultants in relation to College Way and have raised no concerns in relation to its conclusions or robustness.

**Broxtowe Borough Council:** No objections raised, subject to careful consideration of the highway safety issues and provided that the development does not impact upon the residential amenity of neighbouring properties within the Borough.

**Environment Agency:** No objections.

**Drainage:** The area is known to have springs. The hydrology report submitted with the application indicates that soakaways are feasible on site however, reassurance is required that they can still be accommodated without adversely affecting surface water drainage.

**Coal Authority:** No objection to the proposed development. Further detailed assessment of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.

**Environmental Health:** No objections subject to the site being remediated in accordance with the submitted ground investigation report, and EVCPs being provided.

**Ecology:** Overall, it is felt that the scheme can achieve a net gain in biodiversity and that conditions should be used to achieve this.

## 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.

Paragraphs 108 to 111 advises that safe and suitable access to sites should be achieved for all users and that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or where the residual impacts on the road network would be severe. The paragraphs also indicate that developments should give priority first to pedestrians and cyclists, create safe, secure, inclusive and attractive places that allow for the efficient delivery of goods and access by emergency vehicles. Provision should also be made for the charging of plug-in and other ultra-low emission vehicles.

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 (ACS) (2014)**

Policy A - Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 17- Biodiversity

Policy 19 - Developer Contributions

### **Land and Planning Policies (LAPP) (2020)**

Policy CC1 - Sustainable Design and Construction

Policy CC3 - Water

Policy EE4 - Local and Training Opportunities

Policy HO1 - Housing Mix

Policy HO3 - Affordable Housing

Policy HO4 - Specialist and Adaptable 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 (College Way, SR20)

Policy TR1 - Parking and Travel Planning

## **Supplementary Planning Documents (SPD)**

Biodiversity (2020)

The Provision of Open Space in New Residential and Commercial Development (2020)

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

#### **Main Issues**

- (i) Principle of Development
- (ii) Design Considerations
- (iii) Residential Amenity
- (iv) Highways Impact

#### **Issue (i) Principle of Development (Policies A and 8 of the ACS and Policies SA1, HO1 and HO3 of the LAPP)**

- 7.1 The proposal is for a residential scheme that accords with the site's allocation within the LAPP under Policy SA1 (Site SR20). Comprising an entirely affordable housing scheme of largely 2 bed dwellings, but also with some 3 bed units and bungalows, the tenure and mix of scheme would help to meet the housing needs of the area in compliance with policies A and 8 of the ACS and policies HO1 and HO3 of the LAPP.

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

- 7.2 The scheme has been subject to pre-application discussions with the Council's urban design and planning teams prior to formal submission and has also undergone further revision through the application process. In general terms the layout of the development now proposed is felt to respond well to the site and its context. Dwellings have been positioned at appropriate distances from the boundary with the school and residential properties on Melbury Road, and to enclose the public open space that forms the central landscaped feature of the site on three sides. This has been designed as an extension of the existing open space to the west of the site, with a further area of open space provided to the southern boundary which allows existing trees to be retained as part of the development. The scheme also retains the notable hedge that runs along part of the western boundary, separating the southern half of the site from the adjacent children's play area. Parking is appropriately provided with a mix of on-plot and on-street parking in designated parking bays. Overall the layout provides for clear and legible access, appropriate boundary treatments, bin storage, landscaping and active frontages that overlook private and communal areas of the site. The design of the dwellings is largely consistent throughout the scheme and based on a traditional form but with a slightly more contemporary aesthetic. This consistency is maintained with a simple palette of materials, with gable features and brick detailing used to provide some subtle variety and visual interest. In conclusion, it is felt that the design of the scheme will create a development of appropriate quality, with its own distinct character and sense of place.
- 7.3 Conditions are proposed to secure precise details of the materials, means of enclosure, landscaping and management/maintenance arrangements for the public open space.

