

Wards Affected: Berridge (May 2019)

Item No:

Planning Committee
18th May 2022

Report of Director of Planning and Regeneration

Northern Part of Former British Gas Works Site, Radford Road, Nottingham

1 Summary

Application No: 21/01786/PFUL3 for planning permission

Application by: Marrons Planning on behalf of Strata Homes, Patrick Anthony Ryan & Margaret Anne Ryan

Proposal: Full planning application for the residential development of 114 build-to-rent dwellings alongside associated site infrastructure, open space, and landscaping.

The application is brought to Committee because it is a major application on a prominent site where there are important land use and design considerations. In addition it is proposed that the planning obligations typically required by adopted planning policies be reduced in this case.

To meet the Council's Performance Targets this application should have been determined by 09th November 2021. An extension of time has been agreed with the applicant until 30th May 2022.

2 RECOMMENDATIONS

2.1 To GRANT PLANNING PERMISSION subject to:-

(a) The Environment Agency withdrawing their objection upon provision of satisfactory a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy to secure implementation of mitigation to ensure the development is safe for its lifetime from flooding and would not result in flooding elsewhere; and with the Director of Planning and Regeneration having delegated authority to determine the final details of the appropriate conditions

(b) prior completion of a Section 106 planning obligation to secure:

- (i) a financial contribution of £495,000 in lieu of on-site provision of affordable housing
- (ii) A financial contribution of £168,699 in lieu of on-site provision of public open space

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

- 2.2 Power to determine the final details of the planning obligation and conditions of planning permission to be delegated to the Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought is (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 SITE AND SURROUNDINGS

- 3.1 The application site measures 2.4 hectares and forms the northern part of the former British Gas Works site on the western side of Radford Road. The site is undeveloped, disused and overgrown and has been vacant for many years.
- 3.2 The site is bounded to the north by Basford Depot - a gas pipeline and infrastructure site. Directly to the east is Radford Road and beyond this comprises the residential area of New Basford. To the south is Selco Builders Warehouse alongside a police custody suite which is currently under construction. The site is also bound to the west by a tram line, railway line and the River Leen.
- 3.3 There is a substantial brick wall bounding the site on Radford Road.

4 PLANNING HISTORY

- 4.1 The site was granted Outline Planning Permission in 2006 (05/02476/POUT) for mixed use purposes, ‘including B1 and/or B2 and or B8, retail (A1), residential (C3), community facilities (D1), car showroom, A3/A4/A5, including new access/egress to Radford Road, service road and landscaping. Reserved matters, following the outline permission was approved in 2008. However, development never commenced.
- 4.2 Planning Permission was granted in June 2013 for the ‘erection of mixed-use development including employment/retail/residential and leisure within classes A1, A2, A3, B1, B2, B8, C3 and D2. This permission has since expired.
- 4.3 Planning permission reference 19/01480/PFUL3 for a development adjacent to the south west of the site for the development of a custody suite building was approved on 20th November 2019 and is currently under construction.
- 4.4 Planning permission reference 19/01539/PFUL3 for a development adjacent to the south east of the site for the development of a new veterinary surgery was approved on 2nd September 2019 and construction is yet to begin.

5 DETAILS OF THE PROPOSAL

- 5.1 Planning permission is sought for the construction of 114 build-to-rent dwellings at a proposed density of 55.61 dwelling per hectare. These would comprise: 71 x 2 bed houses and 43 x 3 bed houses. Properties are a mix of two and three storey in height. The development is made up of a mixture of terrace, semi-detached and detached properties with parking provided mainly front of the properties. All parking areas within the curtilage of dwellings will be provided with Electric Vehicle Charging Points (EVCP's). Additional visitor parking is provided within on street build out bays.
- 5.2 The proposal has been amended since the original submission. The revised scheme has provided adequate pedestrian links, crossings and public and private green spaces. Footpaths within the site would be connected to the existing highway and bus stop. The existing wall fronting Radford Road is to be rebuilt, with railings on top.

6 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

633 Neighbouring properties were notified by letter, a site notice posted and press notice published. The overall expiry date was 06 October 2021.

