

Report of Director of Planning and Regeneration

Diamond Plaza, Daleside Road

1 Summary

Application No: 21/01515/PFUL3 for planning permission

Application by: Williams Gallagher on behalf of Nottingham Community Housing Association Ltd, Liberty Property Co II Ltd & GEDA Construction Company Ltd

Proposal: Partial demolition of existing buildings and erection of 82 dwellings with associated access, parking and landscaping.

The application is brought to Committee because the application is recommended for approval but planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 27th October 2021

2 Recommendations

- 2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report.
- 2.2 Power to determine the final details of the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

3 Background

- 3.1 The application site is located to the north-east of the junction of Trent Lane with Daleside Road. It comprises 1.5ha of land and buildings that have been used by Virgin Media as offices and as a technical hub which supplies a large part of the East Midlands with fibre optic broadband services. It is advised that all of the offices have been vacant since 1 December 2019. The technical hub remains active.
- 3.2 The site is accessed off Trent Lane. There is also a car park egress further along onto Daleside Road. To the west of the site and also with access off Trent Lane is the Eastpoint Retail Park. To the east of the site is Chase Park, which is a small business and office estate with access off Daleside Road. To the north of the site is a sizeable area of woodland, which includes the Sneinton Greenway walking and cycling route and embankment to the Nottingham – Lincoln railway line. To the south of the site is Daleside Road and the Little Tennis Street area industrial and business estate.

- 3.3 There is dense vegetation and trees along the southern boundary of the site. Adjacent and also running along Daleside Road is the eastern cycle corridor/cycle super highway. There is a bus stop on Daleside Road.
- 3.4 The application site falls within the boundary of the Waterside area as defined within the LAPP. The future improvement of the section of Daleside Road that forms the southern boundary of the application site, as part of the Southern Growth Corridor, is identified to be safeguarded within the LAPP.

4 Details of the proposal

- 4.1 The application proposes the demolition of the majority of the existing office buildings on the site, but with the partial demolition of one of the buildings to allow for the retention of the technical hub. The proposed redevelopment of the site would then comprise of 40 one and two-bed apartments in four-storey pitched roof buildings to the south-west of the site adjacent to the retained technical hub building, and 42 two and three-bed houses in two and three-storey pitched roof buildings on the remainder of the site.
- 4.2 The applicant proposes that the dwellings would be offered in a mix of shared ownership and affordable rent tenures.
- 4.3 Vehicular access into the site would remain at the existing positions off Trent Lane. The primary vehicle access would then be along the northern boundary of the site, with cul-de-sac legs then running towards Daleside Road. Car parking spaces for the dwellings would be generally perpendicular to the access routes. The existing vehicular egress onto Daleside Road is proposed to be formally stopped up and made good.
- 4.4 The application proposes that the existing vegetation and a number of existing trees along the Daleside Road boundary of the site would be removed, with the retention of those trees only where they would not be in conflict with the proposed housing layout. Replacement and additional trees are proposed throughout the housing layout.
- 4.5 Front garden boundaries are to be defined with railings and close-boarded timber fencing is proposed to enclose rear gardens. Gardens are indicated to include timber sheds with fixings for cycles.
- 4.6 On plot positions for bins are indicated for the houses and with bin standing positions also located at point where refuse operators would be able to collect from the adopted highway. External bin store positions are indicated for the apartment buildings.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

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

Local Resident: The principle of the residential development of this site is welcomed and we hope with time that a community will thrive. Sure the construction

phase will have some impact and, although our outlook will have changed considerably, the project should in time become an asset to the area.

Local Resident: Overall I am supportive of the site being used for social housing and like the design. However it is on a busy and noisy road with traffic continuing through the night. There is an established buffer of not yet mature 25 year old trees and under-planting of shrubs along the front boundary, which should be all retained to mitigate the noise and air pollution and retain the greenness of our neighbourhood. The development is on the prevailing upwind of a paint stripping business which regularly produces fumes.

Additional consultation letters sent to:

Policy: The application site is located within the Waterside Regeneration Zone and is currently categorised as having an employment land use. Residential use at this site would be deemed to be appropriate development in line with regeneration objectives set out in the ACS and the LAPP, subject to a the development having appropriate standards of design and housing mix, and provided that sufficient justification can be made for the loss of the employment land. The applicant's submission, including a Market Report, has been assessed and appropriately justifies the loss of employment land in policy terms. In addition, the housing mix proposed, together with the provision of affordable rented and shared ownership is acceptable. It is therefore considered that the proposal accords with Policies 4 and 7 of the ACS and Policies EE3, RE1, RE8, SH3 and HO3 of the LAPP.

