

Report of Director of Planning and Regeneration

Site Of Former Padstow Secondary School South Of Eastglade Road, Gainsford Crescent

1 Summary

Application No: 21/02506/PFUL3 for planning permission

Application by: Countryside Properties (UK) Limited

Proposal: Erection of 291 dwellings, associated works including engineering works and drainage, demolition of part of the existing school, new roads, landscaping, and public open space. Diversion of public rights of way at Land at Former Padstow School, Eastglade Road, Bestwood, Nottingham.

The application is brought to Committee because it is a major application with important land use considerations

To meet the Council's Performance Targets this application should have been determined by 21st February 2022, an extension of time has been agreed in principle with the applicant.

- 2 To GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:
- (a) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of:
 - (i) A financial contribution of £1,911,255 towards new and enhanced primary and secondary education facilities
 - (ii) A financial contribution of £85,764 towards employment and training and provision of employment opportunities during construction works
 - (b) The indicative conditions listed in the draft decision notice at the end of this report
 - (c) Power to determine the final details of both the terms of the Section 111 Agreement, Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Regeneration.
- 2.2 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

- 3.1 The site was historically occupied by Padstow School and forms partially cleared areas of buildings and former playing fields. The site is located within an established residential area where properties are a mix of semi-detached and terraced and largely constructed from brick and tile. The site is bounded by Eastglade Road to the north, Stevenholme Crescent to the east, Ellsworth Rise to the west and Gainsford Crescent to the south. Henry Whipple primary school is situated on the south western boundary and Bestwood Community Centre alongside the new access road proposed from Gainsford Crescent.
- 3.2 The site slopes gently down from north to south, with flatter areas once occupied by buildings, playing fields and other areas relating to the former school use, with the exception of the final approximate 150m which slopes steeply towards Gainsford Crescent. The site is generally grassed and contains a number of footpaths across it largely linking north and south together. A belt of poplar trees and scrub vegetation are located approximately within the centre of the site, with other largely self-set trees dotted around the site. Beyond the south eastern boundary is a small area known as Sunrise Hill, which is designated as a Local Nature Reserve.
- 3.3 To the north of the primary school is a brick tower with telecoms mast atop, which the developer is understood to be in process of negotiating the removal of. Annex buildings associated with the school on the eastern side of the school site are proposed to be demolished as part of this application.
- 3.4 The site is served by bus stops located to the north on Southglade Road and to the south on Gainsford Crescent. The site is allocated within the Local Plan as SR08 – Eastglade Road - Former Padstow school site.

4 Details of the proposal

- 4.1 The proposal is for the construction of 291 residential dwellings. The development would provide a mix of 1, 2, 3 and 4 bed properties. 75 (25%) of the proposed dwellings would be affordable units which would be transferred to Nottingham City Homes on completion. Affordable units would largely be located on the western side of the site and be a mix of detached, semi-detached and terraces to match the wider site mix.
- 4.2 Properties would with the exception of 3 units all be two storey in height and constructed from brick and tile. Twelve varying property styles are proposed, all of which include window headers, cills and brick string courses. Dwellings would be enclosed with a mix of brick walls and hedging with railings behind. Following discussions with the applicant the number of units has reduced from the initially submitted 294 to 291 to improve the site layout.
- 4.3 All parking areas within the curtilage of dwellings would be provided with Electric Vehicle Charging Points (EVCPs). Additional visitor parking is provided within on street build outs. Provision has been made for bin storage within rear garden areas and an outbuilding would be provided for bike storage.
- 4.4 The centre of the site would be retained and improved as a green park area with a play area also provided. A 5m wide green corridor is proposed running north to south through the site which would be planted with trees and vegetation.

- 4.5 Three drainage attenuation basins are proposed as part of the proposed development one at the northern end and two at the southern. The southern approximate 100m of the site towards Gainsford Crescent would be planted and footpaths connecting the site provided.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

183 properties consulted on Ellsworth Rise, Stevenholme Crescent, Peary Close, Padstow Road, Raymeade Drive and Eastglade Road.

Press & site notices displayed.

Nine letters of representation received to the initial submission raising the following points:

Nottingham Local Access Forum

Our objection to this application is consistent with our objection to the draft Section 251 (Town and Country Planning Act) Order, that seeks to stop up all existing rights of way that may exist on the site and which is referred to in the application.

NLAF wishes to be assured that the application secures access via active travel means across the site, and to the retained open space within it. The inference is that such access will be available and we broadly welcome the proposed road hierarchy, together with the pathways in the areas of open space, that should permit active travel within and across the site. We can however find no commitment to the roads being adopted as highways, nor to the dedication as rights of way of the pathways, both being required to guarantee public access. We suggest that planning conditions should be applied to secure both.

Selected lengths of the pathways should incorporate segregated facilities designed in accordance with LTN 1/20 for use by cycles/scooters, in particular the links to and from Padstow Road, Stevenholme Crescent and Barent Walk. Such facilities will support the objectives of the Travel Plan and the work of the Travel Plan Coordinator, when appointed. Planning conditions should be applied to secure these segregated rights of way, and the future maintenance regime for all the pathways.