5 letters of correspondence have been received – 4 letters of objection have been received. 1 letter of support has been received understanding that this will be the site for the new PDSA centre which will be good the community as the old site is far away to get to. Comments have also been received from the Nottingham Civic Society.

The following concerns have been raised:

- It is hard to turn right out of Silverdale Road onto Radford Road at more times than just peak traffic. More cars would make this even harder and drivers already take unwarranted risks.
- With the traffic lights focussing on the ring road, this junction will become busier and more dangerous.
- Any children living on the new estate will have to cross Radford Road to access one or more of the parks, and anyone wishing to shop at either Sainsburys or Aldi will have that same issue.
- The area is very noisy and industrial, and the proposed site will only add to the noise. It means we cannot have quiet enjoyment of our property as it is and this will only become worse.
- Notwithstanding that British Gas (Second Site) spent several million pounds remediating the contaminated land - a basic of analyses would understand that permitting a residential development will store up serious adverse health consequences for future generations.
- Was not able to identify the details of a Section 106 Agreement with the Developer in the Planning Application document bundle. The very least that Nottingham City Council could do when permitting a highly

profitable development is to secure valuable tangible social goods or offsets.

- The site does not seem large enough to build a couple of houses let alone 113 houses
- How the development going to make access to the proposed new site, being so close to the traffic lights at the bridge
- Concerned about the impact on traffic on Radford Road, in particular the pinch point at the junction of the ring road, Western Boulevard. This is already a traffic hotspot, with peak traffic queues extending back as far as Selco. The proposed additional housing will result in more traffic on Radford Road, leading to more congestion and pollution of the surrounding area.
- People will increasingly use the surrounding roads as a rat run to escape Radford Road and seek egress on Nottingham Road. There will be an increase of traffic on Nottingham Road.
- Given that the Council is not accepting comments by post, which significantly limits the ability of elderly and low income individuals to feed in to this consultation.

The Civic Society commented as follows:

Nottingham Civic Society has some reservations about the design and layout of the proposed housing site in New Basford. The layout is repetitive and somewhat unimaginative whilst the townscape itself is difficult to appraise in the complete absence of any street or other perspectives. The small houses could be promising in their design if some more detail was included.

The three storey 'back-to-back' house type could have been deployed to create a more positive impact on the Radford Road frontage - reinforcing the townscape of traditionally taller buildings on the opposite side of Radford Rd. However, in the actual layout of these controlled-aspect dwellings in blocks of four, they are laid out in a fashion such that they will be completely dominated by parking on each side with no private amenity space at all.

The proposed public open space, sited to double as flash-flood attenuation up to two metres in depth, will need careful design to safeguard children at play. Combining usable, safe and attractive children's play space at the centre of the development with the collection and storage of flash floodwater needs to be illustrated and detailed as part of this permission.

The locational advantages of the site are overstated in the application and somewhat misleading. The site is not within easy walking distance of the NET stops at Wilkinson St and Basford given the impediment of crossing the ring road and the distances involved, and the diminished bus services in this part of Radford Road as a consequence of the NET. The nearest good bus services are actually on Nottingham Road, some 10 minutes walkaway.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection subject to conditions relating to submission of remediation strategy to deal contamination, Piling &

Foundations, verification of electric vehicle charging provision on plot & verification of noise and sound insulation measures being implemented.

Highways: No objection subject to conditions relating to – construction traffic management, parking and electric vehicle parking charging provision

Drainage: Raised concerns with the feasibility of drainage on site with the new layout – so a new drainage strategy is required to address this as the previous submission will no longer work.

City Archaeologist: A substantial scheme of soil washing was undertaken at the site in the 1990s, and this resulted in significant disturbance, and removal, of deposits. As such, no archaeological work is required in advance of determining the application. There is also no requirement for archaeological work as a condition of planning permission.

Environment Agency: Raised objection on Flood Risk Ground. Recommended conditions in relation to Groundwater and Contaminated Land.

Education Officer: No claim from this development as a new secondary school is opening in the planning area which should provide sufficient capacity.

