

Report of Director of Planning and Transport

Maythorn House, 1 Bridgewater Close

1 Summary

Application No: 22/01763/PFUL3 for planning permission

Application by: CPMG Architects on behalf of Pelham Waterside Two LLP

Proposal: New 4-storey block containing 22 apartments and associated external works (redesign of apartment block element of planning consent ref: 19/02505/PFUL3)

The application is brought to Committee because it is a major application with Section 106 viability considerations where planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 23rd March 2023

2 Recommendations

- 2.1 That the committee indicate its approval in principle to the proposed form of development but subject to the outcome of the Viability Assessment review
- 2.2 In the event that the Viability Assessment review indicates that the Development is not viable were policy compliant planning obligations to be required, to delegate the power to GRANT PLANNING PERMISSION to the Director of Planning and Transport subject only to conditions substantially in the form listed in the draft decision notice at the end of this report, the final details of which shall be in his discretion
- 2.3 In the event that the Viability Assessment review indicates that the Development is sufficiently viable to provide some or all of the required policy compliant planning obligations to delegate the power to GRANT PLANNING PERMISSION to the Director of Planning and Transport

i) subject to the prior completion of a Section 106 Agreement to include:-

- (a) a financial contribution towards off-site public open space and/or
- (b) a financial contribution towards education provision.

on such terms as he is satisfied meets the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (both in relation to quantum and allocation) and

- ii) subject to conditions substantially in the form listed in the draft decision notice at the end of this report, the final details of which shall be in his discretion

3 Background

- 3.1 The application site is located toward the southern end of Trent Lane and forms part of a larger site that was previously occupied by a business/manufacturing premises. The previous buildings have been demolished and the site cleared. It adjoins a neighbouring site to the north that has been developed by the applicant for family housing and an apartment block (Pelham Waterside). The neighbouring site to the south has also been recently redeveloped with three apartment blocks, which are nearing completion (The Yacht Club). The Trent Basin housing development is also opposite on Trent Lane to the west.
- 3.2 The site has a narrow frontage to Trent Lane but is long, stretching back to the boundary with the River Crescent apartments to the east. The site then dog-legs to the north, taking in an area of land that includes a belt of trees and other vegetation. The northern boundary of the site then aligns with the northern boundary of the applicants' neighbouring site.
- 3.3 Planning permission has been previously granted on 11 December 2020 for the redevelopment of the larger site, including the demolition of the previous buildings and the construction of 12 houses and 27 apartments, with associated infrastructure (19/02505/PFUL3). The apartments block element of the granted planning permission was for a 5-storey building. Whilst the demolition of the previous buildings has occurred, development has yet to be commenced and the alternative development of the apartment element is the subject of this planning application. The application states that whilst the approved development was put out to competitive tender, the returned tenders exceeded the development value, particularly in the case of the apartment element, and therefore it was decided that the apartment design needed to be revisited to make it commercially viable.

4 Details of the proposal

- 4.1 The application proposes the alternative development of the apartment block element of the granted planning permission with a 4-storey block containing 22 apartments and associated external works. The apartment block would be located towards the eastern boundary of the site and to the south of the completed apartments block on the applicants' neighbouring site. Access would be an extension to the existing access road, leading to a 23 space car park to the rear. There would be perimeter landscaping and with a pedestrian access that links to open space areas that are to be implemented as part of the first planning permission. A section of link road to connect with Waterside Way has also been secured as part of the granted planning permission.
- 4.2 The proposed apartments block would contain 7 one-bed apartments and 15 two-bed apartments. The building would have a square plan form, with a stair and lift core centrally positioned within the plan. The block would be flat roofed with the exception of a modest projecting gabled corner element. The elevational treatment focuses on the use of ordered tall window openings, with panels of projecting brick detailing adding visual texture. The brick type is proposed to match that used on the applicant's neighbouring Pelham Waterside development.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

16 Waterside Way
Apartments 1-23 Harecastle House, 18 Waterside Way
River Crescent Residents Association, River Crescent, Waterside Way

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

Neighbour: The re-design of the apartment block has resulted in a cheap square box design that will not add any value to the area. The existing surrounding buildings are each uniquely shaped and thus a square shed has no place amongst. The distance between the proposed development and existing Harecastle House is less than 10m which will take away the right of any privacy of existing tenants. The documents within the application also does not declare what green space will be provided in exchange of building 20+ flats and hard landscaping the surface. Also, no consideration has been made to the fact that the proposed development will be surrounded by neighbours/families/kids and working hours must address this. Tree felling that took place as (presumably) part of site establishment works had loud machinery working 7am till 6pm. Furthermore, no consideration has been made for the dust/vibration that will be caused during construction and cleaning/maintenance required to surrounding buildings and areas.

Additional consultation letters sent to:

Environmental Health: No objections subject to conditions regarding site contamination and noise assessment.

Flood Risk Management: No objections subject to conditions. Several areas where further clarification would be beneficial but conditions will require detailed drainage design, the management of surface water during construction, and maintenance arrangements post-construction.

Environment Agency: No objection subject to conditions and informatives. The proposed alterations are considered insignificant with respect to the risk and impacts of flooding from the adjacent River Trent. We therefore have no concerns with the revised proposals and recommend that condition 11 of planning reference 19/02505/PFUL3 is further imposed on this application, subject to approval. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

The previous use of the proposed development site includes sign-making which presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located on secondary A aquifer and is adjacent to the River Trent.

We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning

condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Carbon Neutral Team: Neutral response. We believe these changes to the original proposal may result in a reduction to the scheme's overall carbon impact. This would be achieved predominantly through reduced embodied energy due to a reduction in quantity of structural steel being used. However, within the proposal still remains a number of environmental concerns, namely the long term flood risk and promotion of single-person car use through the inclusion of high car parking space numbers. It is for these reasons stance on this proposal is neutral.

6 Relevant policies and guidance

Aligned Core Strategies (ACS)

Policy 1 - Climate Change
Policy 7 - Regeneration
Policy 8 - Housing Size, Mix and Choice
Policy 10 - Design and Enhancing Local Identity
Policy 14 - Managing Travel Demand
Policy 16 - Green Infrastructure, Parks and Open Space
Policy 17 - Biodiversity
Policy 19: Developer Contributions

Land and Planning Policies (LAPP)

Policy CC1: Sustainable Design and Construction
Policy CC3: Water
Policy RE1: Facilitating Regeneration
Policy RE8: Waterside
Policy HO1: Housing Mix
Policy HO3: Affordable Housing
Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy EE4: Local Employment and Training Opportunities
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy EN7: Trees
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy SA1 - Site Allocations (Site SR74 Waterside - Trent Lane, Park Yacht Club)
Policy TR1: Parking and Travel Planning

Waterside Nottingham Supplementary Planning Document

Provides a vision for the development of a sustainable residential community of distinctive character and high quality urban design, embracing the opportunities provided by its unique location. Focussed on delivering a large proportion of high

quality family housing, open space, convenient access and services, the area will retain and attract families back into the city. The new neighbourhood will be strongly connected to the city centre, nearby recreation areas and the adjoining existing communities. A primary school, small-scale local retail, leisure and employment uses will be closely linked through an innovative approach to public space.

NPPF (2021):

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

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7. Appraisal of proposed development

Main Issues

- (i) Land use and regeneration
- (ii) Layout and design

Issue (i): Land use and regeneration

- 7.1 The application site falls within the Waterside Regeneration Zone and is an allocated site for residential, predominantly family housing redevelopment - LAPP Policy SA1 (site SR74).

- 7.2 The regeneration policies of the LAPP and ACS positively promote development proposals which contribute to the creation of a new mixed use riverside quarter in the Waterside Regeneration Zone, with appropriate supporting facilities and strong links to surrounding communities and the riverside. Policy RE1 also supports the use of previously developed land in the context of the formation of sustainable communities and a successful economy.
- 7.3 It is appropriate to reinforce the regeneration of sites off Trent Lane through the further provision of a good quality housing development that is of an appropriate density, layout and design to its setting. It is therefore considered that the proposed development will strengthen the further phased regeneration of the Waterside area and accords with LAPP Policies RE1 and RE8, ACS Policy 7, and the Waterside Nottingham Supplementary Planning Document.

Issue (ii): Layout and design

- 7.4 The proposed four storey apartments building is positioned to the south-eastern corner of the site and is appropriately grouped with the applicant's recent apartments building to the north and the apartment buildings of River Crescent to the east and The Yacht Club to the south. The orientation and scale of the proposed apartments building is also designed with regard to the layout of adjacent house types and is not considered to impact significantly upon those neighbouring units.
- 7.5 It is relevant to note that planning permission has been granted for a five storey apartment block on this site and that it forms part of the larger vacant site still to be developed, which also includes further two and three storey houses. The separating distance between the proposed development and the neighbouring existing Harecastle House apartment block has been considered to be appropriate in this respect, with oblique relationships between apartment windows minimising any loss of privacy. It is therefore considered that the proposed scale and layout of the proposed development is appropriate to the site and area and, in association with the aspects of density and layout of the larger site, will create a cluster of distinctive contemporary dwellings that will reinforce the emerging quality and wider regeneration of the Waterside area.
- 7.6 Whilst now being simplified in an effort to improve the viability of the proposed development, it is considered that the use of tall window openings with panels of projecting brick detailing and a consistent palette of good quality buff brickwork will provide sufficient modelling to the elevations and contribution to the overall street scene.
- 7.7 The proposed apartment sizes comply with the Nationally Described Space Standards.
- 7.8 The proposed development is, therefore, considered to accord with Policy DE1 of the LAPP and Policy 10 of the ACS.

Other

- 7.9 Highways have no objection to the proposed layout and parking provision subject to conditions, which is therefore considered to accord with Policy TR1 of the LAPP and Policy 14 of the ACS.

- 7.10 The application site falls within defended Flood Zones 2 and 3. The Environment Agency have no objection to this application subject to conditions specifying minimum floor levels and remediation of any site contamination. The comments of the Flood Risk Management are noted and there is on-going discussion with the applicant over areas where further clarification has been requested. Planning conditions are also recommended in accordance with the advice of the Flood Risk Management Team. Accordingly, it is considered that the proposed development accords with ACS Policy 1 and LAPP Policy CC3.
- 7.11 The Environmental Health team have no objection to the application subject to conditions regarding site contamination and noise assessment in accordance with LAPP Policy IN2. An informative note on acceptable hours of construction works is also included to minimise any noise nuisance to neighbouring properties.

8. Sustainability / Biodiversity

Sustainability

- 8.1 The Energy Statement submitted with the application advises that there will be a focus upon improving the building's fabric efficiency and employing higher efficiency equipment for the building services.
- 8.2 The response of the Carbon Neural Team is noted and the proposed development is therefore considered to accord with LAPP Policy CC1 and ACS Policy 1.

Biodiversity

- 8.3 The Biodiversity team have been previously satisfied with the survey information and have recommended that a bat-licensed ecologist is on site during demolition as a precautionary measure in accordance with LAPP Policy EN6 and ACS Policy 17.
- 8.4 Public open space is also being provided on the larger site through the remodelling of the existing dense vegetation along the eastern boundary of the site and the formation of an informal seating and planted community space to the north of the new access link road with Waterside Way. The provision of this space will be of benefit to future resident and also secures the landscaped qualities of this area of the site, including significant trees. Accordingly it is considered that the public open space requirements of the proposed development will be met through the provision of this amenity in accordance with LAPP Policies EN2 and IN4 and ACS Policy 16.

9. Section 106 (LAPP Policies HO3 and IN4)

- 9.1 In accordance with ACS Policy 19; LAPP Policies HO3, EN2, and IN4; Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance; The Provision of Open Space in New Residential and Commercial Development Supplementary Planning Document; and the Education Contributions from Residential Developments Supplementary Planning Document the proposed development would be expected to provide on-site affordable housing or a contribution to off-site provision, on-site open space or the provision of additional areas of open space elsewhere, and financial contributions to be directed to funding works associated with addressing the increased pressure on existing school provision that a development will generate. In the absence of appropriate provision being made on site, the S106 contributions that would be attributable to each of

these areas would be as follows:

Affordable Housing: £279,764.45

Public Open Space: £59,426.74

Education: £31,176.38

Employment & Training: £16,310.02

- 9.2 The applicant has submitted a viability appraisal with the application, which is being assessed by the Council's consultants. The conclusions of the viability review is being impacted due to necessary further regard to the linked viability appraisal for the previously approved development of the site (19/02505/PFUL3). It is therefore currently uncertain as to whether the viability review will be concluded in time for the Committee meeting. The applicant is concerned that the opportunity for a decision is able to be presented Committee in order that mobilisation and the commencement of development is able to be carried out as soon as possible. Subject to further progress being made on the viability appraisal and in the interests of the on-going regeneration of this site within the Waterside Regeneration Zone Committee is asked to give its approval in principle to the nature and form of the development but to delegate the power to grant permission to the Director of Planning and Transport to grant conditional permission subject to provision of planning obligations if they are viable and meet the CIL tests but otherwise for the development to granted permission in the absence of such obligations

It is considered that the proposed development accords with ACS Policy 19 and LAPP Policy IN4 subject to satisfactory conclusions being reached on the viability appraisal.

10 Financial Implications

As noted above, contributions totalling £386,677.59 secured through Section 106 obligations, are required to comply with the council's planning policies. The applicant has submitted a viability assessment seeking to demonstrate that the development would be unviable if these contributions are made. The viability assessment is the subject of an independent review process and the recommendation reflects this.

11 Legal Implications

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

12 Equality and Diversity Implications

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

13 Risk Management Issues

None.

14 Strategic Priorities

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

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

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 22/01763/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RHRY2SLYMBG00>

18 Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)

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

NPPF (2021)

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

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance.

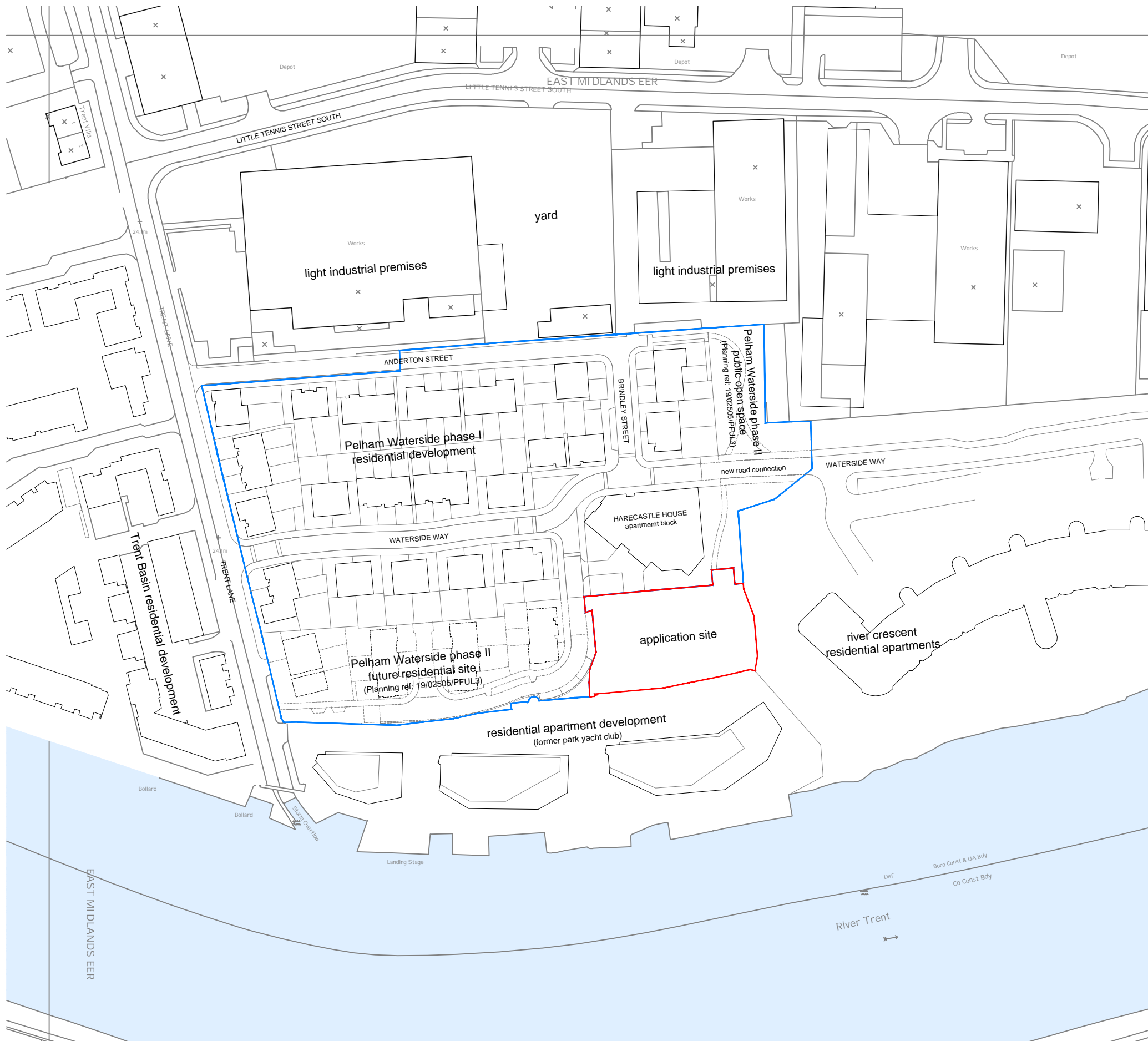
Education Contributions from Residential Developments Supplementary Planning Document

Waterside Nottingham Supplementary Planning Document (2019)

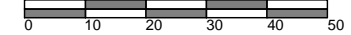
Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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scale / metres



P2	17.08.2022	scm	Updated for new application	sc
P1	24.10.2019	scm	Minor adjustment to boundary line	sc
rev	date	by	description	chkd

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job title

Trent Lane Phase II
 Apartment block

drawing title

Site Location Plan

drawing status

PLANNING SUBMISSION

drawn by	date	checked by	scale
GL	12/08/19	scm	1:1250
job no.	drawing no.	revision	media
8670	70-000	P2	A3

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 ISO 9001: 2015 Quality Management ISO 14001: 2015 Environmental Management
 BS EN 19650:2018 Information Management

My Ref: 22/01763/PFUL3 (PP-11498663)
Your Ref:
Contact: Mr Jim Rae
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**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 22/01763/PFUL3 (PP-11498663)
Application by: Lisa Raine
Location: Maythorn House, 1 Bridgewater Close, Nottingham
Proposal: New 4-storey block containing 22 apartments and associated external works
(redesign of apartment block element of planning consent ref: 19/02505/PFUL3)

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

Time limit

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

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

Pre-commencement conditions

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

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

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



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Not for issue

Continued...

3. 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, based on the findings of the Phase 1 Preliminary Site Assessment Report by Curtins submitted with this application (ref: 072854-CUR-XX-RP-00001, dated 2/10/19), and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 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 that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



4. Prior to the commencement of the development, an environmental noise assessment, sound insulation scheme and a sound insulation scheme verification plan 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, commercial/industrial 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 more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

The sound insulation scheme verification plan shall include details of the post-completion acoustic measurements and other data that will be collected following completion of the development in order to demonstrate that the internal noise levels set out above have been achieved.

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

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

5. No development shall commence until the detailed design of the surface water drainage works has been submitted to and approved in writing by the Local Planning Authority.

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.

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.

7. The development hereby permitted shall not be commenced until the tree protection measures and construction exclusion zone identified within the approved Tree Survey & Arboricultural Method Statement (AT2 Tree Surveys 5.2.20) have been implemented. The tree protection measures shall remain in place throughout the duration of construction operations.

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

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

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

9. No above ground development shall commence until details of secure and covered cycle parking store(s) to provide a minimum of 22 cycle parking spaces for use by residents of the approved apartments building has been submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented prior to the first occupation of the apartments building.

Reason: To enable future occupiers to make sustainable transport choices in accordance with

Pre-occupation conditions

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

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

11. The development shall be carried out in accordance with the submitted flood risk assessment (reference 072854-CUR-00-XX-RP-C-0001-V01, revision V01, dated 09 October 2019). Finished floor levels (FFL) shall be set at or above 24.45mAOD where possible, but where site constraints mean that level is not achievable, FFL shall be set no lower than 24.1mAOD. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

12. Prior to the first occupation of the development, a drainage system verification report shall be submitted to and approved by the Local Planning Authority. The verification report 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 that the drainage system is constructed to the National Non-Statutory Technical Standards for SuDS.

13. Prior to first occupation of the development, a verification report, which shall include the data referred to in the verification plan, to demonstrate that the approved sound insulation scheme and any complementary acoustic ventilation is fully operational and meets the required internal noise levels, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).



14. The approved development shall not be first occupied unless the new road connection linking the sections of Waterside Way has been completed and is available for use by vehicles and pedestrians.

Reason: In the interests of ensuring the provision of this key connection and in accordance with Policies RE8 and DE2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

15. The approved development shall not be first occupied until a detailed landscaping and planting scheme for the development indicating the type, height, species and location of proposed trees and shrubs has been submitted to and approved by the Local Planning Authority.

Reason: In accordance with Policies DE1 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).

Regulatory/ongoing conditions

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

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

Reason: In accordance with Policies DE1 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020).

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 22 December 2022.

Reason: To determine the scope of this permission.

Informatives

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: 22/01763/PFUL3 (PP-11498663)

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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DRAFT ONLY

Not for issue

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

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Not for issue