

Report of Director of Planning and Transport

Former Site of Chronos Richardson Ltd, Wyton Close

1 Summary

Application No: 22/00675/PFUL3 for planning permission

Application by: Ms Julie White on behalf of MyPad 2020 Ltd

Proposal: Development of 62 dwellings, with access from Wyton Close and Belconnen Road, landscaping, drainage and open space.

The application is brought to Committee because it relates to a major development with important land use and design considerations.

To meet the Council's Performance Targets this application should have been determined by 28th June 2022.

2 Recommendations

2.1 GRANT PLANNING PERMISSION subject to:

Prior completion of a planning obligation which shall include:

- (i) a financial contribution of £151,110.69 towards off-site Open Space
- (ii) a financial contribution of £52,546.44 towards off-site Biodiversity gain
- (iii) a financial contribution of £338,875 towards Education Provision
- (iv) provision of local employment and training including a financial contribution of £19,128 towards its delivery.
- (v) Provision of 20% Affordable Housing of which 10% is to be affordable ownership

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 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 application relates to approximately 1.6ha of land within the former site of Chronos Richardson. It is a former industrial site which has since been cleared and remains vacant. Part of the site is currently owned by the Council and part is owned by an external party. It is proposed that the land to which this application relates, together with the adjoining land which forms the wider Chronos Richardson site, are sold as one development site.
- 3.2 The application site, together with the remaining portion of land within the former site of Chronos Richardson, make up site allocation reference SR13, as defined within Policy SA1 of the LAPP. The appendix to Policy SA1 sets out an anticipated delivery of 63-87 dwellings on the site.
- 3.3 The site is bound to the north by Arnold Road, to the south by a public footpath, beyond which is Nottingham University Hospital. To the east of the site lies Arnside Road, Wyton Close and residential development. To the west of the site is Belconnen Road and further residential development. The application site lies predominantly on the eastern side of the wider Chronos Richardson site and wraps around the remaining 1ha of land which forms the development site of a proposed Lidl store (application reference 22/00709/PFUL3).
- 3.4 The site slopes from north to south with an approximate level difference across the site of 3m. An existing public footpath runs from east to west alongside the southern boundary of the site (outside of the redline boundary). The site has substantial scrub cover, much of which is self-set following the demolition of the previous industrial buildings and structures. There are also some mature trees within the site, particularly along the western periphery on Belconnen Road.
- 3.5 The site falls within Flood Zone 1.

4 Details of the proposal

- 4.1 The application seeks permission for a residential development of 62 dwellings arranged in a series of cul-de-sacs. On the east side of the site, there will be 50 houses with vehicular access off Wyton Close. To the west side of the site, there will be 12 flats, arranged in three, two storey blocks with vehicular access off Belconnen Road.
- 4.2 All of the dwellings will be affordable dwellings, available as shared ownership or for social rent and a mix of 1, 2, 3 and 4 bed units will be provided, the 1 bedroom units being provided as flats. Pedestrian access between both parts of the development will be provided along the southern edge of the site. Pedestrian links to the proposed Lidl site are also incorporated in the scheme.
- 4.3 At the southern edge of the site, two attenuation ponds are proposed. Whilst this is a form of open space, it is not useable as recreational space and as such a contribution towards the provision of off-site open space is sought.
- 4.4 Off street parking is provided throughout the development, with all one and two bed units having at least one off street space and 3 and 4 bed units having 2 spaces. Additional on-street visitor parking is also indicated.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

110 neighbouring properties were notified of the proposed development by letters dated 13th April 2022.

This notification included properties on the following neighbouring streets: Belconnen Road, Wyton Close, Embley Road, The Green Mews, Williamson Row, Arnside Road and Arnold Road.

The application was also publicised through a site and a press notice.

1 representation from Nottingham Local Access Forum was received, raising the following objections to the development;

- There is no cycle storage included for the housing development
- The quality of cycle storage proposed for the apartments is insufficient.
- It is recommended that a condition requiring details of cycle storage be requested.

Further notification letters were sent to the same addresses on 18th August 2022. The response date for representations was 9th September 2022 and no further representations have been received.

Environmental Health and Safer places: No objection, subject to conditions relating to ground gas contamination protection and noise.

Highways: The layout, as amended, is considered to be satisfactory.

Drainage: No objection. A drainage strategy has been submitted and reviewed by the Drainage Team (Lead Local Flood Authority). Following a request for additional information, the Drainage Team are satisfied with the proposed strategy, subject to conditions requiring further details of surface water drainage works and maintenance.