Biodiversity Officer: Raised concern on the original proposal as it had no street trees and a relatively small open space.

The Landscape Masterplan and Planting Specification show the central area of POS as being created and managed primarily as a wildflower meadow habitat. This is welcomed, however, there will need to be measures taken all around the periphery of this open space to prevent it being used for parking.

There are trees depicted on top of this attenuation feature, is this going to be possible in reality? There is a scope for providing street trees on the main route through the development.

Requested condition to provide hedgehog friendly fencing, bat and bird boxes.

Nottinghamshire Police: No objection.

Network Rail: No objection subject to conditions relating to construction traffic management plan, details of surface water drainage scheme, Trespass Proof Fencing and Detail of any external lighting.

7 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.

Planning and flood risk

Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 161 of the NPPF states that all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- (a) applying the sequential test and then, if necessary, the exception test as set out below;
- (b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- (c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and

(d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

Paragraph 162 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Paragraph 163 of the NPPF states that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

Paragraph 164 and 165 of the NPPF states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted.

Paragraph 166 of the NPPF states that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

Paragraph 167 of the NPPF states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Aligned Core Strategies (ACS) (2014)

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
 Policy 17: Biodiversity
 Policy 19 - Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction
 Policy CC3: Water
 Policy EE3: Change of use to non-employment uses
 Policy EE4 - Local and Training Opportunities
 Policy RE1: Facilitation Regeneration
 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 IN2: Land Contamination, Instability and Pollution
 Policy IN4: Developer Contributions
 Policy TR1: Parking and Travel Planning
 Policy SA1 - Site Allocations

Supplementary Planning Documents (SPDs)

Biodiversity SPD (2020)

The Provision of open Space in New Residential and Commercial Development (2019)

Strategic Flood Risk Assessment (SFRA) (2008)

8. APPRAISAL

Main Issues

- (i) Principle of the Development
- (ii) Layout, Design and Scale
- (iii) Impact on the Amenities of Surrounding Residents and Future Occupants
- (iv) Highway Considerations
- (v) Flood Risk/Drainage
- (vi) Other Matters, including Planning Obligations

(i) Principle of the Development (ACS Policy 8 and LAPP Policies HO1, RE1 and SA1)

- 8.1 The site is allocated in the Local Plan Part 2 as Site Allocation SR19 Radford Road - Former Basford Gasworks. Permission has already been granted for a veterinary surgery and police custody suite within the allocated site. The proposed development would provide family housing within the private rented sector for the remainder of the site allocation, aligning directly with the aspirations for the site allocation of providing family housing. The proposal is therefore considered to be acceptable in accordance with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.
- 8.2 The proposed development would not only ensure the provision of much needed new homes, but it would also secure and maximise the regeneration of this longstanding Brownfield site thus according with the councils regeneration aims as set out in policy RE1 of the LAPP and the overarching aims of the NPPF to effectively use land and promote and support the development of underutilised land.

(ii) Layout, Design and Scale (Policies 10 of the ACS, Policies DE1 and DE2 of the LAPP)

- 8.3 The scheme has been the subject of extensive discussions with the council's design team since its original submission to provide an appropriate road hierarchy, footpath links throughout the site from the site entrance road and meaningful crossings within the site.
- 8.4 The Civic Society has raised concern about layout of the site being repetitive and parking dominated. The amended scheme would provide additional green and amenity space as overall plot parking has been reduced to 1 bay per plot. This would ensure that car parking does not dominate the street scene whilst maintaining the density of the scheme. The treatment of the frontage wall to Radford Road has also been amended with existing wall to be rebuilt with railing on-top to match local examples. The layout ensures natural

surveillance of public areas. Bin stores have been indicated in front gardens to mid-terrace plots to reduce the previously indicated instances of rear access with long access paths.

