

Report of Director of Planning and Regeneration

Sherwood Library, Spondon Street

1 Summary

Application No: 20/02688/PFUL3 for planning permission

Application by: Hockley Developments Ltd

Proposal: Demolition and reconstruction of Sherwood Library building and public car park to create a new library, retail unit and 7 flats above with further development to provide 12 houses, 22 flats and a public car park.

The application is brought to Committee as it is proposed that the planning obligations typically required by adopted planning policies be waived in this case and the application has generated significant public interest which is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 16th March 2021. The applicants have agreed an extension of time for the determination of the application until 23rd April 2021.

2 Recommendations

- 2.1 Subject to an independent review of the viability appraisal confirming that no Section 106 contributions can be paid, **GRANT PLANNING PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration.

3 Background

- 3.1 The application site is comprised of three sites owned by the city council. The Sherwood Library building is a two storey, flat roofed 1960s building on the corner of Mansfield Road and Spondon Street in the Sherwood District Centre and is currently vacant. The building houses three retail units on the ground floor (most recently a police contact point, a beauty clinic and a charity shop) and the library entrance. The library itself occupies the whole of the first floor. The building is set back from Mansfield Road and there is a birch tree on the corner of Mansfield Road and Spondon Street.
- 3.2 To the east of the library is a former day nursery site comprising a single storey, flat roofed building of a similar age and associated outdoor space. There is also a public convenience which faces Spondon Street.

- 3.3 To the north of this site, across Spondon Street, is a 56 space public car park accessed from Spondon Street. The car park is at the rear of shops and public houses on Mansfield Road and adjacent to a place of worship on Lloyd Street. Along the edges of the car park, on Spondon and Mansfield Streets, are sixteen cherry trees. The sites rise from Mansfield Road to Mansfield Street by approximately 5 metres.
- 3.4 The council owned buildings are considered to be no longer fit for purpose, but it is also recognised that Sherwood Library is one of the most popular in the city and highly valued by the community and the council. In 2017 a decision was made by the council to sell the land of the application sites for mixed use development to regenerate this part of the Sherwood District Centre. It was considered essential that the library must remain as part of any new development. The council's financial position meant that a new library could only be delivered at nil capital cost to the council and ways to deliver a new library by partnering with the private sector using the value of the surrounding land were explored. A procurement exercise was undertaken in 2018 and Hockley Developments were selected as the preferred developer as their bid best met the council's requirements and delivered the most for Sherwood. As part of the bid, the applicants are to provide the finished library space, pay for its fit out and provide to the council a capital receipt.
- 3.5 Viability issues were considered internally by the council at the time of the procurement exercise and the applicant has provided a viability report which is being independently assessed, as noted in section (iv) regarding developer contributions below. Partly as shown by other bids being unable to meet the council's requirements and partly as noted by these viability reports, a development which is to provide a new Sherwood Library needs to use the value of the land in all three sites to do so.

4 Details of the proposal

- 4.1 Planning permission is sought for replacement of the library building with a new, three storey building comprising a retail unit and the library entrance on the ground floor, a new public library on the first floor and seven 1-bed flats on the second floor. The two floors of the shop and library would be primarily glazed curtain walling framed by masonry columns. The three storey library entrance would comprise glazed curtain walling framed by dark brick, with a vertical green wall facing Mansfield Road and timber cladding (containing signage) facing Spondon Street. The rear and sides of the building would be mainly buff and dark brick. The flats on the second floor would be set back from the edges of the building and be clad in standing seam metal cladding.
- 4.2 To the side and rear of the new library building parking would be provided, accessed from Spondon Street. Two spaces would be dedicated to the library, twelve for the retail operator, four for the flats above and twenty spaces would comprise a public car park maintained by the city council. Cycle parking and seating would be provided in front of the retail unit and the birch tree would be retained.
- 4.3 The public car park north of Spondon Street would be redeveloped with eight detached 4-bed houses. The houses would be two storey with accommodation in the roof, in two styles, one with a two storey bay and a dormer and one with a single storey bay, dormer and juliet balcony. Materials are brick and tile. Each house would have two block paved parking spaces to the front, a garden at the rear and an alley would run along the rear providing garden and bin access as well as

maintaining an existing access to one of the Mansfield Road pubs. Nine cherry trees on Spondon Street would be removed, replaced by seven new street and front curtilage trees. The seven trees on Mansfield Street would be retained.