Planning Policy: No objection. It is recognised that the number of houses to be provided will be one less than that envisaged by the site allocation. However, it is also recognised that the applicants will be meeting a valid and important housing need in the City by providing an affordable housing scheme and therefore, on balance there are no policy objections to the above proposal subject to the satisfaction of Officers that the proposed development is acceptable in regard to design, layout, scale, massing and appearance of the development in the context of Policies DE1 and DE2 of the LAPP.

Biodiversity and Greenspace Officer: No objection subject to s106 contribution to offsite Biodiversity Gain. The Biodiversity and Greenspace Officer has confirmed that the money will be placed in a ringfenced financial revenue account and will be used when needed for the creation of the habitats.

Education: The proposed development generates 10.5 primary pupils and 7.5 secondary pupils. Contributions to the Provision of Primary and Secondary Education are required, totalling £338, 875.

Nottingham Jobs: An employment and training plan is recommended, including a proposed contribution of £19,128 to support the services provided by the Jobs Hub.

6 Relevant policies and guidance

National Planning Policy Framework (2019)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 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.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil,

air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 states that when determining planning applications, local planning authorities should support development whose primary objective is to conserve or enhance biodiversity while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Aligned Core Strategy (September 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 17: Biodiversity

Policy 19: Developer Contributions.

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

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy DE1: Building Design and Use

Policy DE2: Context and Place making

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in Development

Policy EN6: Biodiversity

Policy EN7: Trees

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy SA1: Site Allocations

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Supplementary Planning Documents

The provision of Open Space in New Residential and Commercial Development (2019)

Biodiversity (2020)

7. Appraisal of proposed development

Main Issues:

- (i) Principle of Development
- (ii) Layout, design and appearance
- (iii) Residential amenity
- (iv) Highways and access
- (v) Biodiversity and trees

(vi) Planning Obligations

Issue (i) Principle of the Development (Policies 1 and 8 of the ACS, Policies HO1, HO3 and SA1 of the LAPP)

- 7.1 The site is a vacant former industrial site that has been cleared. The reuse of brownfield sites is actively encouraged and supported by the national and local planning policy.
- 7.2 The application site is part of a wider site allocated as a development site by the Local Plan Part 2 (site ref. SR13) and is anticipated to deliver 63-87 dwellings. The site has been subdivided with the portion of land outside of this application site, being subject of an application for a Lidl Food Store. The remaining 1.6ha of land forms the subject of this application for residential development of 62 dwellings. The loss of residential land is acknowledged, but the number of dwellings to be provided on the remainder of the LAPP allocation (62) is acceptable compared to the LAPP range of 63-87 in the LAPP. The number of homes is included in an appendix rather a LAPP policy, and so the range is indicative, and does not have the weight of Policy. Para 6.32 of the LAPP states “The Development Principles set out the range of acceptable uses for each site. Whilst the precise quantum of development will be subject to review during the development management.”
- 7.3 Although the provision is one dwelling less than that sought under the site allocation, it is recognised that the scheme is seeking to provide a wholly affordable scheme, exceeding the 20% required by Policy HO3. It would provide a mix of house types contributing to the creation of a balanced and sustainable community, thus complying with the aims of Policy 8 of the ACS and Policy HO1 of the LAPP. Taking account of these factors, the loss of one dwelling from the provision is not considered to be of any significant consequence. The Council’s Policy Officers have reviewed the proposals in the context of the Housing Land Supply and raise no objection. Officers recognise that the scheme will meet an identified demand for Affordable Housing and on this basis do not object to the reduction (by one unit) in the number of dwellings to the provided as detailed within Policy SA1 of the LAPP.
- 7.4 Policy HO1 of the LAPP encourages development of sites for family housing. It does not set targets nor is it prescriptive about the level of family housing, this being a matter of judgment based on the characteristics of the site, as set out in Para 4.14 of the LAPP. The scheme is for 100% affordable housing, which satisfies 2d of HO1 by meeting other aims of the City Council, as evidenced by Greater Nottingham & Ashfield Housing Needs Assessment, October 2020. The proposed development would therefore comply with Policies 1 and 8 of the Aligned Core Strategies and Policies HO1, HO3 and SA1 of the LAPP.
- 7.5 An assessment of the suitability of the remaining 1ha of land for retail development is provided within the appraisal of the requisite planning application (ref. 22/00709/PFUL3) and this includes a Sequential Test and Retail Impact Assessment.