- 8.5 Within the revised scheme, the central Public Open Space (POS) has been flipped with the original location of the Livorno housetype blocks. The POS would be located centrally within the development, which would be a functional and accessible space for the future residents. This POS area would also provide the position for attenuation tanks. The highway verge to the north of the entrance road has been widened to 3m to accommodate the proposed street trees. There is provision for a legible road hierarchy including provision of a loop road, and avoidance of dead ends where feasible within the site. Hard margins are also avoided in favour of curbs to align with Council's design guide. Narrow strips of land have been removed and the delineation of ownership of properties is clear through the use of boundary treatments. As part of the Landscape Masterplan low level hedging would be used to define plots and their amenity space.
- 8.6 Local styles and materials would be used to form a strong design identity which would be a balanced and considered approach, but one which has its own identity ensuring the proposals do not copy the existing built form, only complement it. Reflective of the character of the local area, two types of red brick are proposed. Grey roof tiles are proposed alongside grey windows and doors. Local roofscapes have also been considered, informing the provision of a traditional pitch roof of which would complement the site's surroundings.
- 8.7 Overall, it is considered that the proposed development (as amended) would create a sense of place through its relationship with Radford Road and complements the existing residential architectural character of the local setting. Subject to precise materials and landscaping details being secured by condition, it is considered that the development would be a positive addition to the site and wider townscape in accord with policies 10 of the ACS and policies DE1 and DE2 of the LAPP.

(iii) Impact on the Amenities of Surrounding Residents and Future Occupants (Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 8.8 The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation distance between properties are adequate. The revised layout would ensure that there is no significant degree of overlooking or outlook or the loss of light for the future occupants. All private gardens are to be provided with either a 1.8m high wall, 1.8m high close boarded limber fence, 2m high acoustic fence or 3m high acoustic fence to ensure maximum security. Landscaping buffers and new tree planting also heighten privacy throughout the proposed scheme.
- 8.9 This is a complex site from a noise perspective as there are a range of noise sources surrounding the proposed residential site which may impact on future residential occupiers. Those noise sources are: Road traffic noise from Radford Road, Noise from plant & equipment at the proposed new veterinary

surgery, Noise from plant & equipment at the recently completed Police custody building, Rail & tram noise, Noise from the electrical substation & gas infrastructure site, Noise from the operation of the Selco Builders Merchants & other surrounding industrial / commercial activities and External sound levels. Noise Impact Assessment has been submitted with the initial scheme, which has been raised during the course of the application to satisfy the requirements of Environmental Health (EH) colleagues. The amended proposals for the sound insulation scheme are considered to be acceptable. Standard conditions have been requested to ensure implementation of the proposed measures, which can be secured through condition.

- 8.10 The proposed dwellings meet the Nationally Described Space Standards.
 - 8.11 The proposal therefore complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP in this regard.
- (iv) Highway Considerations** (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)
- 8.12 Some of the representations received raise concern about the level of traffic and congestion that would arise from the proposed development. The application is supported by a detailed Transport Statement which has been reviewed by Highways colleagues. Policy TR1 of the LAPP seeks to preclude development that would be detrimental to highway safety and to ensure that proposals include a sufficient package of measures to minimise journeys by private car and support journeys by sustainable modes of transport, in line with the transport hierarchy set out within policy 14 of the ACS.
 - 8.13 A Transport Assessment accompanies this application demonstrates that, the development would have a negligible impact on both the operation of the highway network and highway safety. Vehicular access to the development would be via a new priority junction onto the Radford Road. A right turn lane (RTL) would be provided on the Radford Road to allow a safe location for vehicles waiting to turn right into the site. This would be designed to current standards to accommodate the anticipated demand. The RTL would include a pedestrian refuge island with uncontrolled pedestrian facilities including tactile paving, with bollards and a central post / beacon in line with the nearby crossing associated with the builder's warehouse to the south of the site. To protect the free flow of traffic through the junction, the sight lines for egressing drivers and the pedestrian refuge island, it is proposed to provide a traffic regulation order (TRO) preventing on street parking or waiting in these sensitive locations.
 - 8.14 The site is in a sustainable location in close proximity to multiple bus and tram stops, which provide connections to nearby settlements and Nottingham city centre. There are also many amenities and facilities in the local area. Fare stages exist on the Nottingham Road to the north east of the application site with both stops also being within the recognised 400 metre walking distance for commuting. The Basford Tram stop is just over the 400 metres walking

distance from the application site to the north west.