- 4.4 On the former day nursery to the rear would be four semi-detached 4-bed houses and two blocks of flats. The houses would be of the design noted above and also each have two parking spaces. The apartment buildings would be three storey and accommodation on the roof, with the southern block being four storey at the rear (facing the car park) due to the site's changes in level. There would be a twenty-one 1-bed flats and one 2-bed flat. Eight parking spaces would be provided for the flats, two adjacent to Spondon Street and six at the rear, separated from the main car park by a metal gate. Again, materials would be brick and tile.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

One hundred and twelve neighbouring properties were notified by letter dated 30 December 2020. A site notice was displayed on 29 December 2020. Press advertisement published on 6 January 2021. The consultation period expired on 27 January 2021. A virtual public meeting to discuss the scheme was held by Ward Councillors on 2 February 2021.

Sixty-two responses have been received objecting to the proposal. These responses are summarised as follows:

Sustainability: Extinction Rebellion provided an initial objection relating to the council's Carbon Neutral 2028 plans and these comments were repeated by a number of objectors. Following the virtual public meeting held by Ward Councillors, Extinction Rebellion have now revised their comments to relate to council planning policies. The group's comments are now that a BREEAM Study should be undertaken for the library, all new development over 1000m² should generate 10% of energy from renewables, houses will need to be built to Building Regulations standards that are soon to be upgraded and affordable housing should be provided.

Car parking: The proposal fails to adequately replace the public parking in the car park which is to be lost. The existing car park is used overnight for resident parking and these vehicles will be displaced onto nearby streets. The existing car is used by customers for the shops and businesses in Sherwood and business will suffer as a result of reduced parking. The existing car park is used by visitors to the adjacent synagogue and its loss will cause problems of access for those visitors. Insufficient off-street parking is provided for the flats.

Trees: More trees should be retained as a part of the development, particularly those in the public car park, which contribute to the area.

Retail use: the retail unit should be occupied by independent shops, rather than by a national retailer. There is no need for a further food store in Sherwood.

Residential uses: There is no need for one-bed flats in the area and more family housing would be appropriate for the area.

Privacy and outlook: The development, in particular the flats buildings, would

have an unacceptable impact on outlook and privacy for existing dwellings on Mansfield Street.

Design: the quality of design of the new library building is poor.

Schools: The local schools, Haydn Primary and the Free School, are good quality schools and new family housing should not be introduced into the area without improving capacity.

Additional consultation letters sent to:

Pollution Control: No objection subject to provision of electric vehicle charging scheme.

Highways: No objection subject to conditions regarding construction traffic management plan, reinstatement of redundant footway crossings, traffic calming scheme, deliveries and car parking management plan for the library and retail development, cycle parking, electric vehicle charging scheme, replacement car club spaces and travel plan.

Lead Local Flood Authority: No objection subject to condition regarding use of Sustainable Drainage Systems (SuDS).

Biodiversity Officer: Provision of bat and bird boxes and green wall and use of native species are welcomed and should be subject of conditions.

Police Architectural Liaison Officer: Shopfront should not be recessed due to anti-social behaviour issues (this has been negotiated as part of revised proposals) and cycle parking should be subject to natural surveillance (this can be achieved by condition).

School Organisation Team: There is sufficient primary school capacity in the area. A contribution of £29,487 for secondary education should be sought to mitigate the impact of the development on education.

Nottingham University Hospital NHS Trust (NUH NHS Trust): A financial contribution is requested for additional secondary healthcare services to meet patient demand.