Issue (ii) Layout, design and appearance (Policy 10 of the ACS and Policies DE1, DE2, EN2 and IN4 of the LAPP)

- 7.6 The site layout has evolved in response to consultee feedback, particularly that from the Highway Authority and the resulting road layout which comprises a primary carriageway with footways either side, transitioning to a shared surface, is

acceptable in principle. Technical details relating to the transitions and materials are under review and it is anticipated that the final details will be agreed by condition. Any additional information provided will be relayed to Committee by way of an Update Sheet.

- 7.7 The points of vehicular access off Belconnen Road and Wyton Close are acceptable to the Highway Authority. Pedestrian access through the site and the links to the retail store and existing footpath to the south have been improved through the design evolution and are considered to be acceptable, contributing to a legible, cohesive design overall.
- 7.8 The proposed development of two storey, semi-detached properties is in keeping with the scale and massing of surrounding residential development. The use of pitched tiled roofs and traditional brick elevations is appropriate to the local vernacular and the use of two types of brick and tile and the inclusion of feature brickwork panels will add sufficient aesthetic interest to the properties.
- 7.9 Boundary treatments have been amended to reflect the best practice guidance within the Design Quality Framework, comprising walls to rear/side boundaries where they have a public interface and timber fences otherwise. Front boundaries are to be enclosed with low level brick and railing above which is acceptable and will assist in providing clear definitions between public and private/defensible space.
- 7.10 There is ongoing discussion in relation to bin storage and how best to place this to ensure that storage is used effectively. This is likely to include some bin storage being relocated to front gardens. It is recommended that a condition be imposed to agree final details in relation to bin storage.
- 7.11 A landscaping plan has been provided with the application and includes tree planting, shrubbery and grassed areas within front and rear gardens. There are a number of areas of landscaping that fall outside of the boundaries of individual plots and these are to be maintained by a Management Company. These areas have been highlighted on a plan and an appropriate condition to ensure this is regulated, is recommended.
- 7.12 Although a degree of public greenspace is provided throughout the development in the form of footpath links and the area around the attenuation pond, this is not considered to be useable open space. As such, a financial contribution of £151,110.69 towards the provision of off-site Open Space is sought through a s106 Agreement. This is in accordance with Policies EN2 and IN4 of the LAPP and the associated SPD on Open Space.
- 7.13 As amended, it is considered that the proposal would create a sustainable and well connected development, resulting in a quality living environment for future occupiers. All units would comply with Nationally Described Space Standards and would benefit from off street parking. It is therefore considered that the proposed development accords with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

Issue (iii) Residential Amenity (Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP)

- 7.14 The development provides a mix of 1, 2, 3 and 4 bedroom properties, all of which meet minimum Space standards. The layout allows for adequate light within and outlook from habitable rooms. Sufficient distances are provided between properties, including back to back distances, to avoid any significant overlooking or loss of privacy for future occupiers. The development is located sufficiently far away from nearby residential properties to avoid any significant impact upon the amenity of existing occupiers.
- 7.15 Plots 21, 25, 26, 27 and 28 will have shared boundaries with the proposed Lidl store. However, the store has been stepped away from the boundary and all deliveries and plant equipment are sited away from this shared boundary to minimise any noise or disturbance. Acoustic fencing is proposed within the Lidl site and the boundaries will be further screened with planting. These measures are considered sufficient to avoid any significant adverse impact upon the residential amenity of future occupiers of the proposed properties.
- 7.16 All properties benefit from a private rear garden and have access to areas of public realm within the development as well as links to existing footpaths beyond the site boundary, ensuring all residents will have access to adequate outdoor amenity space and greenspace.
- 7.17 In view of the above, it is considered that the proposed development would provide a satisfactory living environment for future occupiers and would avoid any significant impact upon the amenity of existing residential properties in the area. It would therefore comply with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

Issue (iv) Highways, Access and Parking (Policy 10 of the ACS, Policies DE1, DE2 and TR1 of the LAPP)