- 8.15 Highways are satisfied with recent updates that have been made to the layout. Through the use of loop roads and footpaths with clear and open sightlines the site would be easily navigated by pedestrians, cyclist and car owners. The number of car parking spaces to be provided within the proposed layout has also been reduced, with increased opportunities for landscaping being provided throughout the proposed development. It is considered that sufficient number of parking spaces are still being provided within the layout, with opportunities for visitor car parking spaces.
- 8.16 The applicant has confirmed that an Electric Vehicle Charging Point (EVCP) would be provided for each dwelling which shall be secured via condition and cycle parking would be provided in such a level to meet the policy requirements of the Council.
- 8.17 Overall, it is considered that the level of traffic generated by the proposals can be accommodated and would have no material impact on the safe operation of the local highway and would not significantly add to any congestion at the peak times on the local network. Subject to Highways recommended conditions, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

(v) Flood Risk/Drainage (Aligned Core Strategy Policy 1, and policy CC3 of the LAPP)

- 8.18 The Environment Agency's Flood Map for Planning shows the site lies within Flood Zones 1, 2, and 3 (low, medium, and high risk). The application has been supported by a detailed Flood Risk Assessment (FRA) which shows that the site and surrounding area are at medium to high risk of fluvial flooding from the River Leen and Day Brook. Proposed flood mitigation measures are being negotiated with the EA and Council to reach a solution that, subject to compliance with the necessary sequential and exceptions tests, would ensure that the development is safe for its lifetime from flooding, and taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall .
- 8.19 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The site is part of a wider site (SR19) which has been allocated for a mix of commercial and residential development in the Local Plan Part 2. As part of the allocation process the site has undergone sequential procedures and passed sequential testing.
- 8.20 In relation to the exception test; it is necessary for the development to demonstrate that the development would provide wider sustainability benefits to the community that outweigh flood risk and demonstrate that the development would be safe from flooding for its lifetime. The redevelopment of this brownfield site would deliver sustainably located build-to-rent dwellings. The proposed layout includes flood storage and mitigation measures, including public open space area. Therefore, the proposal would meet the

requirements of exception test.

- 8.21 The EA has raised objection to the proposal on Flood Risk grounds and discussion is ongoing to overcome their objection. The Flood Risk Officer of the Council has also raised concern with the feasibility of drainage on site with the new layout – so a new drainage strategy is required to address this issue. As a decision maker is required to give the views of statutory consultees great or considerable weight' in the planning balance, then subject to EA and Flood Risk Officer objection being lifted and the imposition of suitable conditions the proposal would accord with Aligned Core Strategy Policy 1 and policy CC3 of the LAPP.

OTHER MATTERS

Archaeology (Policy HE1 of the LAPP)

- 8.22 A substantial scheme of soil washing was undertaken at the site in the 1990s, and this resulted in significant disturbance, and removal, of deposits. As such, no archaeological work is required in advance of determining the application. There is also no requirement for archaeological work as a condition of planning permission.

Contamination (Policy IN2 of the LAPP)

- 8.23 The previous use of the proposed development site includes a gasworks which presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located on Secondary A and Principal aquifers and is within a Source Protection Zone 3. The applicant has submitted Phase I Preliminary Contamination Risk Assessment and Phase II Ground Investigation Report, which demonstrates that it would be possible to manage the risks posed to controlled waters by this development. The EA and Environmental Health Colleague are in agreement with the conclusions presented in relation to the protection of controlled waters. They have raised no objection and requested standard conditions to deal with the risks associated with ground, groundwater and ground gas contamination of the site.

Planning Obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP)

- 8.24 A policy compliant planning obligation for the proposed development would be expected to provide the following contributions:
- Affordable Housing - £991,620
 - Public Open Space - £170,176

- 8.25 The applicant has submitted a viability appraisal which has been independently reviewed by an assessor appointed by the Council. The

assessor has found the scheme is unable to provide the required amount of policy compliant planning contributions but at a reduced amount the proposal would be viable. In accordance with assessor's advice the planning policy contributions would need to be reduced to a total sum of £663,699 from £1,161,796 for the proposal to remain viable. In the circumstances it is recommended the affordable housing commuted sum be reduced to £495,000 and Public Open Space contribution reduced to £168,699.