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 1 - Climate Change
- Policy 6 – Role of Town and Local Centres
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 12: Local Services and Healthy Lifestyles
- 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 SH2 - Development within Primary Frontages
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy DE4 - Shopfronts
- Policy EN2 - Open Space in New Development
- Policy EN6 - Biodiversity
- Policy EN7 – Trees
- Policy TR1 – Parking and Travel Planning
- Policy IN2 - Land Contamination, Instability and Pollution
- Policy IN4 - Developer Contributions

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Parking.
- (iv) Impact on Residential Amenity.
- (v) Sustainability.
- (vi) Trees and Biodiversity.

(vii) Planning Obligations.

Issue (i) Principle of the Development (ACS Policies 6, 8 and 12 and LAPP Policies SH2 and HO1)

- 7.1 The provision of a new community library in Sherwood is a key objective of the Nottingham City Council Plan 2019-2023: the applicant's bid was considered the best option to meet the council's requirements as part of the procurement exercise in 2018. The new library would have a larger footprint than the existing library and be better suited to the needs of the community. In land use planning terms, a library and a shop are appropriate uses for primary retail frontage in a District Shopping Centre, providing an essential local service as well as retail opportunity and choice for visitors. Whilst the objectors' preference for independent retail provision is noted, there is no national or local planning policy basis to direct particular retail sectors to particular shops.
- 7.2 The mix of residential uses proposed is considered to be acceptable. Policy HO1 seeks the provision of family housing in the city where practicable and a mix of detached and semi-detached, four bed houses is welcomed. A recent Housing Market Assessment has been carried out in Nottingham and has confirmed the need for more housing types, of all tenures, in almost all wards in Nottingham. The proposed flats have been assessed by Housing Strategy officers and confirmed as being appropriate and in demand in Sherwood. Adjacent to a District Centre is considered to be an appropriate location for such flats due to proximity to services, facilities and transport links. The one-bed flats are between 43 m² and 49 m² (mostly at the higher end), which is below the 50 m² required by the Nationally Described Space Standards for one-bed, two-person flats contained in Policy DE1. The two-bed flat is above the Standard. Given the viability issues involved in the scheme and the identified need for such flats, this is considered to provide an acceptable standard of accommodation for occupiers and to be acceptable on this occasion.

Issue (ii) Design and Impact on the Streetscene (ACS Policy 10 and LAPP Policies DE1, DE2 and DE4)

- 7.3 The design of the new library building has been revised since its initial submission; the materials have been changed to reduce the amount of cladding (replaced by brick), the appearance of the second floor flats has been simplified and the shopfront has been brought to the front of the building to remove the dated and anti-social potential of the colonnade. The proposed building is considered to be of an appropriate scale. The composition of the principal elevations provides a clear rhythm and hierarchy, emphasising the library entrance, and the contrasting brick and soldier course detailing and depth of reveals will add further variety and interest to the street scene.
- 7.4 The houses and flats are to a common architecture, with different properties having individual features and detailing such as stone headers, surrounds and cills. Houses are to be constructed in red brick appropriate to the area with pitched grey tile roofs. The layout of the development responds well to the site levels and constraints. 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, DE2 and EN7 of the Local Plan Part 2.

Issue (iii) Parking (ACS Policies 10 and 14 and LAPP Policies DE1, DE2 and TR1)

- 7.5 The proposal replaces a fifty-six space public car park with thirty-four spaces for use by the public. Whilst concerns that resident parking in the existing car park will be displaced onto adjoining streets are understood, the current situation is an unusual one and it is not considered that this would have an impact on the highway network and residential amenity such that planning permission should be refused. Sherwood has two other public car parks as well as a number of private shopper and business car parks and overall is considered to be well provided for visitor parking. The District Centre is very well served by bus routes.
- 7.6 The new houses are provided with two parking spaces each. The flats are provided with eight spaces for twenty-nine units. As one-bed flats immediately adjacent to a District Centre and to good public transport routes, this is an appropriate and sustainable location for occupiers with a reduced level of car ownership. Conditions regarding cycle parking, replacement car club spaces and travel plans will aid and encourage reduced car ownership. The proposal is considered to be acceptable in accordance with Policies 10 and 14 of the Aligned Core Strategies and Policies DE1, DE2 and TR1 of the Local Plan Part 2.