- 7.18 The Highway layout has been through a series of amendments in order to achieve the best possible design for the development. The resulting layout with a primary road into the housing site, transitioning to shared surface is considered to provide the safest and most legible routes for pedestrians whilst ensuring adequate carriageway width and turning space for vehicles. As described above, the final details of the transitions and surfacing are under review and a condition is recommended to secure the agreement of these details prior to commencement.
- 7.19 Access to the flats off Belconnen Road is provided in the form of two private drives, which is considered to be acceptable. Final details of the parking layout are to be requested by condition together with tracking details.
- 7.20 The level of parking proposed is in compliance with the requirements set out by Policy TR1 of the LAPP, namely 1.5 per dwelling. This translates to a minimum of 1 space per dwelling for the smaller units (1 and 2 bed) and 2 spaces for the larger (3 bed and 4 bed) units and this is considered to be acceptable. Local Ward Councillors, during pre-application discussions with the developer, expressed concern about the potential resulting impacts upon parking for surrounding streets and requested some on street parking. Additional on-street parking provision is indicated at appropriate points across the development. The final tracking exercises are underway and as such the final layout of on-street parking is to be requested by

condition. It is noted that there is a need to balance the demand for on-street parking for residents and visitors to the properties within the development, with the need to prevent parking by visitors to the City hospital, which has been a problem on surrounding streets in the area. Ultimately, the use of TROs may be an option in the future but this would need to be agreed with the Highway Authority through the appropriate mechanism. In summary, the development is considered to comply with Policy 10 of the ACS and Policies DE1, DE2 and TR1 of the LAPP in respect the Highways, access and parking issues.

Issue (v) Trees and Biodiversity (Policies 17 and 19 of ACS, Policies EN6, EN7 and IN4 of the LAPP)

- 7.21 Policy EN6 states that development will only be permitted where significant harmful ecological impacts are avoided. Where harmful impacts cannot be avoided they should be mitigated through the design, layout and detailing of the development, or as a last resort compensated for, which may include off-site measures. The Biodiversity SPD further supports this.
- 7.22 The application is accompanied by an Ecological Appraisal, Ecological enhancement scheme and Biodiversity Net Gain Assessment. The site comprises areas of established Woodland and grassland, much of which is proposed to be removed to facilitate the development. Whilst a comprehensive scheme of tree replanting and Ecological enhancements (including bird and bat boxes, sensitive lighting and hedgehog connectivity) has been submitted, this is not sufficient to offset the loss of habitats and the Biodiversity Net Gain Assessment demonstrates an overall loss in Biodiversity rather than a gain.
- 7.23 The proposals for the removal of woodland and grassland have been reconsidered by the developer but it is not possible to increase the retention due to the harm arising from the disturbance of the adjacent areas of grassland/woodland. As such, the developer proposes a contribution towards off-site Biodiversity Gain as additional mitigation in order to achieve an overall gain. The Biodiversity Officer has assessed the proposals and provided calculations for a contribution towards off-site Biodiversity Gain based upon figure per unit for both grassland and woodland. This amounts to a figure of £52,546.44 which is to be requested through the s106 Agreement. This money will be placed in a ringfenced financial revenue account which will be used when needed for the creation of the habitats. This is in accordance with Policies 17 and 19 of the LAPP, Policies EN6 and IN4 of the LAPP and the adopted Biodiversity SPD.
- 7.24 Policy EN7 of the LAPP relates to Trees and seeks to protect trees of importance and secure adequate mitigation/replanting for the loss of trees. A tree survey and Arboricultural Impact Assessment have been submitted with the application which concludes that none of the trees on the site are category A trees. The lowest value trees will be removed during site clearance. Every effort has been made to retain as many of the higher grade trees as possible and incorporate them into the layout and this includes a band of mature trees along the western edge of the site. It is acknowledged that some mature trees have already been removed. However, these trees did not benefit from any statutory protection and as such consent was not required from the local planning authority for their removal.
- 7.25 Where it is not possible to retain trees, mitigation in the form of replanting is proposed. The landscape proposals for the site includes new trees around the residential dwellings combined with a variety of other landscaping. This approach is considered to reach an acceptable balance between the loss of the trees and the

viable redevelopment which will provide significant onsite mitigation. It is considered that the development in this regard, complies with Policy EN7 of the LAPP.

Issue (vi) Planning Obligations (Policies 17 and 19 of the Aligned Core Strategies and Policies HO3, EN2, EN6 and EE4 of the LAPP, and the Open Space and Biodiversity SPDs.)