We are aware that enjoyment of the open space afforded by the existing access and rights of way is greatly enhanced by the spectacular views available from the site that are currently available. Cross sections additional to those provided in the application should be required of the applicant in order to illustrate the extent to which these views are retained. These should be taken on an approximately north/south axis (at right angles to the line of retained poplar trees) through both areas of retained open space, extending through the houses between them and through the existing houses south of the site.

Planning conditions that govern finished ground floor levels in buildings and road levels, together with building heights by location may be appropriate to secure that the views are retained. NLAF welcomes the inclusion of externally accessed cycle storage for all properties. Planning conditions should be applied to ensure that

these are delivered, and require that storage units are well designed, secure, internally lit and provided with power supply to permit charging of e-bikes. The size of each cycle store should be commensurate with the number of bedrooms in the property it serves

Friends of Sunrise Hill

I am writing to object to the current plans for the housing development. We appreciate that there is a need for appropriate housing, but we feel that the plans as they currently stand do not do enough to consider environmental needs. We are extremely concerned about the impact on the wildlife and biodiversity on the site, and also the negative impact on the wildlife in Sunrise Hill – a designated LNR.

We are extremely concerned that the disturbance caused by the building work will have a detrimental impact on this important habitat and the wildlife within it. Sunrise Hill was referenced in the Preliminary Ecological Appraisal, and yet we note that the Application in section 12 ticks 'no' next to 'Designated sites, important habitats or other biodiversity features'. This is very concerning, and needs to be amended.

The council requires a biodiversity net gain (see the Biodiversity Supplementary Planning Document (SPD)). It is not apparent from these plans how this is going to be achieved – opportunities will be missed without a clearly thought out and documented approach to meeting this net gain obligation.

The council's SPD states that green corridors should be maintained and, where possible, improved (Stage 2: Design, and Mitigation Hierarchy 5.10, 5.12). We have stated at every consultation opportunity that the proposed 'green corridors' do not fit any description of a green corridor that most would recognise. They appear to be just clusters of trees alongside roads – not a practical solution to allow wildlife to travel freely and safely from Sunrise Hill, across the site and towards Southglade Park, as it can at present. Green corridors are used to provide wildlife with safe access, when their habitat is interrupted by structures such as roads, so these tree lined roads on the plans can never be considered green corridors, and will result in increased fragmentation of species and habitat – another blow for biodiversity and endangered species, and almost certainly having a negative impact on Sunrise Hill.

There is no reference in the documentation to hedgehogs being seen on the site – as local residents, we can confirm that there are hedgehogs in the area. We have seen them in Sunrise Hill, on Kinlet Road and on Stevenholme Crescent – which backs onto the site. It's therefore essential that the plans take into account the requirements of this critically endangered species.

The Preliminary Ecological Appraisal Report noted house sparrows (a red listed bird) using the site. There is a sizable group of house sparrows that use Sunrise Hill daily, so we are concerned about the impact of the building work on this group. Steps must be taken to preserve and enhance their habitats on the site.

Finally, as a local resident, I am very concerned about the impact on the physical and mental wellbeing of the community – the Friends of Sunrise Hill group has received plenty of feedback about this. I use this site every day and it is never empty – on weekdays, it is the commute to school for many families and commute to work for many people. It's used by dog walkers, joggers, and at weekends and evenings, by many people for recreation – to enjoy the open space, the views of the city, to watch fireworks, to go sledging in the snow, to fly kites and have picnics.

The loss of open space, and particularly green space containing flora and fauna, will have a detrimental impact on the wellbeing of many.

The LAPP states that allocated sites SR03, 05, 06, 08 & 09 open space requirements will be coordinated with appropriate mitigation provided which result in an overall increase in the quality & ecological value of open space in the area. This Application falls short of the mitigation measures listed above, and therefore Friends of Sunrise Hill must object.

Nottingham Open Space Forum

The area concerned is an important open green space and is part of a wider network in that area much of which is also designated for development. Whilst acknowledging that the land in question is legitimately designated for housing we must object to this application as we believe it does not adequately reflect the needs of the local community and of enhancement of the natural environment.

The Green corridors indicated on the application plans are incomplete, are not true nature friendly green corridors and do not enable green connectivity which would benefit the local community

We would welcome this both for SUDS purposes and for potential biodiversity enhancements. We do not feel that future management and protection is adequately detailed. We also note that some diagrams show a 3rd pond – are two or three proposed?

In reality tree planting is scattered street trees and not a green corridor.

No detail of enhancement measures are set out. Promises were made, for example, at one consultation session for hedgehog friendly fencing on all properties but this is not stated.

We acknowledge that the provision of open space is adequate, but Council guidance is that Biodiversity & Open Space SPDs are to be taken together and call for connectivity. Such connectivity is not in place.

This application should be refused in its current form on the basis that it does not adequately reflect the Councils declaration of ecological and climate emergency and the policies set out to address that. We believe that Section 40 of the Natural Environment and Rural Communities (NERC) Act placing a duty on public authorities to have regard to the purpose of conserving biodiversity also applies.

Nottingham Wildlife Trust:

We believe that the PEAR is inadequate as it does not provide the detail needed for such an application.

An impact assessment on the local hedgehog population does not appear to have been included within the PEAR. Hedgehogs are secretive in nature and often go unnoticed and as a consequence are significantly unrecorded. The lack of records on site, therefore, does not indicate an absence of the species. Given the habitats on site and the adjacent residential gardens, the presence of hedgehogs within the area is considered likely. As a consequence, Reasonable Avoidance Measures

(RAMs) and appropriate mitigation should be implemented.

Any garden fence, or other non-permeable structure, should be provided with a small hole (130mm x 130mm) to allow a continuous pathway in which hedgehogs can move through the developed residential site.

This site lies directly adjacent to Sunrise Hill LNR/LWS which contains an area of acid grassland; a Priority habitat. We are concerned that these proposals will result in the fragmentation of this habitat, as well as the potential for degradation as a result of increases in recreational disturbance. Further assessment is therefore needed to determine the level of potential impacts including fragmentation, increased footfall (disturbance element & soil compaction), noise, vibration, dust during the construction period, insensitive lighting, spray drift from domestic herbicide / pesticide usage and potentially unwanted garden escapees / invasive species. Avoidance measure must be implemented, with mitigation / buffer planting considered as a last resort.

There appears to be some inconsistencies between the PEAR and Bat Survey Report in regard to the assessment / further bat surveys for the buildings. Neither the PEAR nor the Bat Survey Report appears to have assessed the site as a whole for foraging / commuting bats.

A potential badger sett was recorded on site, should monitoring confirm an active badger sett, an assessment of the impacts from the development will be required, as a licence application to Natural England may be required.

To facilitate the retention of the ecological corridor the masterplan will need to be re-designed; this will require the exclusion of houses 93 to 118. This area should be enhanced, under the advice of the ecologist, by restoring / creating further (appropriate habitat) and managed for biodiversity not amenity.

Attenuation Features / Sustainable drainage systems (SuDS) – it is important that these are retained / managed as permanent waterbodies and designed for biodiversity.

During the survey, the ecologist noted the presence of dunnock and house sparrow on site. Both species have undergone significant declines and are therefore red listed Birds of Conservation Concern, therefore every effort must be made to retain and enhance the habitats on site to retain and bolster the populations. Appropriately sited sparrow boxes should be incorporated into the buildings (under guidance from the ecologist) and hedgerow / scrub habitats created to facilitate both species. Additional boxes should also be incorporated into each of the dwellings to provide further habitat for other urban bird species (integrated swift boxes can facilitate a range of bird species). Bat bricks / boxes and insect bricks should also be included.

All future development proposals should apply the mitigation hierarchy to help deliver biodiversity net gain and reduce, as far as possible, negative effects on biodiversity. The mitigation hierarchy requires that in the first instance impacts are avoided, if they cannot be avoided then they should be mitigated for and only as a last resort should impacts be compensated. Enhancement and delivery of biodiversity net gain i.e. an approach that leaves biodiversity in a better state than before should be part of all development proposals, in line with the Environment Bill.

Based on the available information, we consider that this application fails to demonstrate that the proposed development will not result in an adverse impact on UK and Nottinghamshire Priority habitats and Priority species, as well as the fragmentation of a key wildlife corridor and ecological network. In the absence of demonstration that such impacts can be avoided; mitigated or adequately compensated, we believe this application should be refused.

How will the schools cope with the additional children?

Health facilities in the area are already stretched

How will the police cope with the additional

Where are the leisure facilities for an additional 1000 people?

To approve this plan without any consideration for the current community or provision of extra schooling and leisure services is completely unacceptable.

Surrounding roads are not suitable for heavy traffic and this proposal will bring another 500 cars to the roads.

We are concerned about traffic onto Gainsford Crescent and the positioning of the bus stop

The access onto Arnold Road also requires consideration

There is a danger that the road through the site will be used as a rat run and with schools at both ends this could be dangerous

For an already densely populated area it doesn't make sense to add more dwellings and remove green space

The development will not benefit the local economy

Provision of affordable homes is not sufficient justification for the disruption that this development will bring to existing residents

The loss of the green space will mean less places for dog walking and a need to travel by car to places further away

Four letters of representation received following further consultation:

Some areas of this site become water logged through the autumn/ winter season. I have noted that attenuation basins have been included in the plans, but I am concerned that displacement of water upon development will lead to flooding or increased surface water to the current neighbouring properties, and associated possible risk of subsidence.

Has this land ever been considered for use as a natural habitat, possibly as a LNR, connecting to the LNR Sunrise Hill which is already established? I appreciate that ecological surveys have been undertaken, but they do only provide a snapshot of that point in time. Since the demolition of the Padstow school buildings I have observed wildlife using this site on a daily basis

I know mitigation plans are in place to attempt to reduce impact to bats amongst and other animals but nevertheless, an impact will be made. The loss of green space and the introduction of street lighting to what is currently a relatively dark area will undoubtedly have a negative impact.

The Nottingham Biodiversity Action Plan speaks of the importance of identifying

species and habitats important to the local area and reflecting values of the people locally, to ensure opportunities for conservation enhancement of biodiversity resources, and to limit the impact on any existing conservation areas (Sunrise Hill will likely be negatively impacted by the proposed housing development). With all this in mind, why not consider this site for conservation enhancement? Plant more trees and shrubs, create wildflower meadows, allow more and more wildlife to return to the area.

I believe that local people would wholeheartedly embrace this idea. At a time when we need more trees and more greenspace, when DEFRA and the Forestry Commission are offering to pay landowners to plant trees (Plant the Future), when we need natural resources to act as a barrier to urban pollution, absorbing airborne particles and pollutants from this already too built up an area, we should consider keeping Padstow a greenspace. We should consider making it a better greenspace, encouraging more wildlife and connecting the areas of Sunrise Hill to Southglade Park, allowing a wildlife corridor.

To build 291 dwellings on this land, along with the associated highways, will lead to a permanent loss of grassland, and species habitation. The biodiversity which I have witnessed increasing over the years will be severely impacted and some even lost.

I do also feel that the infrastructure of the area will struggle. School crowding, increased traffic, noise and pollution and strain on Doctor and Dentist provision.

Friends of Sunrise Hill

Our objection as the Friends of Sunrise Hill and local residents remains. The plans do not do enough to consider environmental needs, a critical concern given the climate emergency. We are concerned regarding the impact on wildlife and biodiversity on the site and negative impact on Sunrise Hill LNR.

We have consistently requested for plans to include appropriate wildlife corridors to enable species to travel through from Sunrise Hill across into Southglade Park. We are disappointed this has been missed from plans completely.

We note from the preliminary ecological appraisal that a construction environmental management plan and ecological mitigation strategy are recommended for the site and our hope is that these will help mitigate some of the damage being done

Nottingham Open Spaces Forum

I write on behalf of the Nottingham Open Spaces Forum and we maintain our previous objection. We note some amendments to the original plans which move towards improvements regarding our ecological and open and green space concerns. We find however that these revisions do not sufficiently address the major flaws which relate to the lack of ecologically sound green connectivity as required in the biodiversity SPD or as detailed in the site allocation description contained within the LAPP

We note that the updated ecological survey recommends the following: "Ecological Mitigation Strategy should be produced for the site detailing how the development will maximise potential opportunities for biodiversity within the hard and soft landscaping and protect notable species during and post development." The report

further recommends assessment specific to the adjacent Sunrise Hill LNR. Until we are able to assess such documents we remain opposed to this development in its current form.

I was hoping to see a reduction in the number of dwellings proposed, plans for leisure facilities, explanation as to how 500 children are going to be educated, increase in availability of medical facilities, plans for improvement of road safety in the surrounding area.

There is nothing like that - seems to be the same plans re-drawn slightly. If the proposal is to be reassessed, shouldn't people in the community be notified correctly and given the opportunity to object?

My objections to this development remain as they were previously and as detailed above.

Any further letters received will be reported as late items

Additional consultation letters sent to:

Pollution Control: Details of contaminated land remediation, noise and insulation and electric vehicle charging points should be secured via condition

Environment Agency: The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site

Lead Local Flood Authority: No objection surface water management details should be secured via condition

Carbon Neutral Team: The scheme overall appears to show good thought in relation to ecological mitigation. However, to reduce the carbon impact of the proposed development, it is recommended in particular that: - There is a consideration of the energy performance of the proposed dwellings, including measures to reduce energy use, and use of renewable and low carbon forms of energy. Further consideration of water efficiency measures in the proposed dwellings could be included, as well as rainwater butts in gardens. - The number of car parking spaces provided is reduced. This space could instead be used for natural/open space.

Biodiversity Officer: No objection subject to conditions relating to design amendments to attenuation ponds to provide standing water habitats. Hedgehog friendly fencing, submission of an ecological mitigation strategy, provision of a lighting strategy, landscaping details and a construction environmental management plan

Education: A contribution towards the provision of additional Primary and secondary school places is requested.

Highways Officer: Further clarification required relating to road safety and a number of technical aspects namely; traffic calming, transitions, tracking, access and visibility; details shall be secured via condition

Rights of Way Officer:

Has the application been advertised based on the proposal resulting in footpath diversions?

Although the applicant refers to the diversion, the plan attached to their application says “extinguishment”, which, legally, is a stopping up with no new PROW being created. It can't be both.

No clear plan has been provided showing the diverted PROW

Pedestrian links should be designed to accommodate cyclists as well (sufficient width, signing and no physical motorcycle barriers)

NUH NHS Trust: A contribution is requested towards health care provision.

6 Relevant policies and guidance

National Planning Policy Framework (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 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.

Aligned Core Strategies (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

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

Policy CC1 - Sustainable Design and Construction
Policy CC3 - Water
Policy HO1 - Housing Mix
Policy HO3 - Affordable Housing
Policy DE1 - Building Design and Use
Policy DE2 - Context and Place Making
Policy EN2 - Open Space in New Development
Policy EN6 - Biodiversity
Policy EN7 - Trees
Policy IN2 - Land Contamination, Instability and Pollution
Policy IN4 - Developer Contributions
Policy SA1 - Site Allocations
Policy TR1: Parking and Travel Planning

7. Appraisal of proposed development

Main Issues

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

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

- 7.1 The site is identified in the Local Plan Part 2 as Site Allocation SR08 – Eastglade Road - Former Padstow school site. The proposed use is “residential (C3, predominantly family housing) with a proportion of the site retained as open space”. Having regard to this allocation the principle of residential development of the site, with areas of public open space, is considered to be acceptable.
- 7.2 The proposed development would offer a mix of tenures notably private sale, private rent, affordable rent and shared ownership. The proposal would offer a good mix of house types and sizes with the predominant sway towards family housing. 25% of the total housing numbers are proposed as affordable units. Given the allocated nature of the site and the proposal for residential development the proposal is acceptable in principle and accords with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

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

- 7.3 The scheme has been the subject of protracted discussions to inform the site layout. A design code was produced by Urban Design colleagues as part of the tendering process to set out the aspirations of the City. Fundamental to the success of the scheme is the creation of a tree lined avenue providing a green corridor linking the north to the south. Streets located off the avenue are part of a clear hierarchy and generally reduce in scale to help with placemaking. Properties fronting the avenue have been set back to assist with the creation of a green

corridor which will be planted with trees and other appropriate planting to encourage biodiversity, with the precise finish to be secured via condition.

- 7.4 Twelve varying property types are proposed to provide interest in the street scene with properties generally proposed as semi-detached and terraces of 3 dwellings. Indicative materials are bricks and tiles with the suggested use of three varying brick colours with the precise finish to be secured via condition. Houses would all contain a degree of architectural interest notably brick headers, cills, brick string courses and a mix of porch details. Properties located on corners have been designed to ensure they 'turn the corner' and don't provide blank elevations.
- 7.5 Detailed discussions have been had relating to boundary treatments with frontages typically treated with a mix of estate railings with hedging and brick walls. Close boarded fencing is proposed but restricted to rear garden areas. Parking would be a mix of frontage and side on bays finished largely in block work.
- 7.6 Streets would be a mix of tarmac, blockwork and setts to provide variety and interest and a number of the smaller, minor side roads are proposed as shared surfaces. Subject to conditions to clarify and secure design details the proposal is considered to be acceptable and in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

(iii) Biodiversity and Green Space (ACS policy 17 and LAPP Policies EN2, EN6 & EN7)

- 7.7 The proposal has been supported by an initial preliminary ecological appraisal which has been updated during the lifetime of the application, in addition to a bat roost survey. The site is largely maintained grassland with tree cover largely situated in the centre of the site and proposed to be retained. Initial concerns have been raised by biodiversity colleagues and local interest groups in relation to the proposal not providing sufficient linkage and connectivity for biodiversity on the site and the development not promoting net gain.
- 7.8 Revisions have been made to the initially submitted layout and a 5m wide green corridor, which would be maintained by the applicant, introduced running north to south through the site. Green space would also be provided at the northern end of the site, the existing central tree belt retained and strengthened, an existing area of scrub vegetation retained on the western boundary and approximately 100m x 150m banked area retained towards Gainsford Crescent. The applicant has indicated that of the total site area approximately 25% (2.65ha) would be retained as open space. A landscape masterplan has been provided showing the extent of planting proposed and whilst the detail contained within the plan is positive, more precise details shall be secured via condition. The concerns raised by both the Friends of Sunrise Hill and Nottingham Wildlife Trust (NWT) in relation to the proposed development impacting on the neighbouring Local Wildlife Site (LWS); Sunrise Hill are again noted and the site has been redesigned with 2 properties removed that previously were proposed to back onto the LWS. The biodiversity officer has reviewed the revised preliminary ecological appraisal and no objection has been raised to the proposed development and no follow-on comments have been received from NWT. The initial concerns relating to the need for bat activity surveys are considered to have been resolved, on the basis that scrub habitat on the western boundary is being retained and that generally the mown nature of the site results in it being of largely limited ecological interest.

- 7.9 The comments received from local interest bodies are again noted, however based on the revisions to site layout and mitigation contained within the revised ecological appraisal the proposal is on balance considered to be acceptable. The follow-on comments from the open spaces forum relating to review of further supporting information are noted, however in this instance biodiversity colleagues are satisfied that the detailed ecological mitigation and management plan can be secured via condition.
- 7.10 Third party comments received in relation to the site being retained and the potential to expand it as a large LWS alongside Sunrise Hill are noted, however as detailed above the site is well established for housing development and allocated as such in the Local Plan. Therefore, subject to a number of conditions being secured in relation to: revisions to the attenuation pond designs to provide standing water habitats, provision of hedgehog friendly boundary fencing, provision of an ecological mitigation strategy, lighting details being secured and the submission of a construction ecological management plan the proposal is considered to be acceptable and would accord with ACS policy 17 and LAPP policies EN2, EN6 & EN7.

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

- 7.11 The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation from existing neighbouring built form. The minimum separation between existing and proposed built form would be approximately 20m. Discussions have been had with the applicant in relation to the properties on Ellsworth Rise in relation to levels and a number of sections have been provided to clarify how any potential overlooking would be negated. In tandem with the separation at approximately 20m the proposed relationship is considered to be acceptable.
- 7.12 Having regard to the layout of the development and the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Sufficient parking is provided both on plot and within road build outs for future occupiers and visitors. The comments received from the Environmental Health Officer are noted and shall be secured via suitably worded conditions. 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.

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

- 7.13 The site is owned by the Council with the sale of the land pending. As the Council (as land owner) cannot enter into a s106 agreement with itself an agreement will be required with the developer under s111 of the Local Government Act 1972 to require them to enter into a s106 Agreement in respect of the appropriate planning obligations on transfer of ownership.

Contributions to be secured are as follows:

- Education - £1,911,255
- Employment and Training - £85,764

The proposed obligations accord with planning policy and are therefore reasonable, meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

- 7.14 As part of the arrangements for the disposal of the site, in excess of the policy compliant 20% affordable properties are being provided on site which are being transferred to Nottingham City Homes on completion. There is no requirement to secure the exact make up of this affordable provision as part of this grant of planning permission with details secured via the sale of the land.
- 7.15 A request for a contribution of £329,853 has also been received from the NUH NHS Trust in relation to the provision of health care provision. Officers have reviewed the request and discussed with the applicant. 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) and Policy IN4 of the LAPP. However, it is considered that the case put forward by the NUH NHS Trust does not demonstrate why it is necessary for the shortfall of provision that has been identified in the Trust's submissions to be met by a contribution from the developers, as opposed to through other funding mechanisms available to them. The case for the Trust is essentially that it is not possible to plan for increased demands that will be placed on services arising from population increase because it is not possible to predict when planning applications for development will come forward. However, given that there is a significant lead time between planning applications being submitted and developments being constructed and occupied, it is not understood why this additional demand cannot be planned and accounted for in the allocation of resources. It is noted that funding from the CCG changes over time to take into account population change.
- 7.16 A number of further queries and issues arise from the request, in particular that the contribution sought relates solely to secondary/acute care rather than wider healthcare infrastructure, particularly primary care (GP provision). There are also queries regarding the basis of the calculation being used to arrive at the figure requested and reassurances required that any monies sought would be spent on healthcare provision reasonably and directly related to occupants of this development. In the absence of these matters being satisfactorily resolved, is not therefore considered that the requested NUH NHS Trust contribution should be sought in this case.

(vi) Other Matters (Policy 10 of the ACS and policies CC3 and TR1 of the LAPP)

Highways

- 7.17 The development has been the subject of numerous discussions in relation to ensuring the layout is appropriate from a highways perspective. Discussions have been had relating to road widths, surfacing, refuse collection and storage, accessibility and vehicle parking. Parking has generally been proposed on a basis of 1 ½ spaces per dwelling; smaller dwellings having 1 on plot space and larger 2 spaces. Space has been allowed for on road for visitor parking and to account for the potential for school drop off parking to the south west of the site, given the proximity of Henry Whipple School. Further detailed plans are required in relation

to a number of road safety aspects namely: traffic calming (street tree buildouts), surface transitions, vehicle tracking (to ensure no over runs), access and visibility which shall be secured via condition.

- 7.18 The comments regarding access and rights of way are noted; the majority of proposed roads are proposed to be adopted by highways and it is understood that an application has been made to divert existing footpaths with provision made within the site to connect through to Henry Whipple, retained landscaping on the western boundary would connect through to Barent Walk and access and connectivity would be provided to the retained 'southern meadow' at the southern edge of the site. The diversion/ stopping up of any rights of way is subject to a separate statutory process – a Diversion or stopping up order under the Town and Country Planning Act 1990. This enables a right of way to be diverted or stopped up permanently if the local planning authority is satisfied that an order is necessary to enable development to take place, for which planning permission has been granted or applied for. An order under this Act may provide for a creation of an alternative highway in replacement for the right of way that is to be either stopped up or diverted.

Drainage

- 7.19 Site drainage strategies have been reviewed by the Lead Local Flood Authority and further information requested particularly in relation to attenuation basin design and ensuring drainage during construction is appropriately managed. No objection is raised by the LLFA or the EA to the proposed development subject to precise drainage information being secured via condition. The comments received relating to site waterlogging and run off are noted and this should be addressed as part of surface water management arrangements.

Other matters

- 7.20 Comments received relating to lack of local services to serve the development are noted. As detailed above a significant contribution is being sought by the education department towards school enhancement and to accommodate additional provision. As the site has long being allocated for housing development it is considered that other local leisure facilities are sufficient to accommodate the proposed level of additional development, and indeed could be supported by additional demand arising from the development. Overall it is considered that the development is acceptable and in accordance with Policy 10 of the ACS and Policies CC3 and TR1 of the LAPP.

8. Sustainability

- 8.1 The application is supported by a sustainability statement which details that properties would follow a fabric first approach with 'Modern Methods of Construction' (MMC) utilised. MMC Properties are proposed to be of timber frame construction with modules mass produced in a factory environment ensuring consistency of manufacture and increased speed of delivery. The applicant has stated that the use of timber framed dwellings ensures that carbon savings are 'locked in' for the lifetime of the development, as opposed to a relatively short period, circa 25 years that technologies such as solar PV deliver savings for.
- 8.2 All properties would comply with Part L of Building regulations and it is considered that the development would satisfy the requirements of policy 1 of the ACS and

policy CC1 of the LAPP. Contaminated land assessments have been submitted and reviewed by pollution control colleagues. Subject to a remediation strategy being secured via condition the proposal would comply with Policy IN2 of the LAPP.

- 8.3 The applicant has indicated that all on plot parking would be provided with electric vehicle charging points, with precise details to be secured via condition.

9 Financial Implications

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

- Education - £1,911,255
- Employment and Training - £85,764.

10 Legal Implications

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

11 Equality and Diversity Implications

None

12 Risk Management Issues

None.

13 Strategic Priorities

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

14 Crime and Disorder Act implications

None

15 Value for money

None.

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

1. Application No: 21/02506/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R2UZHDLYG1J00>

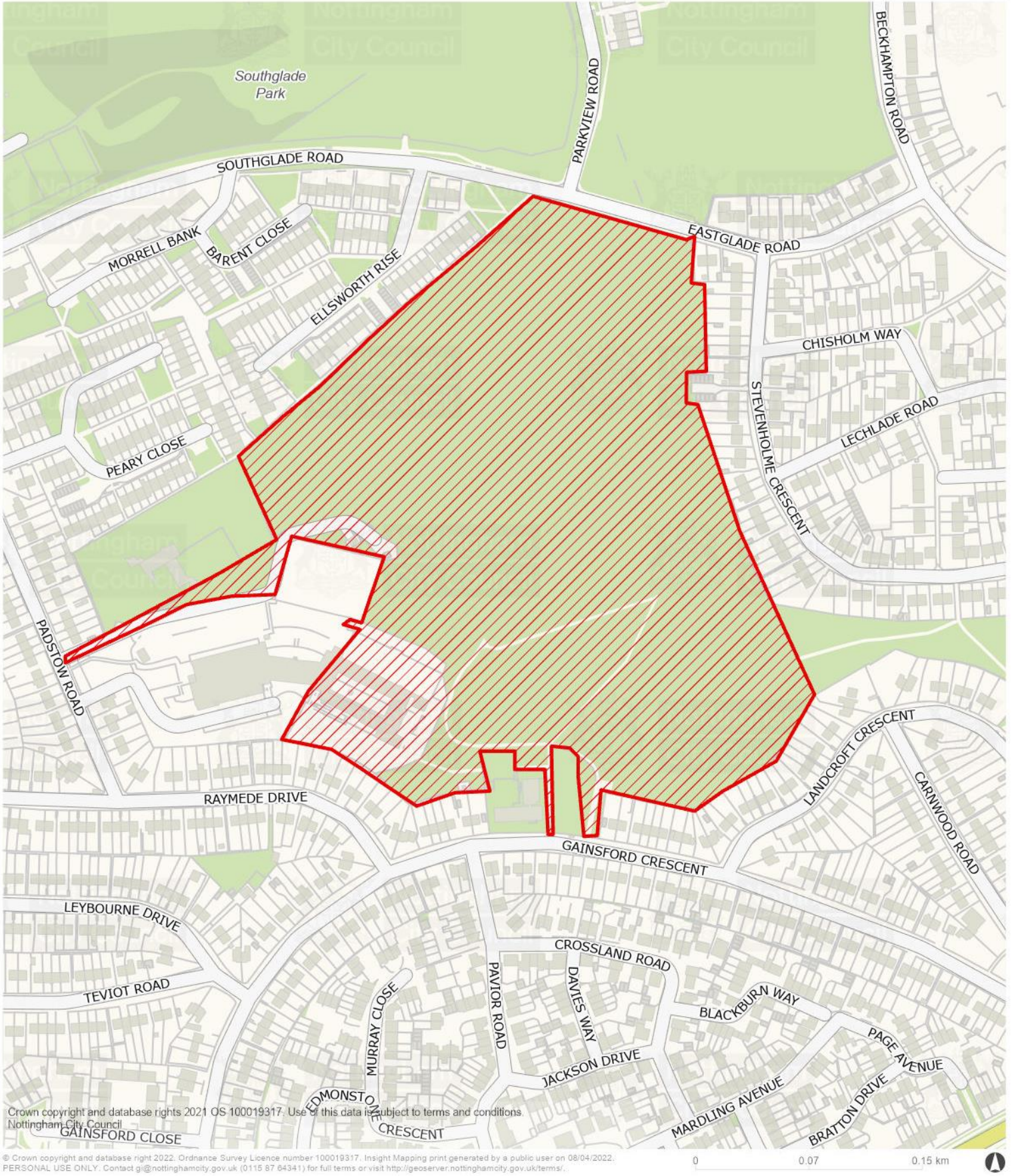
17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2021)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065



- Key
-  City Boundary
 -  Planning Applications - Polygons

Description
Former Padstow School

My Ref: 21/02506/PFUL3 (PP-10339311)
Your Ref:
Contact: Mr James Mountain
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

Countryside Properties (UK) Limited
1 Penman Way
Penman House
Grove Park
Leicester
LE19 1SY
United Kingdom

Date of decision:

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

Application No: 21/02506/PFUL3 (PP-10339311)
Application by: Countryside Properties (UK) Limited
Location: Site Of Former Padstow Secondary School South Of Eastglade Road, Gainsford Crescent, Nottingham
Proposal: Erection of 291 dwellings, associated works including engineering works and drainage, demolition of part of the existing school, new roads, landscaping, and public open space. Diversion of public rights of way at Land at Former Padstow School, Eastglade Road, Bestwood, Nottingham.

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)



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

DRAFT¹⁹ ONLY
Not for issue

Continued...

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

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

Reason: In the interests of amenity and to accord with policy IN2 of the LAPP

3. Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) following the guidance contained within R1 of the Preliminary Ecological Appraisal undertaken by Middlemarch Environmental Ltd dated March 2022 shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall ensure the habitats on site and within the neighbouring LWS are protected from impacts such as damage by construction traffic, pollution including run off and increased noise and lighting levels.

Any environmentally hazardous material used should be kept in dedicated stores and any storage tanks should have appropriate bunding.

Development shall be undertaken in accordance with the approved scheme.

Reason: In the interests of biodiversity and in accordance with policy EN6 & EN7 of the LAPP

4. Prior to the commencement of development an ecological mitigation strategy in accordance with section 7 of the revised preliminary ecological appraisal undertaken by Middlemarch Environmental Ltd dated March 2022 shall be submitted to and agreed in writing with the Local Planning Authority.

The development shall thereafter be carried out in strict accordance with the strategy, unless otherwise agreed in writing.

Reason: In the interests of protecting and promoting biodiversity and to accord with policies EN6 and EN7 of the LAPP



5. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase and to accord with policy CC3 of the LAPP

6. Prior to the commencement of the construction of the dwellings, details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment shall be provided to the Local Planning Authority.

Where a sustainable drainage scheme is to be provided the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime. Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development and to accord with policy CC3 of the LAPP

7. Prior to the commencement of the development, an environmental noise assessment and sound insulation and ventilation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating (in particular the Henry Whipple Primary School, Padstow Road). In addition, it shall include predicted noise levels for any [relevant premises which may not currently be operating, and] plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas, commercial / residential separation).

The sound insulation and ventilation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation and ventilation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: In the interests of amenity and to accord with policy DE1 of the LAPP

8. Notwithstanding the plans hereby approved, prior to the commencement of development further detailed drawings and sections in relation to the below road safety aspects shall be submitted to and agreed in writing with the Local Planning Authority:

Traffic calming measures, including the provision of build outs with street trees;
Transitions from one side only footpaths to shared surface carriageways and crossings;
Vehicle tracking, ensuring no footway over runs;
Pedestrian bellmouth treatments; and
Junction visibility.

The approved details shall be fully implemented prior to first occupation of any dwellings in the road served by the related highway and footpath, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy 10 of the ACS

9. Prior to any demolition works relating to Henry Whipple School, the proposed elevational treatment of the exposed elevations of the part of the building to be retained shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of the character of the area and to accord with policy DE1 of the LAPP

10. Notwithstanding the details submitted, prior to commencement of above ground development, full details of the specification of the play area and associated equipment, and a timetable for its implementation and completion, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policies DE1 & DE2 of the Nottingham Local Plan.

11. No above ground development shall be commenced until details or representative samples of the bricks and tiles to be used in the development have been submitted to and agreed in writing by the Local Planning Authority.

Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the character of the development and in accordance with policies DE1 & DE2 of the LAPP

12. Prior to the commencement of above ground development a lighting plan in accordance with point R6 of the Preliminary Ecological Appraisal undertaken by Middlemarch Environmental Ltd dated March 2022 shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of mitigating impact on biodiversity and to accord with policy EN6 of the LAPP

13. Prior to the commencement of development, a construction management plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall provide details of how the Public will still be able to cross the site during construction of the development hereby approved.

Reason: In the interests maintaining access to the site and ensuring run off does not occur and and to accord with policy 10 of the ACS

14. Prior to the commencement of above ground development, notwithstanding the details submitted with the application, details of all boundary treatments around individual plots, including hedgehog friendly timber fencing to be installed along the side and rear boundaries of rear gardens (where appropriate), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the layout and appearance of the development is satisfactory and to improve habitats for hedgehogs in accordance with policy 10 of the Aligned Core Strategies and Policy EN6 of the Nottingham Local Plan.

Pre-occupation conditions

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

15. Prior to first occupation of the development, verification that the approved sound insulation and ventilation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority

Reason: In the interests of amenity and to accord with policy DE1 of the LAPP



16. Prior to first occupation of any dwelling, the details of the electric vehicle charging point serving that dwelling shall be submitted and agreed in writing. Provision shall be made for 1 charging point per domestic unit with dedicated off street parking.

Verification shall be provided prior to the occupation of each dwelling that the charging point relating to that dwelling has been implemented and is operational.

Reason: In the interests of sustainability and to accord with policy TR1 of the LAPP

17. The cycle stores as detailed in Dwg No. NSD1010 shall be provided prior to the occupation of each individual unit.

Reason: In the interests of promoting sustainable transport and to accord with policy TR1 of the LAPP

18. Prior to the occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

Reason: To ensure the Drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with policy CC3 of the LAPP.

19. No dwelling shall be occupied until a detailed landscaping and planting 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.

The scheme shall also include:

Surfacing and on-going maintenance/management details of all proposed all proposed areas of land that are not within adopted highway or individual plots, including all paths not being formally adopted and contained within the boundaries of the site.

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

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

20. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to



demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: In the interests of amenity and to accord with policy IN2 of the LAPP

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 22 November 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.

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

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

4. 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.

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

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme

example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)

photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

6. Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday: 07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)

Saturday: 08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (email: pollution.control@nottinghamcity.gov.uk)

Equipment

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

Dust/Grit and Other Fugitive Emissions

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

Contractors are expected to use appropriate guidance and methods (eg Guidance on the Assessment of Dust from Demolition and Construction v1.1, IAQM, 2016) to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning

7. National Planning Policy Framework When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

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: 21/02506/PFUL3 (PP-10339311)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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,

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.