

Report of Director of Planning and Transport

10 Woodborough Road, Nottingham

1 Summary

Application No: 22/00676/PFUL3 for planning permission

Application by: Mr Simon Henderson on behalf of Nottingham City Homes

Proposal: Construction of 24 houses and flats

The application is brought to Committee because of s106 viability considerations.

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

2 Recommendations

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

3 Background

- 3.1 The application relates to the site of the former Oakdene Residential Home which occupies a prominent location at the junction of Woodborough Road and St Ann's Way, in the St Ann's Ward of the City. The residential home closed in 2019 and was demolished in January 2020. The site remains cleared and vacant. The site is owned by Nottingham City Homes, who is the applicant for this application.
- 3.2 The site is bounded by Norman Close, St Ann's Way and Woodborough Road and is surrounded by existing residential properties. There is a change in level across the site, sloping up from south east to north west and down from south west to north east.
- 3.3 Planning permission was granted in August 2020 for a three storey building comprising 48 one bedroom flats and associated parking and landscaping (planning permission reference 20/01126/PFUL3). This permission remains extant but Nottingham City Homes have advised that the scheme is not financially viable.

4 Details of the proposal

- 4.1 The current application proposes a residential scheme of 9 flats and 15 houses, all of which would be Affordable. The houses would be 2 storey and would be laid out in a back to back arrangement with 5 fronting onto Woodborough Road, 8 fronting onto Norman Close and 2 onto St Anns Way. The flats would be in a three storey block located on the southern corner of the site. The dwellings would be a mix of 2 and 3 bedrooms whilst the flats would have 1 bedroom.
- 4.2 The houses would have asymmetric pitched roofs and would be arranged in terraces with projecting flat roof bays to the front elevation. The flat block would have a curved edge to the southern corner and a flat roof.
- 4.3 The houses on Norman Close and St Anns way would each have a separate vehicular access and driveway for one vehicle, whilst the houses fronting onto Woodborough Road would have a shared vehicular access and parking area. No parking is proposed for the flats. Each dwelling would have a private rear garden and an area of external amenity space to the rear of the flats is also proposed.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

1, 2, 7, 8, 9, 10, 11, 15, 16 Heskey Walk
46, 48, 50 Woodborough Road
32, 37, Surestart Children's Centre Palmerston Gardens
Huntingdon Academy, Alfred Street Central
1, 2, 3, 4, 5, 6, 7, 8 Harlaxton Walk
1, 2, 3, 4, 20, 21, 22, 23 Sherwin Walk

The application has also been publicised by site and press notices.

No responses were received.

Additional consultation letters sent to:

Environmental Health: No objection. Pre-commencement conditions requiring Noise Assessment, Noise and Dust Management Plan and Contaminated Land Remediation, are recommended.

Highways: No objection. A Condition requiring the submission of a Construction Traffic Management Plan is recommended. A s278 Agreement will be required and will address technical and Highway design issues.

Biodiversity Officer: No objection. The updated Ecology report is satisfactory. A condition requiring Hedgehog friendly fencing is recommended.

Flood Risk Management: A condition requiring the submission of a drainage strategy for the development is required, to include exceedance routes, discharge rates, how Sustainable Urban Drainage Systems will be used and maintained and surface water run off management.

Carbon Neutral Policy Team: If parking needs to be provided (despite the

proximity to the City Centre) EV charging should be incorporated. It is positive to see a range of energy reduction features. Secure, covered and lit cycle storage should be provided for houses and flats.

Education: No contribution is required for education.