- 7.4 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)**

- 7.5 The new dwellings would be sited at appropriate distance from the dwellings on Melbury Road and White Lodge Gardens so as not to give rise to an unreasonable relationship with regards to privacy, daylight or outlook. Neither would there be any such issues between proposed dwellings within the development.
- 7.6 The size of units is marginally below the Nationally Described Space Standards (NDSS); the 2 bed houses are 10 sqm below, the 3 bed houses 9 sqm and the 2 bed bungalows 4 sqm. However, the pre-application discussions and application submission regarding this scheme took place before the NDSS became adopted policy in June 2020 and, as the scheme is to deliver 100% affordable housing, the dwelling sizes have been agreed with Homes England. The applicant has also advised that the viability of delivering this scheme, where the number of units has been reduced from 58 to 50 during the life of the application, would be compromised if the NDSS were to be adhered too. Policy DE1 of the LAPP advises that the standards do not need to be met if there is clear evidence to demonstrate that a scheme would not be viable. Given all of these considerations, the proposed dwellings are considered to be of an acceptable size. Furthermore, 6 of the units are to be provided as Adaptable and Accessible dwellings, in compliance with Policy HO4 of the LAPP.
- 7.7 The level of on-plot and on-street parking facilities is felt to be appropriate to avoid exacerbating the parking issues raised in relation to College Way.
- 7.8 A construction management plan secured by condition is necessary, to safeguard the amenities of adjacent residents through the construction phase.
- 7.9 The proposal therefore complies with policy 10 of the ACS and policies HO4, DE1 and TR1 of the LAPP.

**Issue (iv) Highways Impact (Policy 14 of the ACS, Policy TR1 of the LAPP and paragraphs 108 to 111 of the NPPF)**

- 7.10 Nottinghamshire County Council Highways have raised objection to the scheme and feel that the number of additional vehicles generated by the proposed development would further exacerbate existing highway safety issues experienced along College Way. They consider that existing on-street parking along College Way together with the narrowness of this road, particularly at junctions and bends, causes incoming and outgoing vehicles to use the same side of the carriageway and drivers to have restricted views of approaching vehicles and pedestrians.
- 7.11 The traffic consultants working on behalf of the applicant have reviewed the comments made by Nottinghamshire County Council Highways. They have advised that the issues raised take place on only a small part of College Way, that there are no records of accidents along College Way and that vehicle speeds along College Way are low due to its width, the presence of driveways, raised tables and bends that are present along this road. Even with 58 units (as originally proposed) the traffic consultants advise that the level of additional vehicle trips generated by the

development at peak times could not be considered significant. The information provided by the traffic consultants has been reviewed by the City Council's Highways team who have raised no concerns in relation to its conclusions or robustness.

- 7.12 The NPPF advises at paragraph 109 that developments should only be refused or prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance it is considered that the scale of development proposed (which has been reduced to 50 units) would not generate a significant level of traffic at peak hours and that this, together with the low speed of traffic using College Way, would reduce the potential for conflict as highlighted by Nottinghamshire County Council Highways. Overall, it is therefore considered that the impact on highway safety would not be unacceptable and as such it would be unreasonable to refuse the application on highway grounds, particularly in light of the NPPF.
- 7.13 It is also noted that no objection on highway grounds was made by the County Council to the site being allocated for residential development within the LAPP, which was adopted in January 2020.
- 7.14 The proposal therefore accords with policy 14 of the ACS, policy TR1 of the LAPP and paragraphs 108 to 111 of the NPPF.

### **Other Matters**

#### **Remediation and Surface Water Drainage**

- 7.15 Conditions can be used to ensure that surface water drainage and site remediation are appropriately addressed. The scheme therefore complies with policies IN2 and CC3 of the LAPP.

#### **Planning Obligations**

- 7.16 The scheme meets the thresholds for securing public open space, affordable housing, local employment and training targets during construction, and financial contributions towards both this and education. The scheme provides the required amount of public open space on-site and all of the units are to be affordable housing. Furthermore, the applicant has agreed to the following policy compliant contributions:
- A financial contribution of £122,864 towards education (secondary school places)
  - Targets associated with Local Employment and Training opportunities, including a financial contribution of £16,244
- 7.17 The necessary planning obligations would normally be secured under a s106 agreement between the Council as local planning authority and the landowner. However, as the land on which the site is located is currently owned by the Council, the Council cannot enter into a s106 with itself. It is therefore recommended that a grant of planning permission is made subject to an agreement under s111 of the Local Government Act 1972, to require the subsequent owner to enter into a s106 agreement securing the appropriate planning obligations on transfer of ownership. Through the s111 agreement and subsequent s106 agreement, the required planning obligations can be secured and therefore the scheme complies with



policies 8 and 19 of the ACS, policies HO3, EN2, EE4 and IN4 of the LAPP, and the Open Space SPD.