Drainage: There is a private sewer run shown along the boundary of this site. The plans show the proposed properties to be very close to this sewer. Query if an adequate easement has been proposed and if the private owners are happy with the proposals.

From the perspective of increasing permeable areas of brownfield sites for surface water management/opening up space for SuDS, it is disappointing that a large development such as this is not providing open space except for gardens. Note that water butts are to be considered. This is encouraged as well as rainwater planters. Given that infiltration has been deemed inappropriate for this site, query if the permeable paving is to be lined and discharge into the surface water network.

On the drainage drawing provided, it states that minimal flooding may occur during 1 in 100 yr + 40% climate change event. Request exceedance mapping/overland flow routes to evidence that flooding is contained within the site and does not affect buildings.

Query the proposed adoption of the SuDS features and maintenance plan for the lifetime of the development.

Environmental Health: Gas as monitoring results have now been included in the report. Provisionally the residential buildings require gas precautions including a gas resistant membrane & a ventilated sub floor void. Recommend contamination conditions. The submitted report confirms that air quality objectives would not exceeded at the facades of the residential properties, therefore no mitigation is required. Upgraded glazing & ventilation will be required on the facades of the development to the Daleside Road boundary of the site. It is recommended that dust control measures for part of the construction management plan for the site. Electric vehicle charging points are required.

Highways: No objection subject to planning conditions. The applicant is proposing large areas of unadopted carriageway, amenity space and pedestrian and cycle only routes. These areas will need to be maintained through a Management Company and where the spaces meet with the adopted highway provision for delineation of space is required as well as a good transition design. Further details are to be agreed and any issues resolved through the technical assessment stage with the S38 and S278 process. The proposed development can take advantage of its position adjacent to a good cycle network route and the availability of buses. The provision of off street parking is therefore able to be reduced to provide for amenity space. On street parking is able to be increased slightly. Electric vehicle charging points will be required. Expect to see 100% cycle parking provision provided that is well lit, secure and covered. Recommend that the submission of a waste management strategy be planning condition to ensure that waste storage and collection is suitable and will not detrimentally impact on the highway. The dedication of the of highway to NCC may be required at the existing egress point onto Daleside Road.

Biodiversity: The ecology report provided will suffice. Recommend that a pre-commencement survey be carried out to ascertain whether badgers are present in the area on the northern boundary of the site and also a Potential Roost Feature survey to establish if any of the trees being removed on the northern boundary could support bat roost. A condition requiring a landscaping scheme is required. Bat and swift boxes integrated into the design as suggested in the Preliminary Ecological Appraisal report are also required. Hedgehog friendly fencing should be used throughout. Any artificial lighting should be sensitive to bats and should be designed to negate light spill onto the northern boundary woodland. As no open space will be provided within the scheme a S106 contribution should be made to allow enhancement of local open space in the area.

Nottinghamshire Police: Appears that the developer has considered many facets of good design. It is unclear however, without a Design and Access Statement (DAS), what considerations have been made with regard to the site and individual premises resistance to crime. Various recommendations to be forwarded to the developer.

Education: No education S106 claim as there is sufficient capacity in the area, based on the low pupil yield that the proposed development will generate.

Pedals: Generally support the application and are pleased to see that it includes careful consideration about the promotion of active travel and improved connections to the Daleside Road section of the Eastern Cycle Corridor including the removal of one access road across the cycle path and footway. We would however like to see a further improvement, i.e. the widening of the rather narrow path between the east side of the Trent Lane crossing and the Daleside Road cycle path / footway towards Racecourse Road. Widening this pinch point would help to cater for very probable increased pedestrian and cycle use, especially with the completion in 2023 of the foot-cycle bridge across the River Trent between Trent Basin / Poulton Drive and Lady Bay, and also the proposed further upgrading of the A612 cycle path towards the Teal Close and other developments in Gedling Borough, etc., also to be funded with DfT Transforming Cities Fund support. Upgrading the present very substandard toucan crossing of Daleside Road just west of the Trent Lane roundabout would be another very welcome improvement in the vicinity, for cyclists and pedestrians, along with improved connections through

the Trent Basin housing development to and from the north bank landing of the new foot-cycle bridge.