Issue (iv) Impact on Residential Amenity (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.7 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. The relationship between the new apartment buildings and existing houses on Mansfield Street is a usual one for three storey dwellings facing one another across a street. 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.

Issue (v) Sustainability (ACS Policies 1 and LAPP Policies CC1 and CC3)

- 7.8 The council is committed to a Carbon Neutral 2028, and an action plan has been produced setting out how this is to be achieved. However, planning applications must be assessed in the light of the national and local planning policies in place at the time the application is determined. Mandatory energy performance standards for all new homes are now incorporated into the Building Regulations, rather than to be achieved by the planning process. There is no Local Plan policy regarding the amount of energy to be provided by renewables. Policy CC1 does however require sustainable construction standards and energy performance standards, and a BREEAM assessment can be required by condition. The use of Sustainable Drainage Systems (SuDS) can also be ensured by condition. The proposal is considered to be acceptable in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Local Plan Part 2.

Issue (vi) Trees and Biodiversity (ACS Policy 17 and LAPP Policies EN6 and EN7)

- 7.9 The current location of the cherry trees on Spondon Street, which are in a raised section of paving above street and site level, means that they cannot be retained whilst providing level access and parking for the new houses. The nine trees here

are, however, to be replaced by seven street and front curtilage trees and trees are also to be planted in rear gardens as part of the landscaping scheme. The cherry trees on Mansfield Street are to be retained and the houses have been moved away from these trees. Bat and bird boxes, the green wall and use of native species are welcomed and can be ensured by condition. The proposal is considered to be acceptable in accordance with Policy 17 of the Aligned Core Strategies and Policies EN6 and EN7 of the Local Plan Part 2.

Issue (vii) Planning Obligations (ACS Policies 8 and 19 and LAPP Policies EN2 and IN4)

- 7.10 A policy compliant planning obligation for the proposed development would be expected to provide a contribution of £359,791.40 in lieu of on-site provision of affordable housing, £80,260.75 to enhance existing areas of open space, and £29,487 to mitigate the impact of the development on education.
- 7.11 The applicants have submitted a viability appraisal which shows that, even with no developer contribution toward public open space, affordable housing and education, the scheme would provide a developer profit substantially below that which is normally considered acceptable. This viability situation was considered internally by the council at the time of the procurement exercise in 2018 and the applicant has provided a viability report which is being independently assessed. At the time that this report is being finalised, that independent assessment had not concluded, though it is anticipated that it will do so prior to the meeting of Planning Committee. In those circumstances the outcome of the independent assessment will be reported to Planning Committee either via the update sheet or as part of the officer's presentation to the meeting, and the recommendation reviewed in the light of its conclusions.
- 7.12 It is considered, given the scheme's contribution to Council key objectives, particularly the provision of a new library in Sherwood, and its compliance with other Policies of the Local Plan, that good reason exists to depart from policy IN4 and that no planning obligation be sought in respect of public open space, affordable housing and education.
- 7.13 Regarding the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities). Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request that have been the subject of separate discussions with the NUH NHS Trust. However, given the viability issues referred to above, it is clear that the scheme cannot support developer contributions, and that again, given the scheme's contribution to Council key objectives, it is proposed that no NUH NHS Trust contributions are sought.

8 Financial implications

As noted above, a policy compliant planning obligation for the proposed development would be expected to provide a contribution of £359,791.40 in lieu of on-site provision of affordable housing, £80,260.75 to enhance existing areas of open space, and £29,487 to mitigate the impact of the development on education. Subject to the outcome of viability appraisal, as noted above, the costs associated with providing a new library means that the development would be unviable if these

payments were also to be sought, so no Section 106 contribution is therefore proposed.

9 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.

10 Equality and Diversity implications

None.