- 7.26 The application site comprises land which is partly in the Council's ownership and partly owned by a third party. As the Council cannot enter into an agreement with itself it is proposed that the planning obligation required to enable this permission to be granted will initially only be secured against the land which is in third party ownership. However, on completion of the land transfer it is proposed that the planning obligation subsequently be varied to ensure that it binds the remainder of the application site.
- 7.27 A policy compliant development would be expected to provide the following planning obligations:
- A minimum 20% on site affordable Housing
 - On site public open space/public realm or a contribution towards off-site provision of ££151,110.69
 - A contribution of £338,875 towards Education provision (£199,224 for Primary and £139,651 for Secondary)
 - A contribution of £52,546.44 towards off-site Biodiversity Gain.
 - Local employment and training opportunities, including a financial contribution of £19,128 towards their delivery

The total contribution is therefore £561,660.13

- 7.28 The applicant has committed to the above Policy compliant contributions, with the scheme exceeding the Affordable Housing Provision requirement. To conclude, the contributions satisfy Policies 17 and 19 of the Aligned Core Strategies and Policies HO3, EN2, EN6 and EE4 of the LAPP, and the Open Space and Biodiversity SPDs.

8. Sustainability (Policy 1 of the ACS and Policies CC1 and CC3 of the LAPP)

- 8.1 All dwellings within the development will be provided with increased insulation within the fabric of the building and either photovoltaic panels or Air Source Heat pumps. As the Registered Providers will likely want some input into this decision, these details are to be requested by condition, prior to commencement.
- 8.2 The site is in a sustainable location within walking distance of well served bus routes and will be well connected to existing pedestrian and cycle routes. Cycle racks are indicated for the flats. However, notwithstanding this, a condition requiring details of secure, covered and well-lit cycle storage for the whole development, is recommended.
- 8.3 The site falls within Flood zone 1 and as such is at the lowest risk of flooding. The development includes the use of SUDs in the form of two attenuation ponds at the southern edge of the site. This has been reviewed by the Drainage Team and is considered satisfactory. This will also contribute to Biodiversity enhancement for the development. A condition requiring details of Surface Water drainage proposals and maintenance is recommended.

8.4 All dwellings will be provided with electric vehicle charging points and a condition is recommended to secure these prior to occupation. In summary, it is considered that overall the scheme will comply with Policy 1 of the ACS and Policies CC1 and CC3 of the LAPP.

9 Financial Implications

None.

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

Neighbourhood Nottingham: Redevelopment of a cleared brownfield site with a high quality, sustainable development.

Safer Nottingham: The development enhances the pedestrian Connectivity ,contributing 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

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: 22/00675/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9HSXNLYJBB00>