6 Relevant policies and guidance

Aligned Core Strategies

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 19: Developer Contributions

Land and Planning Policies Development Plan Document - Local Plan Part 2

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy IN4: Developer Contributions

Policy TR1: Parking and Travel Planning

Policy RE1: Facilitating Regeneration

Policy EE4: Local Employment and Training Opportunities

National Planning Policy Framework (NPPF)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

- 7) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

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

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

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

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development
- (ii) Design and Layout
- (iii) Impact upon Residential Amenity
- (iv) Highways

Issue (i) Principle of the Development (Policy 8 of the ACS and Policies HO1, HO3 and RE1 of the LAPP)

- 7.1 Policies 8 of the ACS and HO1 of the LAPP place a presumption on developing family dwellings beyond the city centre, although both set out criteria where exceptions to this approach will be appropriate. Policy 8 recognises that the appropriate housing mix will be informed by a number of factors including strategic housing assessments/strategies, demographics, local evidence of need and demand, site specifics and accessibility (amongst others). Policy HO1 also requires consideration of local housing need and demand, and whether alternative provision would meet other aims of the City Council.
- 7.2 Located within an established Residential Area on the edge of the City Centre, the current scheme of 1, 2 and 3 bedroom Affordable dwellings has been developed to meet a specific local need; there is a high demand for social housing of the typologies proposed in the surrounding area which comprises a high proportion of traditional family housing.
- 7.3 It should also be noted that there is an extant planning permission for 48 1 bedroom flats on the site. The current scheme provides variation in the size and type of dwellings proposed, including a proportion of dwellings which are suitable for occupation by families. The current proposal is therefore considered to represent an improvement in terms of the housing size and mix proposed.
- 7.4 The proposal is therefore supported in principle, in accordance with ACS policy 8 and LAPP policies HO1 and RE1. As a scheme of 100% affordable housing, policy HO3 of the LAPP is also satisfied.

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

- 7.5 The proposed houses would be two storey in height whilst the flat block would be three storeys. It is considered that the proposed buildings would sit comfortably within the streetscene, responding to the established two and three storey scale of development on surrounding streets. The flat building would have sufficient presence on the prominent southern corner with the curved design enhancing the aesthetic of the building. The asymmetric design of the houses adds character to the development and the proposed bay features give articulation to the frontages. It is proposed to use a mix of red/orange brick types which will give sufficient interest and variation to the appearance. A condition requiring the submission of materials prior to commencement is recommended to ensure that these are of sufficient quality.
- 7.6 The scheme has been amended to address minor highway concerns. As amended the proposed points of access are considered acceptable, subject to agreement of the technical detail through a s278 Agreement.
- 7.7 All houses and the flat block have designated bin storage and landscaped gardens/amenity space. Front boundaries would be enclosed by low level walls and railings and rear boundaries with timber fencing or 1.8m high walls where they adjoin a public highway (plot 8). This arrangement is considered acceptable. A condition requiring hedgehog friendly timber fencing is recommended in accordance with the request from the Biodiversity Officer.
- 7.8 In summary it is considered that the proposed development is acceptable in terms of its scale, layout and design. All units would comply with Nationally Described Space Standards. As such the proposed development would comply with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

Issue (iii) Impact upon Residential Amenity (Policy 10 of the ACS and Policy DE1 of the LAPP)

- 7.9 The scale, location and orientation of the dwellings within the development is considered to be satisfactory in terms of the relationship with existing dwellings surrounding the site. The layout of plot 1 has been amended to improve the relationship with properties on Harlaxton Walk. These properties back onto an alleyway and whilst they do have ground floor windows in the rear elevations, these are small scale and secondary in nature. The amended arrangement is considered to provide an acceptable relationship between the existing and proposed dwellings. It is noted that no representations have been received in response to consultation.
- 7.10 The proposed houses and flats would comply with Nationally Described Space Standards and would provide adequate natural light within and outlook from habitable rooms. All dwellings would have access to external amenity space. As such it is considered that the proposed development would provide a satisfactory quality living environment for future occupiers, and would comply with Policy 10 of the ACS and Policy DE1 of the LAPP.

Issue (iv) Highways (Policy 10 of the ACS and Policy TR1)

- 7.11 Given the proximity of the site to the City Centre, the proposal to provide parking for only the houses and not the flats is acceptable. The city centre is easily accessible on foot and there are good transport links to other areas of the city from Woodborough Road. The parking spaces for the houses are considered to be

acceptable in terms of the size and location.

- 7.12 The layout of the access points and driveways has been accepted by the Highway Authority, subject to agreement of technical details, including Safety Audits for the off street spaces in proximity to existing Traffic calming features and street furniture, via a s278 Highways Agreement. This will be agreed outside of the remit of the Planning Application.
- 7.13 In summary, it is considered that the development would comply with Policy 10 of the ACS and Policy TR1 of the LAPP.

8. Sustainability / Biodiversity

- 8.1 The proposed development is sustainably located within walking distance of the City Centre and good public transport links to the rest of the city.
- 8.2 The development includes a range of energy reduction features including PV panels to all houses with battery storage, Positive solar gain orientation, solar shades, triple glazing, LED lights, use of waste water for heat recovery and Air Source Heat Pumps fitted throughout. On this basis it is considered that the proposed development would accord with Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.3 The site falls within Flood Zone 1 and the requisite Flood Risk Assessment has been submitted. The Flood Risk Management Team have reviewed this and are satisfied with the submitted detail but require the submission of further details relating to exceedance routes, discharge rates and a Sustainable drainage strategy. Appropriate conditions are recommended. Subject to approval of these details by condition, the proposed development would comply with Policies CC1 and CC3 of the LAPP.

9 Section 106 (ACS Policy 19 and LAPP Policies EN2, HO3, EE4 and IN4)

- 9.1 The application would be expected to provide a S106 planning obligation to include financial contributions towards open space and Employment and Training opportunities (The Education Team have confirmed that no contribution towards Education is to be claimed for this development). In accordance with the adopted Supplementary Planning Document on The Provision of Open Space on New Residential and Commercial Developments (Policy EN2) and Policy EE4 the proposed development would be expected to provide the following financial contributions where on site provision is not being made:

Open Space: £51,053.30

Employment and Training: £12.375.92

- 9.2 The scheme provides 100% affordable dwellings and as such is policy compliant in this regard.
- 9.3 As a Nottingham City Council scheme, S106 policy requirements would normally be dealt with by a transfer of funds allocated to the project, the money then being ring-fenced for S106 purposes. In this case, the proposed development has been subject to a protracted timetable and tendering process, during which the financial landscape has changed significantly. Building costs have increased significantly, and the overall cost of scheme delivery has increased by 12.5% against the

November 2021 forecast. The revenue however does not change at the same rate as the market. The tenure cannot be changed from social to market rent and therefore cannot be increased by more than, a below inflation, 7%. Overall, the scheme has become significantly more expensive to deliver. The £63,429.22 required to meet Section 106 objectives would add to the overall costs of the scheme, already forecast to be in excess of £0.5 million against the original cost plan.

- 9.4 The extra costs of the scheme will have to be met from other resources and reserves that will in turn no longer be available to future affordable housing schemes. The addition of costs to meet Section 106 objectives would worsen this position.
- 9.5 Due to the nature of the scheme's funding, it is considered that it is difficult to assess viability in the normal way. However, it is accepted that the delivery of the scheme is already challenging, and that adding Section 106 costs will make it more so. S106 costs would have to be met from other resources and reserves that will in turn no longer be available to future affordable housing schemes. Having regard to the benefits of the scheme, providing 100% affordable housing, in a well-designed and highly sustainable development, the provision of family housing, regenerating a brownfield site, it is considered to be appropriate to waive the Section 106 requirements in this case.

10 Financial Implications

As noted above, no Section 106 financial contributions are to be provided due to the above considerations.

11 Legal Implications

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

12 Equality and Diversity Implications

None.

13 Risk Management Issues

None.

14 Strategic Priorities

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

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

15 Crime and Disorder Act implications

None.

16 Value for money

None.

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

1. Application No: 22/00676/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9HT4MLYJBK00>

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

Open Space SPD 2019

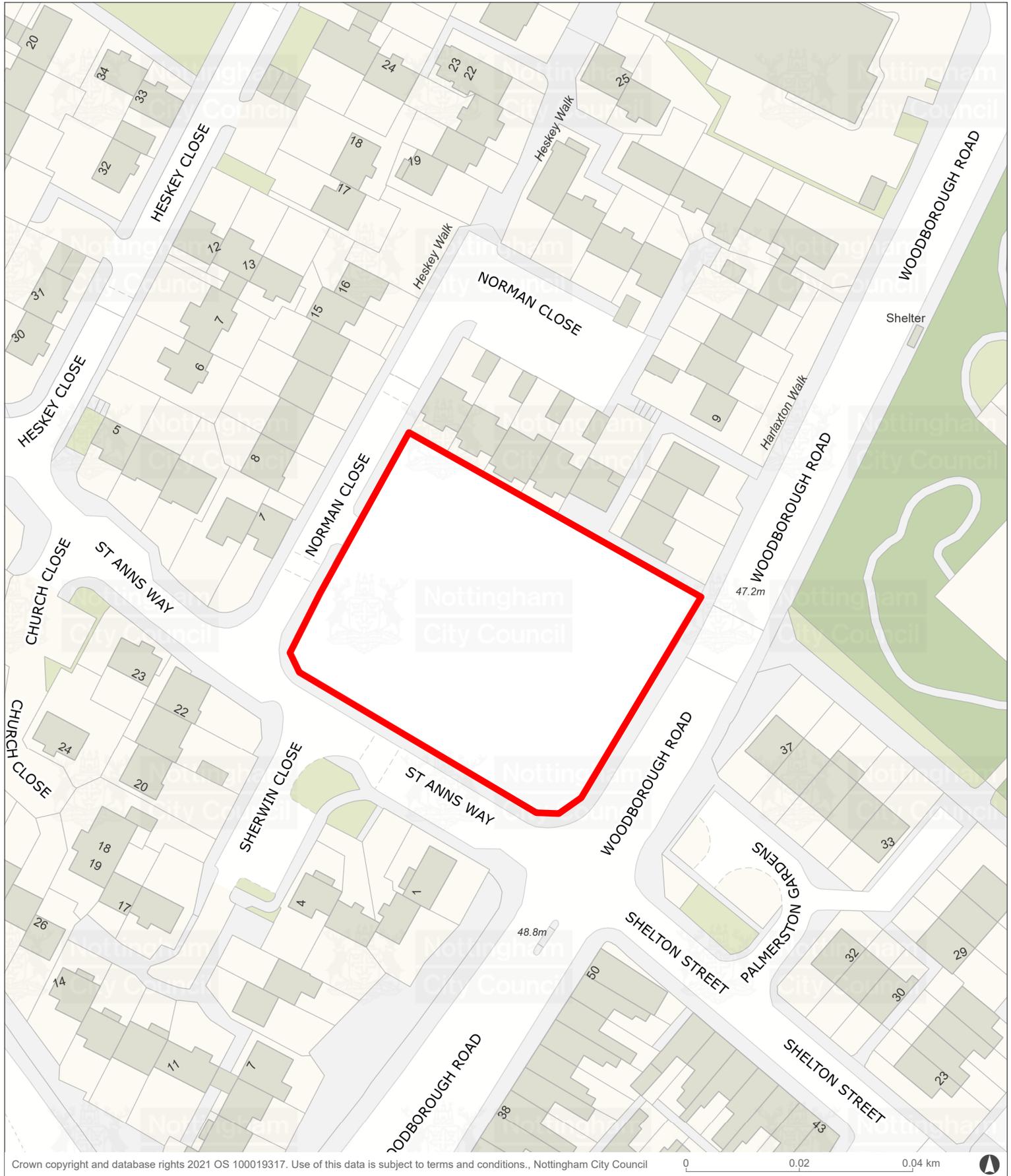
Affordable Housing SPD 2021

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

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Nomad printed map



Key
City Boundary

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Description
A map printed from Nomad.

My Ref: 22/00676/PFUL3 (PP-11066578)
Your Ref:
Contact: Mrs Zoe Kyle
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Mr Simon Henderson
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United Kingdom

Date of decision:

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

Application No: 22/00676/PFUL3 (PP-11066578)
Application by: Ms Mano
Location: 10 Woodborough Road, Nottingham, NG3 1AZ
Proposal: Construction of 24 houses and flats

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 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 10 of the ACS



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Not for issue

Continued...

3. Prior to the commencement of the development hereby permitted, a drainage strategy for the development shall be submitted to and approved in writing by the Local Planning Authority.

The Drainage Strategy as a minimum should contain:

- Details of how the surface water run-off will be managed inc. design,
- Drainage plan showing the layout of the proposed drainage (both foul and surface water),
- Proposed Adoption of SuDS features (who will maintain the SuDS features),
- Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
- Relevant surface water calculations from licenced software.
- The drainage strategy itself should also have exceedance routes mapped to ensure 3rd parties are not at risk, given the site is within an existing residential area. It should also take into consideration exceedance routes from the surroundings/existing developments and consider the impact on the proposals (as part of the flood risk assessment above).
- If infiltration is to be explored as a SuDS option, appropriate ground investigation and infiltration testing (BRE365), undertaken in both summer and winter will be required. The tests should be located as a minimum where infiltration features are proposed, also aligning with the proposed depths of these features. This should be aligned with a Phase 2 ground investigation.
- The SuDS considered should carefully align with the proposed remediation in the Phase 1 ground investigation and further works as part of Phase 2.

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

Reason: To ensure adequate sustainable drainage provision for the development in accordance with Policies CC1 and CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

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

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

5. Notwithstanding the details on the approved plans and unless otherwise agreed in writing by the Local Planning Authority, no above ground development shall commence until details of pv panels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interestd of sustainable development and in accordance with Policy 1 of the Aligned Core Strategy and Policy CC1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



6. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, details of all boundary enclosures, both within and around the perimeter of the site, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of hedgehog friendly fencing to rear gardens. Thereafter, the approved details shall be implemented prior to the first occupation of the development.

Reason: To ensure that the appearance of the development is satisfactory and to provide adequate means of enclosure within and around the site in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

7. Prior to the commencement of development hereby permitted details of how surface water and the proposed SuDS would be managed during construction (construction management plan and schedule of works) 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 adequate drainage provision and management during construction in accordance with Policies CC1 and CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

8. No above ground development shall commence until details of all hard and soft landscaping proposals have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

9. No above ground development shall commence until details of cycle storage for the houses has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an appropriate quality of finish to the approved development and provide sufficient cycle storage for the development and in accordance with Policy 10 of the Aligned Core Strategy and Policies DE1 and TR1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



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

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

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

The sound insulation scheme 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 adequate sound insulation for the development in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

11. Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:

- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents
- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance
- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours
- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders

Reason: To ensure adequate dust management during construction in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

12. 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:

Based on the Preliminary Risk Assessment and Site Investigation by Hydrock, Reference 13796-HYD-XX-XX-RP-GE-0002, submitted with the application,

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.

Please ensure that the Remediation Strategy and Verification Strategy proposals comply with Nottingham City Council's Standards for Cover Systems and On Site Verification.

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 adequate remediation is carried out in accordance with Policy 10 of the Aligned Core Strategies and Policy of DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

Pre-occupation conditions

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

13. The approved development shall not be first occupied until the external areas of the site have been implemented in accordance with the approved details, including the car parking spaces, bin and cycle stores.

Reason: In the interests of the residential amenity of occupants of the approved development and neighbouring residents in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

Regulatory/ongoing conditions

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

14. 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 forms, drawings and other documents comprising the application as validated by the council on 29 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. Environmental Noise Assessment

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

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

3. Construction & Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

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

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)



Equipment

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

Dust/Grit and Other Fugitive Emissions

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

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include:-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

4. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, 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.



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Continued...

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: 22/00676/PFUL3 (PP-11066578)

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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