- 7.18 A contribution of £57,784.00 has been sought from the NUH NHS Trust in relation to provision of health care. It is accepted that health care provision is a material planning consideration that is referenced in policy 12 of the ACS (Local Services and Healthy Lifestyles), policy IN4 of the LAPP (Developer Contributions) and chapter 8 of the NPPF (Promoting Healthy & Safe Communities). However, whilst the Council is supportive of the principle of such a contribution, a number of queries and issues arise. These concern the need for the specific contribution sought; the method of calculation for the figure requested, and; reassurances that the monies sought are necessary and would be spent on healthcare provision directly, fairly and reasonably related to this development. In the absence of the Trust being able to satisfy these outstanding issues, they have been unable to demonstrate that the contribution sought is compliant with Regulation 122(2) Community Infrastructure Levy Regulations 2010.

## **8. Sustainability / Biodiversity**

- 8.1 The applicant has advised that the scheme is designed to achieve 10% betterment on current Building Regulations in terms of carbon savings, and additionally each plot is to be provided with an EVCP. The carbon reduction measures are to be achieved through a fabric first approach towards insulation. Consideration has also been given to orientation and window sizes to maximise passive solar gain, and the scheme is to ensure that water usage per person is less than 105 litres per day. The scheme therefore complies with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.
- 8.2 The scheme will retain an existing hedgerow and a number of large trees and with the open space to be provided on site, there is scope for additional landscaping that would bring ecological enhancement. The proposal has been accompanied by a phase 1 ecology survey and also a biodiversity matrix which indicates that a net gain to biodiversity could be achieved as a result of the scheme. The ecology survey also recommends that bird and bat boxes be incorporated into new buildings, tree retention, that all new lighting should meet the current environmental standards of good practice in order to reduce potential light pollution, and that boundary fences are hedgehog friendly. These measures together with a landscaping scheme can be secured by condition. The development therefore accords with policy 17 of the ACS, policies EN6 and EN7 of the LAPP and the Biodiversity SPD.

## **9 Financial Implications**

As indicated above the scheme will be fully compliant in relation to the planning obligations required by the scheme.

## **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**

Developing an allocated site and providing affordable, family housing to the benefit of the neighbourhood and wider 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: 20/00264/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5BKW4LYM4U00>

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

National Planning Policy Framework (NPPF)

Aligned Core Strategies (2014)

Land and Planning Policies (2020)

Biodiversity SPD (2020)

The Provision of open Space in New Residential and Commercial Development SPD (2020)

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# NOMAD printed map



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Key  
 City Boundary

Description  
No description provided

**My Ref:** 20/00264/PFUL3 (PP-07484636)

**Your Ref:**

**Contact:** Mrs Jennifer Curry

**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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Date of decision:

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

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Application No: 20/00264/PFUL3 (PP-07484636)  
Application by: Starfish Commercial & NCHA  
Location: Former Melbury School Playing Fields, Melbury Road, Nottingham  
Proposal: Construction of 50 houses and bungalows. Revised Plans Received January 2021.

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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

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2. No equipment, machinery or materials shall be brought onto the site in connection with the development until a plan showing the location of trees to be retained as part the development, together with an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction: Recommendations), has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the construction of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

The AMS shall show the tree protection measures to be provided to the trees to be retained as shown on plan N1513 101 L.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

3. Prior to the commencement of development a surface water drainage scheme that takes into account KSA Drainage Strategy ref 4845/DS01 dated December 2020, Technical Note 0003 S2 P01 dated June 2020 and drawing ref Drainage Layout 485-DR-01-P1, shall be submitted to and approved in writing by the Local Planning Authority. The information to be submitted as part of the scheme shall include assessment of the options available for the drainage of site following the building hierarchy for the disposal of surface water, details of infiltration rate measurements undertaken to develop the surface water drainage scheme, details of relevant surface water calculations and a drainage plan showing the layout of the proposed surface water drainage scheme. If any Sustainable Urban Drainage features are to be utilised then details of the proposed adoption and maintenance of such features shall also be submitted as part of the scheme.

*Reason: To ensure that the surface water drainage of the site does not give increase the risk of flooding at the site or elsewhere, in order to accord with Policy 1 of the ACS and Policy CC3 of the LAPP.*



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

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4. 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) Proposed construction traffic routing;
  - (ii) Hours of delivery, which shall be outside of peak commute times;
  - (iii) A drawing showing the proposed location and dimensions of the vehicular access to the site during the construction phase;
  - (iv) Details of measures and their location to prevent mud and debris being deposited on local highways.
  - (v) Measures to accommodate the vehicles of all site operatives and visitors, which shall be on site;
  - (vi) Measures to accommodate construction vehicles loading or offloading during the construction period, which shall be on site;
  - (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 secure the site; and
  - (vii) Details of measures to receive, process and respond to complaints relating to associated construction traffic using College Way. This shall include the name/s and details of a coordinator for local residents to contact should any highway issues be raised during construction. The measures in place shall also enable the developer to compile a log of complaints relating to construction traffic and details of action taken by the developer/coordinators to resolve issues. This log shall be made available in writing on the written request of the Local Planning Authority.

The development be implemented in accordance with the approved details.

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

5. Prior to the commencement of development, drawings showing the detailed design of the vehicular access proposed off College Way 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.

*Reason: To ensure that the access into the site is of appropriate design to accord with policy 10 of the ACS, and policies DE1 and TR1 of the LAPP.*

6. 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.*



7. 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 Planning Authority. The information shall include details of the type, make and colour of bricks, roof tiles, window frames (and reveal depths), external window cills, rainwater goods and external doors to be used within the development. Elevation drawings showing how materials shall be used throughout the development shall also be included within the information to be provided. 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.*

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

- a) hard surfacing (the road, on-street parking bays, footpaths and driveways)
- b) street trees, including details of the tree pits
- c) street lighting
- d) bin storage facilities to be provided to the front of properties
- e) all means of enclosure/gates
- f) a soft landscaping scheme for the individual plots and public open space (including any Sustainable Urban Drainage features, if included)
- g) biodiversity enhancement measures for the individual plots and public open space (including an Sustainable Urban Drainage features, if included)
- h) any structures/fetaures to be provided as part of the public open space provision (such as, but not limited to, benches or bins etc)

Notwithstanding the approved drawings (P103 K, P301 A and P302 A), soft landscaping shall be maximised throughout the site. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. Biodiversity enhancement shall incorporate the measures for bird/bat boxes and hedgehog accessible fencing outlined within the FPCR Phase 1 Habitat Survey Report dated June 2020.

The details shall also include a Landscape Management Plan containing the proposals for the on-going management and maintenance responsibilities for the road/footpaths, on-street parking bays, street trees and lighting, soft landscaping, public open space and associated means of enclosure.

*Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE2 and EN6 of the LAPP.*

9. Prior to the commencement of any above ground development, details of an Electrical Vehicle Charging Point (EVCP) scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include details of the location and specification for each EVCP, to be provided for all dwellings.

*Reason: To ensure that the development is provided with EVCP, to promote the use of electrical cars to accord with policy 14 of the ACS and policy TR1 of the LAPP.*

**Pre-occupation conditions**

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

10. Prior to the development being first brought into use, details of a residential travel pack shall be submitted to and be approved in writing by the Local Planning Authority. The travel pack shall promote the use of sustainable forms of travel and advise residents of local public transport stops and routes.

*Reason: To promote sustainable travel to accord with policy 14 of the ACS and policy TR1 of the LAPP.*

11. The EVCP scheme shall be provided for each dwelling in accordance with the approved details under condition 9 (above), prior to the dwelling being first occupied.

*Reason: To ensure that the development is provided with EVCP, to promote the use of electrical cars to accord with policy 14 of the ACS and policy TR1 of the LAPP.*

12. Prior to the development being first occupied a verification report demonstrating that the approved surface water drainage scheme has been implemented in accordance with the details approved under condition 3 above, shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that surface water is drained from the site in an appropriate manner so as not to increase the risk of flooding at the site and elsewhere to comply with Policy 1 of the ACS and Policy CC3 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 Verification Report, which shall include the data referred to in the Ground Investigation Report by Hydrock Ref: R/C-07396-C/002 dated October 2017 , to demonstrate that the Remediation Strategy to deal with radon gas contamination of the site has been fully implemented and completed.

*Reason: To ensure that the site has been remediated to comply with policy IN2 of the LAPP.*



14. Prior to the first occupation of each dwelling the following, insofar as it relates to that dwelling, shall have been installed/completed:

- a) driveways
- b) bin storage facilities
- c) all means of enclosure/gates
- d) biodiversity enhancement measures (unless part of the soft landscaping scheme)

Prior to the first occupation of the last dwelling to be occupied, the following shall have been installed/completed throughout the development:

- a) hard surfacing (the road, on-street parking bays and footpaths)
- b) street trees
- c) street lighting
- d) biodiversity enhancement measures (unless part of the soft landscaping scheme)

The soft landscaping scheme for individual plots and the public open space shall be provided within the first planting season following the completion of the development. Any trees or plants provided as part of the approved soft 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.

*Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE2 and EN6 of the LAPP.*

15. Prior to the development being first brought into use, the access to the development shall be provided in accordance with the details approved under condition 5.

*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.*

**Regulatory/ongoing conditions**

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

16. In accordance with drawing reference Site Plan Ground Floor P103K, plots 1, 15, 27, 28, 37 and 38 shall not be occupied unless they have been provided to Accessible and Adaptable dwelling standards.

*Reason: To ensure that the scheme delivers residential accommodation that is accessible and adaptable to changing needs in accordance with policies DE1 and HO4 of the LAPP.*

17. Management and maintenance of hard and soft landscaping, road/footpaths, on-street parking bays, street trees and lighting, public open space and associated means of enclosure, and any other items provided as part of the public open space provision, shall at all times be in accordance with the details approved in the Landscape Management Plan under condition 8 above.

*Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE2 and EN6 of the LAPP.*

**Standard condition- scope of permission**



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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 following drawings/documents:

- Drawing reference Location Plan revision P100
- Drawing reference Existing Site Plan revision P101 A
- Drawing reference Site Plan Roof revision P102 K
- Drawing reference Site Plan Ground Floor revision P103 K
- Drawing reference 3D Site Views 1 revision P301 A
- Drawing reference 3D Site Views 2 revision P302 A
- Drawing reference Plots 1-5 revision P600
- Drawing reference Plots 6-8 revision P601
- Drawing reference Plots 9-11 revision P602
- Drawing reference Plots 12-15 revision P603
- Drawing reference Plots 16-19 revision P604
- Drawing reference Plots 20-23 revision P605
- Drawing reference Plots 24-26 revision P606
- Drawing reference Plots 27-28 revision P607
- Drawing reference Plots 29-34 and 41-46 revision P608
- Drawing reference Plots 35-36 revision P609
- Drawing reference Plots 37-38 revision P610
- Drawing reference Plots 39-40 revision P611
- Drawing reference Plots 47-50 revision P612
- Drawing reference Site Section and Street Views revision P701
- Drawing reference KSA Tracking revision 48455 W01

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

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

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

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

Equipment



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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

#### 4. Highways

Nottingham County Council is the Local Highway Authority in relation to College Way. If the new access road through the application site is to be adopted then Nottingham City Council is the Local Highway Authority, as the site falls within the boundary of Nottingham City Council. Given the location of the site refuse collection is likely to be undertaken by Nottingham City Waste Services, however this team should be contacted as early as possible to discuss this provision. The following matters should also be noted:

##### 1) Mud on road

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway.

##### 2) Highway licences

The County Council as Highway Authority in relation to College Way should be notified regarding when the works will be carried out as disturbance to the highway may be occurring and licences may be required. Such disturbances may be subject to costs borne by the applicant, these matters should be discussed with the County Council.

##### 3) Refuse collection

The applicant is to ensure that bin storage suitable in size to accommodate all residents is placed adjacent to the roads confirmed as appropriate collection routes. As the application site is within Nottingham City, Nottingham City Highways and Waste Services should be contacted in relation to refuse collection.

##### 5) TROs (Traffic Regulation Orders)

County Highways should be contacted to discuss whether any TRO changes may be required to College Way and costs that may be involved in relation to this process.

##### 6) S278 Agreement

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, County Highways will need to be contacted in relation to this.

It is strongly recommended that contact at the earliest opportunity to discuss costs and to allow time for the process to be completed, as no work will be permitted on the Highway before it is complete.

## 7) S38 Agreement and Advanced Payment Codes

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Local Highways Authority, which would be Nottingham City Council. The new roads and any highway drainage will be required to comply with the Nottingham City Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is strongly recommended that the developer contact Nottingham City Council as Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Network Management on 0115 876 5293.

## 8) Commuted sums

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.

## 9) Street Trees

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.

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: 20/00264/PFUL3 (PP-07484636)

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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