Nottingham Local Access Forum: Supports the comments made by Pedals. In addition, it is noted that the applicant makes much of the closeness of the site to facilities in Sneinton. Amongst other things, these include the equipped play space and amenity open space at the Greenway Centre and along Sneinton Greenway. As the application makes no provision for public open space on the site, it is particularly important that safe and easy access is provided for pedestrians and cyclists to Sneinton along Trent Lane. This is also the main vehicular access to the site so measures should be considered to mitigate the potential conflict here between motor vehicles, pedestrians and cyclists.

6 Relevant policies and guidance

Aligned Core Strategies (ACS)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

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

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy EE3: Change of Use to Non-Employment Uses

Policy EN6: Biodiversity

Policy EN7: Trees

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy RE1: Facilitating Regeneration

Policy RE8: Waterside

Policy TR1: Parking and Travel Planning

NPPF (2021):

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

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

a) will function well and add to the overall quality of the area, not just for the short

term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7. Appraisal of proposed development

Main Issues

Whether:

- (i) The loss of employment land for housing is appropriate within this area.
- (ii) The layout and design of the development is appropriate for this location.

Issue (i) Loss of employment land for housing (ACS Policy 7 and LAPP Policies EE3, RE1 and RE8)

- 7.1 The application site includes buildings that have last been in use as offices for Virgin Media (now vacant) and that also remain in use as a technical equipment hub. The associated surface car parking for the site is now substantially unused.
- 7.2 The application site falls within the Waterside strategic regeneration area and as such is recognised for having the opportunity to provide regeneration benefits. LAPP Policy EE3: Change of Use to Non-Employment Uses notes that applications for the regeneration of previously-used employment sites and employment premises are to be considered in accordance with a series of criteria, including:
 - a) whether the existing building or land is of an appropriate quality or in an appropriate location to allow reuse for employment purposes;
 - b) whether there is a demonstrable lack of demand for the existing land or premises and there is a suitable supply of alternative land or premises of a similar scale;
 - c) whether the proposal would alleviate any unacceptable environmental impacts of the current use; and
 - d) whether the proposal is a comprehensive redevelopment which would benefit the wider area.

- 7.3 The application submission includes a Market Report that advises there would be limited occupier demand for this amount of office accommodation in this out of centre and relatively isolated location. This report has been assessed by the Policy team, who have concluded that it appropriately justifies the loss of employment land in policy terms. It is also advised that the principle of the residential use of the site is appropriate development in line with the Council's regeneration objectives.
- 7.4 It is therefore considered that the proposed development accords with ACS Policy 7 and LAPP Policies EE3, RE1 and RE8.

Issue (ii) Layout and design (ACS Policies 8, 10 and 14 and LAPP Policies HO1, DE1 and TR1).

- 7.5 The proposed dwellings are arranged to provide a good perimeter block structure, addressing the sites' frontage with Daleside Road whilst also facing onto the new access roads. Garden areas to the rear benefit from being screened from road traffic noise. There is consistency within the structure of the layout, with building lines being created and with three storey house types being aligned onto Daleside Road providing appropriate scale to this primary road frontage and with two storey house types reducing the scale on the cul-de-sac legs. Vehicle access and car parking has been integrated within the proposed layout and with the majority of the houses having frontage car parking spaces, and with landscaping and trees being provided to break these runs.
- 7.6 The scale of the proposed four storey apartment buildings is considered to be appropriate at their position proximate to the roundabout junction of Daleside Road with Trent Lane. Whilst it may otherwise have been appropriate for the apartment buildings to have been positioned on the corner of the roundabout junction, it is acknowledged that there are existing utilities constraints at this point on the application site. The context of these buildings to the scale of the retained section of the existing buildings is also being recognised. It is therefore considered that the proposed layout and scale of apartment buildings is the most appropriate response to those constraints.
- 7.7 The design and appearance of the proposed apartments and houses are considered to provide sufficient interest through their form, with the angled roof form of the three storey houses being particularly distinctive features of this house type. Roof overhangs and angular balconies to the apartment buildings also provide a visual connection between the designs. The two storey house types that sit within the centre of the layout are more modest in their appearance, with contrasting brick types and general details being used to provide visual interest. The proposed predominantly red brick finishes with contrasting brick accent elements is considered to be managed well across the proposed development.
- 7.8 Highways are substantially satisfied with recent updates that have been made to the layout, ensuring that bin standing locations are at positions where they can be collected from the adopted highway. The number of car parking spaces to be provided within the proposed layout has also been reduced in discussion with the applicant, with increased opportunities for landscaping being provided to the Daleside Road frontage and pedestrian points of entry into the proposed development. It is considered that sufficient numbers of parking spaces are still being provided within the layout, with adjustments also having been made to acknowledge opportunities for on-street car parking spaces. Highways have no

objection to the proposed layout subject to minor amendments that are being discussed with the applicant and the recommended planning conditions.

- 7.9 It is considered that the proposed layout and design of the development is appropriate to the site and area and accords with ACS Policies 8, 10 and 14 and LAPP Policies HO1, DE1 and TR1.

Other

- 7.10 The support of local residents for the proposed development is noted and welcomed. Whilst existing trees and vegetation to the edge of Daleside Road is being removed as part of the proposed development, replacement planting is also being proposed and the presence of the development on Daleside Road is also considered to be positive to the area. There has been no objection from Environmental Health in relation to fume nuisance.
- 7.11 The response of Environmental Health is noted. Additional gas monitoring has now been complete and planning conditions are proposed in accordance with LAPP Policy IN2.
- 7.12 The response of Nottinghamshire Police is noted and advisory recommendations have been forwarded to the applicant.
- 7.13 The responses of Pedals and Nottingham Local Access Forum are noted and have been reviewed in association with Highways. Appropriate and safe access into and out of the site is being secured. It is advised that the viability of the proposed development is not able to support other off-site highway improvements, which is outlined in section 9 of this report.

8. Sustainability / Biodiversity (ACS Policy 1 and LAPP Policies CC1, CC3, EN6 and EN7)

- 8.1 The Energy Statement submitted with the application states that whilst the proposed development does not include the specification of any low carbon or renewable energy technology, that it will achieve carbon emission reduction goals using fabric improvements, highly efficient space and water heating, and enhanced heating controls, such as delayed start thermostats and weather compensation.
- 8.2 The applicant has responded to the points raised by the Drainage team, confirming that proposed easement is consistent with the relevant title provisions. The applicant has confirmed that water butts are to be provided to each house and that permeable paving will be lined to discharge into the below ground drainage system. The applicant has also clarified an error on the submitted drainage drawing and that the submitted Flood Risk Assessment indicates that there is no flooding with the provision of the permeable paving. The permeable paving is located within private drives/parking areas to be retained by developer who will be responsible for any future maintenance. A drainage strategy that incorporates soakaways and/or SUDS is also to be provided and is a recommended planning condition. It is therefore considered that the proposed development accords with LAPP Policy CC1 and CC3.
- 8.3 It is recognised that a number of existing trees and vegetation along the Daleside Road boundary of the site would be removed (17). Whilst efforts have been made to ensure the retention of as many of these trees as possible, it has not been possible

to retain those that would be in conflict with the proposed housing layout, including a number that are assessed to be of moderate landscape value. Replacement tree planting in numbers in excess of these losses (26) is therefore proposed as mitigation and, in the context of the development being proposed, is considered to be a reasonable strategy in relation the redevelopment of the site in accordance with LAPP Policy EN7. Tree protection measures to those trees that are proposed to be retained is a recommended condition of planning permission.

- 8.4 The Biodiversity team have advised that the submitted Ecology Report is acceptable. A planning condition is recommended requiring pre-commencement badger and bat roost surveys be carried out in a minor area on the northern boundary of the site that was inaccessible at the time of the report survey. Further planning conditions requiring details of a landscaping scheme, incorporation of bat and swift boxes, and hedgehog friendly fencing, and a street lighting scheme designed to negate light spill onto the northern boundary woodland are also recommended in accordance with LAPP Policy EN6.

9. Section 106 (LAPP Policies HO3 and IN4)

- 9.1 The application would be expected to provide a S106 planning obligation to include financial contributions towards affordable housing, education, open space (where this is not being provided on site), and employment and training. The response of the Education team, noting that there is sufficient school capacity in the area, is acknowledged. In accordance with the adopted Supplementary Planning Guidance on Affordable Housing and Developer Contributions, and the Supplementary Planning Document on The Provision of Open Space on New Residential and Commercial Developments, the proposed development would be expected to provide the following financial contributions where on site provision is not being made:

Affordable Housing: £719,582.80
Open Space: £144,918.67

- 9.2 The applicant has submitted a viability appraisal with the application, which has been independently assessed by the Council's consultants. The independent assessment agrees that the scheme is unable to provide a policy compliant S106, and would return a deficit even without any S106 contributions being included in the calculations. The proposed development is for a mix of affordable rented (57) and shared ownership (25) housing that is to be managed by the applicant. It is advised that the applicant wishes to proceed with the development on the basis of seeking a longer term investment into affordable housing in this location. The proposal for 100% affordable housing therefore exceeds the requirements of LAPP Policy HO3. On the basis of the conclusions of the independent assessment of the applicant's viability appraisal and in recognition of the level of affordable housing being proposed, it is therefore considered that the proposed development accords with LAPP Policy IN4.
- 9.3 An Employment and Training Plan has been prepared and has been accepted by the applicant. On the basis of the above conclusion on viability it is advised that the Employment and Training Plan is to be operated via the use of a Memorandum of Understanding, which is an approach that has been successfully used on the applicant's other developments and provides for the same number of job targets to be met as would otherwise be provided under a S106.

10 Financial Implications

None.

11 Legal Implications

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

12 Equality and Diversity Implications

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

13 Risk Management Issues

None.

14 Strategic Priorities

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

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

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 21/01515/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVX1V7LYJ9F00>

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

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

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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

NOMAD printed map



Crown copyright and database rights 2021 OS 100019317. Use of this data is subject to terms and conditions. Copyright Nottingham City Council

© Crown copyright and database right 2021. Ordnance Survey Licence number 100019317. Aerial photography © Getmapping Plc and Bluesky International Limited 2019. NOMAD print generated by a NOMAD user on 14/12/2021. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk for high quality maps.



Key
 City Boundary

Description
No description provided

My Ref: 21/01515/PFUL3 (PP-09964822)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Williams Gallagher
FAO Mr Matthew Williams
Portman House
5-7 Temple Row West
Birmingham
B2 5NY
UK

Date of decision:

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

Application No: 21/01515/PFUL3 (PP-09964822)
Application by: Nottingham Community Housing Association Ltd, Liberty Pro...
Location: Diamond Plaza , Daleside Road, Nottingham
Proposal: Partial demolition of existing buildings and erection of 82 dwellings with associated access, parking and landscaping.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, dust control measures, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the Construction Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

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



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

DRAFT ¹ ONLY
Not for issue

Continued...

3. Other than the partial demolition of the existing buildings, no development shall commence until a Remediation Strategy that has regard to the Geo-environmental & Geotechnical Desk Study Report by EMCUS dated 10/06/2020 and the Phase 2 Geo-environmental & Geotechnical Investigation Report by EMCUS dated 10/09/2021 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) above are complete.

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

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

4. Other than the partial demolition of the existing buildings, no development shall commence until a survey has been carried out to ascertain whether badgers are present in the area on the northern boundary of the site and also a Potential Roost Feature survey to establish if any of the trees being removed on the northern boundary could support bat roosts. The findings of the survey shall be submitted to and approved by the Local Planning Authority and any recommended mitigation measures shall thereafter be carried out in accordance with the recommendations of the approved survey.

Reason: In the interest of ensuring that the development of the site has regard to protected species and in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).

5. Other than the partial demolition of the existing buildings, no development shall commence until details of tree protection measures, including no-dig construction methods as identified within the approved Arboricultural Survey and impact Assessment (Landscape Science & Consultancy Ltd. - Revision A, June 2021), have been submitted to and approved by the Local Planning Authority. The approved tree protection measures shall remain in place throughout the duration of construction operations.

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

6. No above ground development shall commence until a detailed design for the drainage of the approved development has been submitted to and approved by the Local Planning Authority. As a minimum the submitted information should contain:
- i. Details of how the surface water run-off will be managed,
 - ii. Drainage plan showing the layout of the proposed drainage (both foul and surface water),
 - iii. Proposed Adoption of SuDS features (who will maintain the SuDS features),
 - iv. Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
 - v. Relevant surface water calculations from licenced software.

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

Reason: In the interests of ensuring the appropriate management of surface water and to minimise the risk of surface water flooding events affecting occupants of the development in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

7. No above ground development shall commence until details of the external materials of the buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

8. No above ground development shall commence until details of an external lighting scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be sensitive to bats and should be designed to negate light spill onto the northern boundary woodland. The development shall thereafter be implemented in accordance with the approved external lighting details.

Reason: In the interest of ensuring that the development of the site has regard to protected species and in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).

Pre-occupation conditions

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



9. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.
- Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*
10. No individual dwelling shall be occupied until the access road and car parking provision to serve that individual dwelling have been completed in accordance with the approved plans and are available for use.
- Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*
11. No individual dwelling shall be occupied until the boundary enclosure associated with that individual dwelling has been completed in accordance with the approved details.
- Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategies.*
12. The approved development shall not be occupied until a detailed scheme for the incorporation of bat and swift boxes throughout the approved development has been submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details.
- Reason: In the interest of ensuring the incorporation of these features within the approved development to support biodiversity and in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).*
13. The approved development shall not be occupied until details of hedgehog friendly fencing and walls to be provided to all house plots within the approved development has been submitted to and approved by the Local Planning Authority. Development shall thereafter be implemented in accordance with the approved details.
- Reason: In the interest of ensuring the incorporation of these features within the approved development to support biodiversity and in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).*

14. The approved development shall not be occupied until details of a waste management strategy for the development has been submitted to and approved by the Local Planning Authority. The submitted waste management strategy shall ensure that waste storage and collection is appropriate to the amenity of the residential occupants of the development and will not detrimentally impact on the highway.

Reason: In order to ensure that bins are not scattered either on or off the adopted highway and causing nuisance, inconvenience, or amenity issues for residents of the development as a whole, in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2.

15. No dwelling within the approved development shall be first occupied until detailed arrangements for the future maintenance and management of the sections of private highway, communal parking areas, and communal landscaped areas have been submitted to and approved by the Local Planning Authority. Thereafter the approved maintenance and management arrangements shall be implemented at all times unless varied with the further written consent of the Local Planning Authority.

Reason: In order to ensure the on-going management and maintenance of these areas within the approved development in the interests of the residential amenity of future occupants of the dwellings in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

16. The approved electric vehicle charging scheme shall be implemented prior to the first occupation of each dwelling to which the electric vehicle charging point relates.

Reason: To enable future occupiers to make green vehicle choices and to comply with paragraph 107 of the National Planning Policy Framework (July 2021)

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

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

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 28 July 2021.

Reason: To determine the scope of this permission.

Informatives

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



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

DRAFT ⁵ ONLY
Not for issue

Continued...

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. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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

4. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management on 0115 8765293 or email Highway.Management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

5. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them via highway.management@nottinghamcity.gov.uk or 0115 8765293. All costs shall be borne by the applicant.

6. If the applicant is to pursue an adopted highway a S38 agreement is to be entered into and necessary technical details and processes followed to achieve the access and other estate roads as suitable for adoption. Vehicle tracking and other technical assessment details are necessary. The applicant is to contact highway.management@nottinghamcity.gov.uk to pursue further.

7. Please contact highway.management@nottinghamcity.gov.uk to pursue discussions on Advance Payment Code requirements.

8. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management at highway.management@nottinghamcity.gov.uk or 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

9. The applicant is to provide traffic calming on the new adopted highway with street tree build outs. Please contact Alex.Begg@nottinghamcity.gov.uk to pursue tree species and placement alongside the S278 works.

10. 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 or email highway.management@nottinghamcity.gov.uk to instigate the process. For TRO advice and further information the applicant is advised to contact traffic.management@nottinghamcity.gov.uk.

11. The applicant is to contact our cycling team CyclingTeam@nottinghamcity.gov.uk to progress the cycle facilities.

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

13. Bins left unattended on our highway are fined and should not block any footway or carriageway. Bin store locations at this development will require a kerbside collection point to store individual dwelling bins. The applicant is proposing a large number of private drives and unadopted highway that will necessitate bin stores at the point they meet the adopted highway. Waste operatives should not need to enter onto private property to carry out refuse collection. The applicant is to contact Jason Martyn Jason.Martyn@nottinghamcity.gov.uk in the first instance to liaise on an

acceptable waste management strategy and collection agreement to serve dwellings off the new development.

14. The applicant is advised to provide travel packs for each dwelling to promote sustainable transport travel choices. To obtain further information please email HighwaysDM@nottinghamcity.gov.uk.

15. The applicant is to provide the Highway Authority with further details for pedestrian and cycle link routes onto Daleside Road, including the closure of the existing vehicle egress point onto Daleside Road. It is advised that these areas be dedicated to Nottingham City Council. Please contact John.lee@nottinghamcity.gov.uk to resolve design and approach to these elements of the approved layout.

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.



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

DRAFT 8 ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 21/01515/PFUL3 (PP-09964822)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

STREET NAMING AND NUMBERING

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



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

DRAFT ONLY

Not for issue

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

DRAFT ONLY
Not for issue