11 Risk management issues

None.

12 Strategic priorities

The proposal contributes to meeting key objective of the Nottingham City Council Plan 2019-2023: provision of new community library in Sherwood and providing new homes for citizens.

13 Crime and Disorder Act implications

None.

14 Value for money

None.

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

Application No: 19/01743/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QLDCVKLYJHT00>

16 Published documents referred to in compiling this report

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

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NOMAD printed map



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Key



City Boundary



Planning Application Polygons

Description

No description provided



Nottingham
City Council

My Ref: 20/02688/PFUL3 (PP-09325997)
Your Ref:
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Date of decision:

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

Application No: 20/02688/PFUL3 (PP-09325997)
Application by: Hockley Developments Ltd
Location: Sherwood Library , Spondon Street, Nottingham
Proposal: Demolition and reconstruction of Sherwood Library building and public car park to create a new library, retail unit and 7 flats above with further development to provide 12 houses, 22 flats and a public car park.

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

Time limit

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

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

Pre-commencement conditions

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



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Continued...

2. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority (relating to design and appearance):
- a) the external materials of all buildings and retaining walls;
 - b) hard surfacing;
 - c) enclosure and gates;
 - d) design, appearance and materials of bin stores;
 - e) street furniture;

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

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the living conditions of future and neighbouring occupiers and in the interests of sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies DE1, DE2, CC1 and CC3 of the Local Plan Part 2.

3. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority (relating to highway and transport):
- a) a Construction Traffic Management Plan including a construction traffic routing agreement;
 - b) methods to be undertaken during the construction period to prevent the deposit of mud and other similar debris on the adjacent public highway;
 - c) provision of sight lines on each side of vehicular accesses and details relating to the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II/III Safety Audit;
 - d) a deliveries and car parking management plan for the library and retail development. This should include details of delivery frequencies, type and size of delivery vehicle as well as banks person presence and a telephone contact of an employee available to move any blocking vehicles on the highway;
 - e) a cycle parking scheme for the library, retail and residential developments at suitable locations to be well lit, covered and secure;
 - f) an electric vehicle charging scheme at 100% per parking space for individual dwellings and 10% per parking space for flats and the library and retail development;
 - g) provision of replacement car club spaces for those to be lost following development of the public car park;
 - h) a Travel Plan for the library and retail development, detailing promotion of sustainable transport and including promotional material for cycling, walking and public transport use;
 - i) Residential Travel Packs for all residential elements of the development;

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

Reason: In the interests of highway safety, the living conditions of future and neighbouring occupiers and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies DE1, DE2, and CC1 of the Local Plan Part 2.

4. The development shall not be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority (relating to biodiversity and sustainability):
- a) a drainage strategy to include;
 - Details of how the surface water run-off will be managed,
 - Drainage plan showing the layout of the proposed drainage (both foul and surface water),
 - Proposed Adoption of SuDS features (who will maintain the SuDS features),
 - Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
 - Relevant surface water calculations from licenced software.
 - b) the provision of a minimum of eight bat and bird boxes, appropriately spread throughout the development;
 - c) the design and appearance of the green wall on the library building, including a planting plan (utilising native species and those otherwise of an accepted value for wildlife such as suitable for pollinators, seed, nut and berry producing species) and a future management plan;
 - d) street trees (including details of the tree pits/trenches and aeration pipes and future maintenance arrangements);
 - e) a BREEAM assessment to achieve a minimum standard 'very good', together with details of the sustainability features to ensure that this is achieved.

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

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the living conditions of future and neighbouring occupiers, in the interests of biodiversity and in the interests of sustainable development in accordance with Policies 1, 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2, EN6, CC1 and CC3 of the Local Plan Part 2.

5. The development shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy EN7 of the Local Plan.

Pre-occupation conditions

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

6. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme 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
 - c) 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.