17 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

Biodiversity SPD 2020

Open Space SPD 2019

Affordable Housing SPD 2021

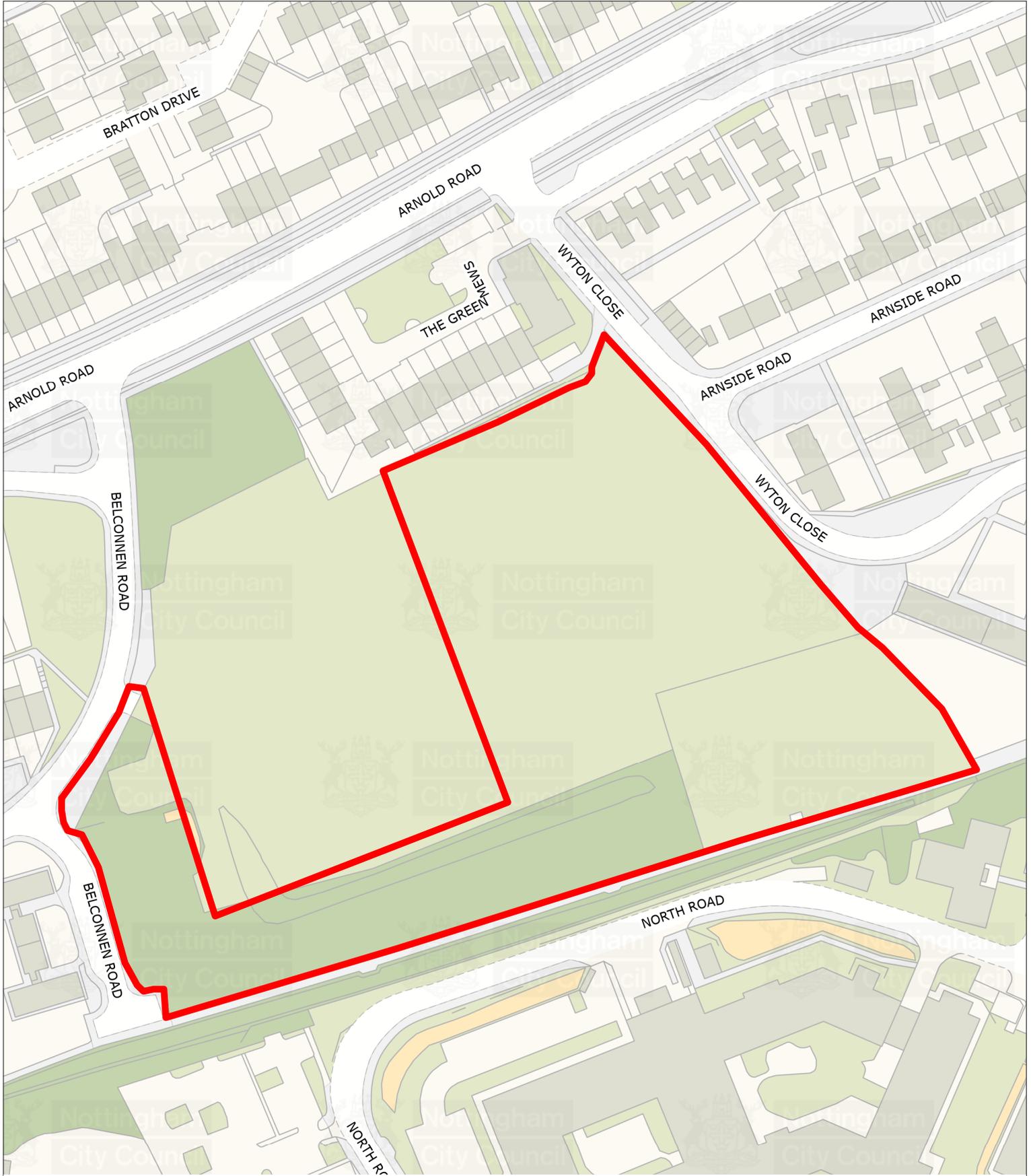
Greater Nottingham & Ashfield Housing Needs Assessment, October 2020.

Contact Officer:

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Key



City Boundary

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Description

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Nottingham
City Council

My Ref: 22/00675/PFUL3 (PP-10355700)
Your Ref:
Contact: Mrs Zoe Kyle
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Date of decision:

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

Application No: 22/00675/PFUL3 (PP-10355700)
Application by: MyPad 2020 Ltd
Location: Former Site Of Chronos Richardson Ltd, , Wyton Close, , Nottingham, NG5 5GW
Proposal: Development of 62 dwellings, with access from Wyton Close and Belconnen Road, landscaping, drainage and open space.

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

Time limit

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

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

Pre-commencement conditions

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



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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 Site Investigation, compliant with the recommendations of the Phase 1 Assessment submitted.
 - b) A Remediation Plan, based on a) 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).
 - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) 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 necessary mitigation for ground, groundwater and gas contamination in accordance with Policy IN2 of the Local Plan.

3. Prior to the commencement of the development, 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 to 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 in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Local Plan

4. Prior to the commencement of the development, details of the management of surface water during construction, 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 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 in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and C3 of the LAPP.

5. Prior to the commencement of development, details of all external materials, including samples, and large scale details of window reveals and eaves, 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 appearance of the development is acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan.

6. Prior to the commencement of any above ground development, details of Air Source Heat Pumps and renewable energy provision 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 the details of Air Source Heat Pumps and Renewable Energy provision is acceptable in accordance with Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan.

7. Notwithstanding the details on the approved plans, prior to the commencement of any above ground development, details of bin storage for the development 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 adequate bin storage for the development is provided in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan.

8. Notwithstanding the details shown on the approved plans, prior to the commencement of development, details of cycle storage for the development (flats and houses) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate cycle storage is provided in the interests of sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies DE1 and CC1 of the Local Plan.

Pre-occupation conditions

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

9. Prior to the occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing 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 in accordance with relevant standards in accordance with Policy 1 of the Aligned Core Strategy and Policies CC1 and CC3 of the Local Plan.



10. 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 necessary mitigation for ground, groundwater and gas contamination in accordance with Policy IN2 of the Local Plan.

11. Prior to first occupation of the development, verification that the submitted 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: To ensure adequate sound insulation and ventilation is provided in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan.

12. Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the development, the greenspace, pedestrian footpaths, attenuation ponds and associated landscaping, shall be provided in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1, DE2 and EN7 of the Local Plan.

13. The development hereby permitted shall not be occupied until ecological enhancements as outlined within the approved Ecological Enhancement Plan and accompanying report, have been carried out in accordance with the approved details.

Reason: To ensure ecological enhancements are carried out in accordance with Policy 17 of the Aligned Core Strategies and Policy EN7 of the Local Plan.

14. The development hereby permitted shall not be occupied until details of the management and maintenance of landscaped areas which fall outside of the individual plots (as indicated on the approved maintenance plan) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate maintenance arrangements are put in place in accordance with Policy 10 of the Aligned Core Strategies and Policy DE2 of the Local Plan.

15. Unless otherwise agreed in writing by the Local Planning Authority, no property within the development hereby permitted shall be occupied until the following have been provided for that property, in accordance with the approved details:

- (i) hard and soft landscaping;
- (ii) boundary enclosures;
- (iii) bin storage;
- (iv) electric vehicle charging
- (v) cycle storage

Reason: To ensure a satisfactory quality living environment is created for future occupiers in



accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies DE1, DE2 and CC1 of the Local Plan.

Regulatory/ongoing conditions

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

16. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

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 drawings/documents:
- Drawing reference 21077-20-001 revision P3, received 16 September 2022
 - Drawing reference 21077-20-002 revision P3, received 16 September 2022
 - Drawing reference 21077-20-003 revision P3, received 16 September 2022
 - Drawing reference 21077-20-004 revision P3, received 16 September 2022
 - Drawing reference 21077-20-005 revision P4, received 16 September 2022
 - Drawing reference 21077-20-006 revision P4, received 16 September 2022
 - Drawing reference 21077-20-007, received 16 September 2022
 - Drawing reference 21077-20-008, received 16 September 2022
 - Drawing reference 21077-20-009, received 16 September 2022
 - Drawing reference 21077-21-001 revision P5, received 16 September 2022
 - Drawing reference 21077-70-001 revision P16, received 16 September 2022
 - Drawing reference 21077-70-001 (with commentary) revision P16, received 16 September 2022
 - Drawing reference 21077-70-002 revision P7, received 16 September 2022
 - Drawing reference 21077-70-003 revision P7, received 16 September 2022
 - Drawing reference 21077-70-004 revision P7, received 16 September 2022
 - Drawing reference 21077-70-006 revision P4, received 16 September 2022
 - Drawing reference 21077-70-007 revision P4, received 16 September 2022
 - Drawing reference 21077-70-008 revision P2, received 16 September 2022
 - Drawing reference 21077-70-009 revision P2, received 16 September 2022
 - Other reference Biodiversity Net Gain revision 2, received 16 September 2022
 - Other reference Landscape Masterplan MBP01 revision F, received 16 September 2022
 - Other reference Swept Path Analysis Refuse Vehicle- VN212064-TR100 revision H, received 16 September 2022
 - Other reference Swept Path Analysis - Fire Tender Vehicle VN212064-TR101 revision E, received 16 September 2022
 - Other reference Noise Assessment 102647-2 revision 4, received 16 September 2022
 - Other reference Flood risk assessment and drainage strategy 600415 revision V06, received 16 September 2022
 - Other reference Planning Statement revision 3, received 16 September 2022
 - Other reference Arboricultural impact Assessment 220815-1.1-BN-AIA-MW revision 1.1, received 16 September 2022
 - Other reference Air Quality Assessment 102647V4 revision 4, received 16 September 2022



Other reference Badger Survey 2202-PHA, received 30 March 2022
Other reference Phase 1 geo-environmental survey EAL.159.21 revision 1, received 30 March 2022
Other reference Statement of Community Engagement, received 30 March 2022
Other reference Preliminary Ecological Appraisal Report 404.12535.00001 revision 2, received 30 March 2022
Other reference Transport Assessment VN212064 revision 2, received 30 March 2022

Reason: To determine the scope of this permission.

Informatives

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

2. Construction & Demolition - Noise Control: Hours of Work
The acceptable hours for demolition or construction work (including deliveries to & from the site) 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)

3. Environmental Noise Assessment

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.

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



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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 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.

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: 22/00675/PFUL3 (PP-10355700)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

STREET NAMING AND NUMBERING

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



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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.

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