- 8.26 Policy 19 of the ACS and policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. These policies are therefore complied with on this basis.
- 8.27 The viability appraisal and independent assessor's review of this are comprehensive and detailed documents, copies of which have been provided to all members of Committee for detailed scrutiny.

Sustainability/Biodiversity (Policies 1 and 17 of the ACS, Policies CC1 and EN6 of the LAPP)

- 8.28 The Sustainability 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 insulation materials, maximise water efficiency and effective management of waste. An Electric Vehicle Charging Point will be installed for each dwelling. Notwithstanding the submitted information, details of the sustainability measures to be incorporated within the development to reduce carbon emissions would be required. This can be secured through condition.
- 8.29 The Preliminary Ecological Appraisal submitted with the application has identified that the site as existing is of low ecological value. It does however indicate that it is a suitable habitat for little ringed plover and should the works onsite not commence by bird breeding season 2021, then a check should be made for this species prior to works commencing. As a schedule 1 listed species this bird is protected from disturbance whilst breeding and therefore should any site clearance be undertaken during the period March to September, a survey for this species is required. This can be secured through a condition. In line with the Biodiversity SPD and to address the requirements of the Biodiversity Officer, bat and bird boxes would be provided on site. A plan has been submitted showing the types and locations of bat and bird box provision, which could be secured through condition.
- 8.30 The revised layout of the scheme has made provision for more street trees on the main route through the development. Measures have been taken all around the periphery of the open spaces to prevent it being used for parking, to ensure adequate vegetation throughout the site. This would go some way to providing better connectivity and more opportunity for wildlife within the site. The applicant also intended to submit a revised landscaping scheme with no

trees above the attenuation. All of these measures would enhance the biodiversity value of the site in accord with policy EN6 of the LAPP and the Biodiversity SPD. The Biodiversity Officer has requested that a detailed landscape and planting schedule and species be secured by condition.

9 Financial Implications

As indicated above in relation to issue Planning Obligations, the applicant has submitted a viability appraisal that has been independently reviewed. The conclusions of this review are that the scheme cannot support full planning obligation contributions but is viable with reduced contributions as outlined above.

10 Legal Implications

The Environment Agency is a statutory consultee under planning law and plays an important part in ensuring that planning decision-making is informed, fair and effective'. Although a statutory consultee cannot direct that planning permission is refused it may recommend such a course. A decision-maker is required to give the views of statutory consultees great or considerable weight' in the planning balance -

(Swainsthorpe Parish Council v Norfolk County Council [2021] EWHC 1014 (Admin).

The remaining 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

The proposed development has been designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a partially cleared brownfield site with a high quality, sustainable and mixed-use development

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that would contribute to a safer and more attractive neighbourhood

Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities

14 Crime and Disorder Act implications

The development would enhance natural surveillance in and around the site.

15 Value for money

None.

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

1. Application No: 21/01786/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

17 Published documents referred to in compiling this report

NPPF (2021)

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Biodiversity (2020) SPD

The Provision of open Space in New Residential and Commercial Development (2019) SPD

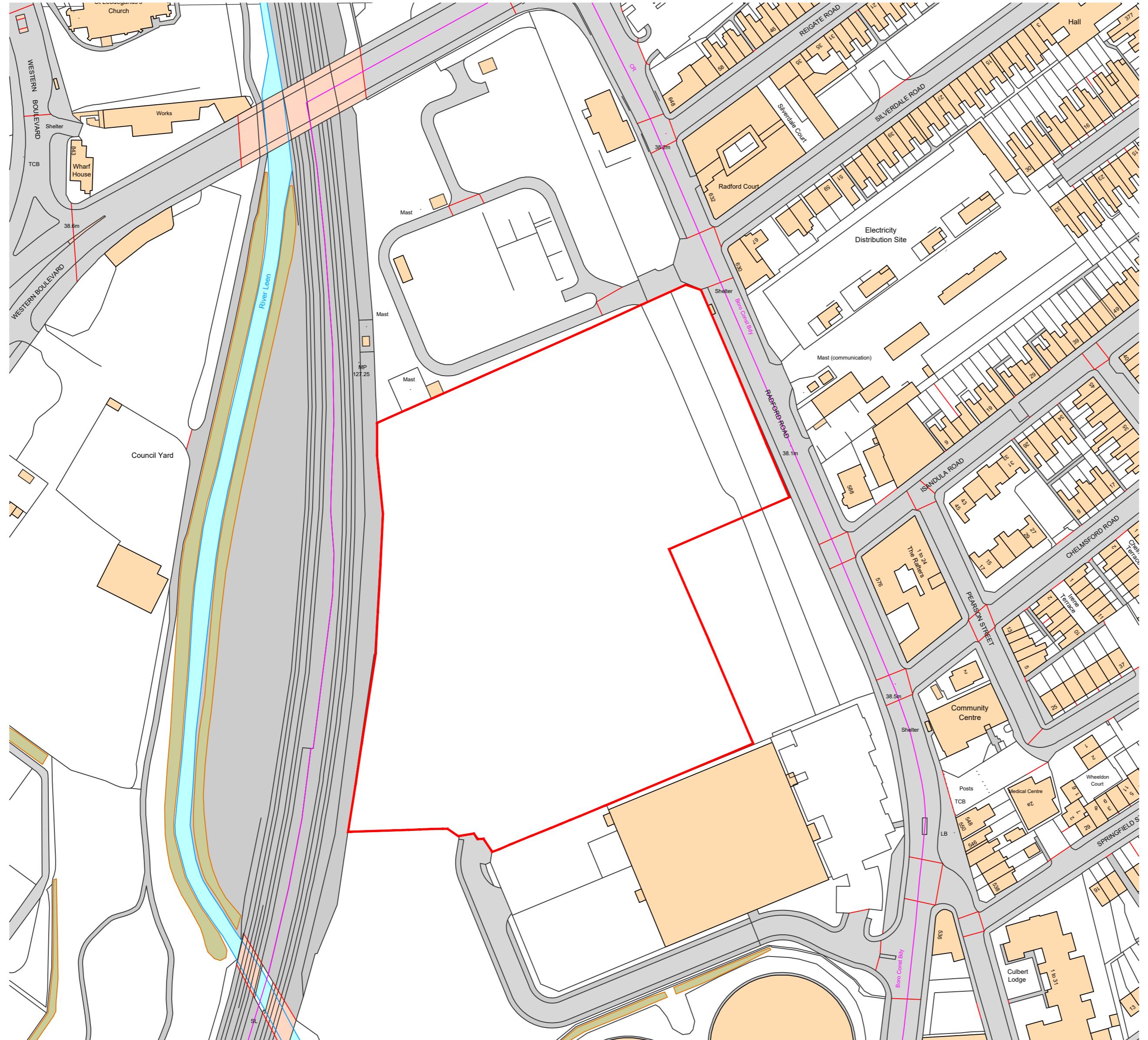
Contact Officer:

Mohammad Taufiqul Islam, Case Officer, Development Management.
Email: Mohammad.Taufiqul-Islam@nottinghamcity.gov.uk

RADFORD ROAD : NOTTINGHAM | LOCATION PLAN

All work to be carried out in accordance with the requirements of the Building Regulations, Water Authority and the Construction (Design and Management) Regulations currently in force.
Do not scale from this drawing. Architect to be notified of any discrepancies.
Verify relevant dimensions on site before commencing work or preparing shop drawings. This drawing is copyright.

Rev	Date	Description	By	Checked
A	-	-	-	-



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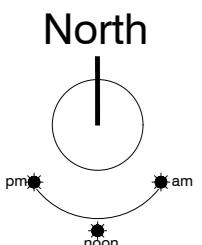
scale: 1:1250 @ A2 | drawn by: AW | date: 03/06/2021

Project: RADFORD ROAD, NOTTINGHAM
NG7 7DH

Drawing: LOCATION PLAN

Planning Ref:	N/A
Drawing Number:	20-CL6-SEGARRN-02

Revision: -



My Ref: 21/01786/PFUL3 (PP-09868622)

Your Ref:

Contact: Mr Mohammad Taufiqul-Islam

Email: development.management@nottinghamcity.gov.uk



Nottingham

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Marrons Planning
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NG2 3DQ

Date of decision:

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

Application No: 21/01786/PFUL3 (PP-09868622)

Application by: See below

Location: Northern Part Of Former British Gas Works Site, Radford Road, Nottingham

Proposal: Full planning application for the residential development of 114 build-to-rent dwellings alongside associated site infrastructure, open space, 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. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 Preliminary Contamination Risk Assessment Report by Geol Consultants dated 08/07/2020 and the Phase 2 Ground Investigation Report by Geol Consultants dated 17/12/2020 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 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: To ensure that the proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.

3. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority .

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

Reason: To demonstrate that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers and to accord with policy IN2 of the LAPP.

4. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR2 of the LAPP

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

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS and Policy DE1 of the LAPP

6. Prior to the commencement of above ground development, details of the proposed new vehicular accesses shall be submitted to and agreed in writing by the Local Planning Authority. Details shall be provided of the layout geometry, signing, lining, a swept path analysis and visibility splays.

The vehicular accesses shall be constructed in accordance with the approved details.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies DE1, IN2 and TR1 of the LAPP.

7. 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 LAPP.

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 impact on adjacent to the operational railway. 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 neighbouring properties/assets in accordance with Policy EN6 and DE1 nad DE2 of the LAPP.

Pre-occupation conditions

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

9. Prior to the first occupation of the development a landscaping scheme (both hard and soft landscaping including surfacing and means of enclosure), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall in particular include the following:
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) details of the proposed public open space and its proposed management arrangement
 - c) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and
 - d) 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.
 - e) details of street trees and its maintenance

The approved hard surfacing shall be carried out prior to first occupation of the development. The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building.

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 LAPP.

10. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:
- a) the roads serving the development have been provided and surfaced;
 - b) the individual parking spaces have been provided and surfaced;
 - c) the house plots have been enclosed.

Reason: In the interests of the living conditions of future and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the LAPP.

11. Prior to first occupation of the development, verification that the approved sound insulation and ventilation scheme as set out in the Noise Assessment by M-EC dated November 2021 (ref 25551-04-NA-01) and Acoustics Technical Note by M-EC dated March 2022 (ref 25551-04-TN-01) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate noise environment for future occupants and to accord with Policies DE1 and IN2 of the LAPP and Policy 10 of the ACS.

12. 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 proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.*
13. Prior to first occupation of the development, verification that the approved EV Charging Scheme as set out in the Car Parking & EVCP Plan 20-CL6-SEGA-RRN-04 Rev A 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 sustainable development in accordance with Policy 1 of the Aligned Core Strategies and Policy CC1 of the LAPP.*
14. 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 LAPP and the Biodiversity Supplementary Planning Document (February 2020).*
15. 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 LAPP and the Biodiversity Supplementary Planning Document (February 2020).*
16. 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 LAPP.*

17. 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.

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 and Policy DE1 of the LAPP.

Regulatory/ongoing conditions

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

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

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 following forms, drawings and other documents:

FINAL LIST TO BE CONFIRMED

Reason: To determine the scope of this permission.

Informatics

1. The applicant is advised to contact with the Asset Protection Project Manager at Network Rail to agree a construction methodology.

2. It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.

3. Trespass Proof Fencing

Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

4. It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent

Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorn (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicata "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

5. Highways:

Mud on road:

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238.

Highway licences:

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway may be occurring and licences may be required. Please contact highway.management@nottinghamcity.gov.uk 0115 8765238.

Traffic regulation Orders (TROs):

Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 876 5293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

Access and S278 Agreement:

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

Details related to the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II/III Safety Audit are to be submitted for the access proposals before changes to the highway are commenced.

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.



DRAFT⁸ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL
Application No: 21/01786/PFUL3 (PP-09868622)

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.