7. The library and retail unit shall be occupied until the following have been carried out in accordance with the approved details:
- a) the vehicle and cycle parking spaces have been provided;
 - b) bat and bird boxes have been provided;
 - c) the scheme of sustainable drainage has been implemented;
 - d) the electric vehicle charging scheme has been implemented.
 - e) the sustainability features approved to ensure a BREEAM standard of 'very good' have been implemented.

Reason: In the interests of the living conditions of future and neighbouring occupiers, in the interests of biodiversity and in the interests of sustainable development in accordance with Policies 1, 10 and 17 of the Aligned Core Strategies and Policies DE2, EN6, CC1 and CC3 of the Local Plan Part 2.

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

- a) the vehicle and cycle parking spaces have been provided;
- b) Spondon Street has been surfaced and street trees provided;
- c) bin storage has been provided;
- d) bat and bird boxes have been provided;
- e) the scheme of sustainable drainage has been implemented;
- f) the electric vehicle charging scheme has been implemented;
- g) the sustainability features approved to ensure a BREEAM standard of 'very good' have been implemented.

Reason: In the interests of the living conditions of future and neighbouring occupiers, in the interests of biodiversity and in the interests of sustainable development in accordance with Policies 1, 10 and 17 of the Aligned Core Strategies and Policies DE2, EN6, CC1 and CC3 of the Local Plan Part 2.

Regulatory/ongoing conditions

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

There are no conditions in this section.

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 15 December 2020.

Reason: To determine the scope of this permission.

Informatives

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



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

3. Highways

1. CTMP and 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. If the development works will have any impact on the public highway, please contact Highway Network Management highway.management@nottinghamcity.gov.uk 0115 8765293. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

2. Highway licences

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 highway.management@nottinghamcity.gov.uk 0115 8765293. All costs shall be borne by the applicant.

3. S278

Planning consent is not consent to work on the highway. To carry out off-site works associated with the submission, approval must first be obtained from the Highway Authority. Approval will take the form of a Section 278 Agreement. All associated costs will be borne by the developer. Please contact Highways Network Management highway.management@nottinghamcity.gov.uk 0115 8765293.

4. Section 38 agreement - road adoption

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 8765293 in the first instance.

5. 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.

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 8765293.

6. Refuse collection

The applicant is to ensure that bin storage areas are appropriate to the library and retail requirements regarding size and that waste management is appropriately located to ensure easy collection either from an adopted highway or through a waste management contract with access onto the site. The domestic refuse must be located in a manner that allows for kerbside collection from an adopted highway with no more than a 26m carry distance.

7. Cycle Parking

For information on cycle parking including stands and cycle maps please
CyclingTeam@nottinghamcity.gov.uk

8. Traffic Regulation Order's (TRO's)

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 8765293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245. TRO assessments are required to support the development. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

9. Electric Vehicle Charging points (EVCPs)

Please contact Rasita Chudasama 0115 8763938 Rasita.Chudasama@nottinghamcity.gov.uk to seek advice on the electric vehicle charging points (EVCP).

10. Sustainable Transport

Please contact James.Ashton@nottinghamcity.gov.uk to discuss sustainable transport, and the Travel Plan and measures.

11. Stopping Up Order

To discuss PROW details further the applicant should contact John Lee 0115 8765246.

12. Car Club

To discuss car club considerations please contact Jennie.Maybury@nottinghamcity.gov.uk.

4. Drainage

All developments must consider the use of Sustainable Drainage Systems (SuDS) within their application, and should prioritise incorporating rainwater re-use. For water that cannot be reused, the building regulations hierarchy for the disposal of surface water must be followed. If the proposals do not include SuDS, then we require robust evidence for the justification to do so. We will require a minimum of a 30% betterment on the surface-water discharge rate, compared to the site's previous use. This must be supported by the relevant calculations and drainage strategy, and if infiltration is deemed a feasible method for this site, we will need to see evidence of the appropriate infiltration testing (BRE365). There are some surface water issues in the area. The applicant needs to demonstrate that this site will be safe and mitigates surface water risk to the site and third parties.

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: 20/02688/PFUL3 (PP-09325997)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue