

Report of Area Planning Manager

Land At Trent Basin, Nottingham

1 Summary

Application No: 21/02550/POUT for outline planning permission

Application by: Mr Dominic Page on behalf of Blueprint (General Partner) Limited

Proposal: Hybrid planning application comprising: Full application for the demolition of existing buildings and the development of 110 residential dwellings (Use Class C3 - mix of 2, 3 and 4-bedroom houses), parking barn, road infrastructure, landscaping and associated works; and Outline application (with all matters reserved) for the principle of residential development, up to 280 sq.m of cafe / food & drink floorspace (Use Class E) and Community Transport Hub.

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

To meet the Council's Performance Targets this application should have been determined by 8th March 2022.

2 Recommendations

1. **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

(a) prior completion of a Section 106 Planning Obligation which shall include:

i) the provision of public access through the site to the section of riverside walkway and edges of the Basin, and to enable the connection of the riverside walkway to adjacent sites so as to provide a continuous riverside walkway

ii) management and maintenance of public spaces and riverside path

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

Power to determine the final details of both the terms of the Planning Obligation and conditions of planning permission be delegated to the Area Planning Manager.

2. That Councillors are satisfied that Regulation 122(2) Community Infrastructure

levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

- 3.1 The application site comprises 3.7 hectares of former industrial land, which surrounds Trent Basin on the north bank of the River Trent and to the west of Trent Lane. The site has been substantially cleared and levelled with a crushed stone surface with the exception of two groups of remaining industrial warehouse buildings, one larger group on the western boundary of the site off Poulton Drive and another smaller group on the northern boundary with Daleside Road. The rectangular Trent Basin water inlet, measuring approximately 113 metres long by 36 metres wide is within the site to the south-east, with the existing Trent Basin housing to the east of this significant feature. There is a drop from the site level to the basin water level of approximately 3 metres.
- 3.2 Further recent residential developments have also been completed and are ongoing to the east of Trent Lane. The surrounding sites to the west are primarily in business/light industrial uses, representing the more established character and uses that operate within the Colwick/Daleside Road industrial estate. A Veolia recycling centre adjoins the western boundary of the site.
- 3.3 The application site falls within the boundary of the Waterside area as defined within the LAPP and is also included in the land covered by the adopted Waterside Nottingham Supplementary Planning Document. The application site forms a significant part of the LAPP allocated site SR73 Waterside – Daleside Road, Trent Lane Basin, which is proposed for predominantly family housing, education, small scale convenience retail, and restaurant/café uses.
- 3.4 The majority of the application site has previously been granted hybrid planning permission in 2014, with phases of development to the east of the Trent Basin having been completed under this consent (13/03029/PFUL3) and subsequent reserved matters submissions. This hybrid planning permission has now expired insofar as those areas of the site to the south and west of the Trent Basin that have not been developed and those areas are now included within the boundary of the current planning application.

4 Details of the proposal

- 4.1 The submission is a hybrid application, meaning one that seeks full planning permission for part of a site and outline planning permission for the remaining part. The full submission element is for 110 dwellings. The outline element is for an unspecified further number of dwellings. The development would be constructed in a number of phases, in a similar manner to the Trent Basin development undertaken to date.
- 4.2 The full submission element of the proposed development would provide a dwellings mix of 58 family houses and 52 maisonettes. The detailed configuration of the proposed dwelling types is:
- 51 x 2-bed
 - 56 x 3-bed

- 3 x 4-bed

The outline element of the submission requests permission for the principle of further residential development along the River Trent boundary of the application site, with a further small area to the north of the Trent Basin being proposed for a cafe / food & drink and Community Transport Hub building. All matters in relation to those areas of the application site are reserved for future submission and determination.

- 4.3 The proposed houses are in a range of terrace styles, with courtyard groupings also being included. The houses would be 2, 3, and 4 storeys, with the 4 storey units being maisonettes. The accommodation would include 2, 3 & 4 bedroom family houses and 2 & 3 bedroom maisonettes.
- 4.4 On site open space would be in the format of a 'pocket park' and minor play space that would be overlooked by housing to the north of the Basin. Other shared enclosed courtyard spaces are included within the layout and the edge of the Basin is given over to public realm, allowing north-south access through the proposed development. Street trees and other amenity planting are also provided throughout the proposed layout.
- 4.5 Car parking within the proposed courtyard housing clusters would be limited to visitors and disabled car users only. Car parking for general residents is proposed within a 'parking barn' or deck car park structure that would be located to the west of the site with direct access off Poulton Drive. The 'parking barn' format is proposed to absorb the majority of parking required across the site to allow for greater community use of the public realm. It is also advised that this format would future proof car parking requirements without affecting the public realm and would encourage sustainable travel opportunities.
- 4.6 A potential position for an E-mobility hub is indicated at the northern head of the Basin. This are forms part of the outline element of the proposed development and full details are therefore reserved for future submission. It is intended the hub will promote innovative approaches to sustainable travel,
- 4.7 Cycle parking for the houses and the ground floor maisonettes are to be provided on plot, generally in the garden areas. Other cycle stores are to be provided between the buildings and within the parking barn. Additional visitor parking spaces are to be provided across the site.
- 4.8 Communal bin stores are provided to serve the majority of the dwellings, with others being on plot.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

113 neighbouring properties have been individually notified at the following addresses:

1 – 8 Dockside Mews
 1 – 7 Waterfront Mews
 19 – 29(o), 30 – 60(e), Apartments 1 – 10 31 Portside Street
 Units 1, 1A, 1B, A3, A5, 5, 6, 9, 9A, Minister House, Poulton Drive

1 – 22 Navigation Street
72 – 106(e), 1 & 2 Trent Villa, Prostrip, CVS (East Midlands) Limited, Trent Lane
20, 22, Unit 2, Air Movement & Fabrications Ltd, Daleside Motors & Café, KRB
Systems Ltd, Daleside Road
Unit 1, Nottingham Waste Centre, Freeth Street

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

Veolia ES (UK) Ltd: acknowledges the City Council's long-term vision for this area is to transform it into a new sustainable residential Waterside community and support this long-term vision. Veolia operates an established waste management facility on land adjacent to the application site which currently accommodates offices and a yard and building for the storage and transfer of waste. Veolia's long-term ambition is to relocate operations to a new site recently granted planning permission at Colwick Industrial Estate. However this site is years from full operation and the Freeth Street site will continue to operate within the terms of its planning permission and Environmental Permit for the foreseeable future.

In assessing the application we would request that the City Council take full account of the established, permitted operations that are undertaken at the site, and whether the conversion is a compatible land use, given that it would have the effect of bringing residential accommodation closer to the adjacent commercial use.

It is appropriate to bring to your attention that Veolia has RCV's that operate from the site from 0400 hrs, leaving at this time in order to be able to access customers in areas that operate restricted daytime access and to undertake collections prior to the busier rush hour periods. The wider site operates from 0600hrs to 1800hrs, although the Environmental permit does allow 24hr operations. As such, the establishment of habitable accommodation closer to these operations has the potential to cause amenity issues to future residents that should be fully considered.

If the City Council is minded to approve the application, then Veolia would request that full consideration is given to the use of appropriate conditions to provide suitable mitigation measures to reduce the potential for conflict between the two incompatible land uses, which could, amongst other things, include mechanical ventilation, triple glazing, acoustic fencing and the retention / replanting of suitable boundary screening in order to ensure that the two land uses can continue to operate unfettered.

Neighbour: Objection. There is a total lack of continuity of aesthetic with Phases 1 + 2. Gone is the bold mix of brick colours which is very popular with residents. There are too many long dark red brick facades covering whole terraces of houses, which will also make the courtyards darker. Gone are most of the full height windows and many of the roof terraces. An 'Eco' development should not be clad in aluminium the most energy intensive building material. There is not enough soft planted areas in the courtyards or on the dockside. Tree choice needs looking at. The transport plan is a joke, compared with the reality of what happens today. Most journeys are made by private car. There are 3-4 vehicle households and a downgraded bus service. We need far more information on car charging, running costs and vehicle security in 'Parking Barn'. Every house should have a secure on plot cycle locker. Courtyard disabled parking will be open to abuse and how many disabled residents will live in a 3 storey town house? Need guarantees regarding

completion of these phases as Trent Basin so far has been built at snail's pace, which is not serving anyone's purposes.

Nottingham Civic Society: Largely welcomes the layout and urban design of this phase of the Waterside redevelopment. NCS supports the variety of architecture and house-types consequent upon the use of three different design practices. The focus of the design upon the residents rather than their cars is welcomed and has allowed for a very dense urban grain, tightly grouped around the communal spaces intended to engender community cohesion and support. It is to be hoped that these small courts are looked after and cherished in the manner envisaged by the designers. It does not seem to be made explicit in the Design Statement but presumably some degree of maintenance for the Court areas is envisaged to ensure their continued use and enjoyment in support of community building.

Nottingham Local Access Forum: Welcomes much of what the application apparently offers in terms of provision for active travel accessibility. Support the aim to provide people friendly public realm and good pedestrian permeability. Whilst we see that the application seemingly makes provision for the path, we suggest that a planning condition is applied to ensure that the part of the path through the development is delivered by it. Suggest that a planning condition is applied to safeguard the required area for the future River Trent pedestrian and cycle bridge and associated works, including reasonable provision of space for construction work and future maintenance. Note that the quantum of cycle parking proposed is in line with local plan requirements, but express disappointment at the apparent lack of attention to the quality of cycle parking provision, some of it being remote from individual properties. Might have expected the provision for cycle parking to be more ambitious, both in terms of quantum - with more spaces for larger homes and in terms of quality.

Additional consultation letters sent to:

Environmental Health: No objection subject to conditions. The intrusive investigation has shown that there is contamination of both soils and groundwater and that remediation is required. Satisfactory remediation and mitigation has been recommended in the submitted reports. The proposed verification testing to be undertaken prior to occupation of the dwellings is also acceptable.

Gas monitoring has shown that gas protection measures are required to be incorporated into the buildings on site. Details of how the measures recommend will be incorporated in to the building designs prior to building commencing on site will be required. The proposals for verification of the gas protection measures once they are installed are acceptable.

There are a number of factories that are in close proximity to the site and residential properties. Additional information needs to be obtained about the operating hours of the nearby businesses and the plant and activities that are undertaken. Further monitoring needs to be undertaken when the factories are operating. There also needs to be consideration for the proposed source of noise on site such as the café and the heat pumps.

The proposal includes a potential café and food and drink uses on site which need to adequately control the odours from cooking on the premises to ensure it doesn't affect the amenity of the nearby residential or other commercial uses.

Planning conditions are recommended to cover those aspects where further assessment and details are required.

Highways: No objection subject to conditions. Aspects of detailed design are able to be dealt with under S38/S278 future submissions subject to the extent of proposed highway adoption. Additional highway features/landscaping such as trees will attract commuted sums and will require additional maintenance and the applicant will need to be made aware of the costs. Any on street parking cannot be allocated to individual dwellings. It is advised that residents parking restrictions be incorporated in order to deter football and other attractions nearby from using the on-street parking to the detriment of the residents (costs to be met by the applicant)

Flood Risk Management Team: No objection subject to conditions. All developments must consider the use of Sustainable Drainage Systems (SuDS) within their application. As this is a major development (with an outfall proposed via Trent Basin), we would like the development to achieve greenfield run-off rates (or a flat rate of 5l/s per ha). If this is not feasible this will need to be justified and an appropriate discharge rate will need to be agreed. This must be supported by the relevant calculations and drainage strategy, and if infiltration is deemed a feasible method for this site, we would need to see evidence of the appropriate infiltration testing. Do note the tree pits proposed will offer some surface water management with root storage cells, however there is no context for how they will fit into a wider strategy for the site. Query how will surface water be managed during construction.

Biodiversity: Open space provision is severely lacking. Given the close proximity to the River Trent, offering suitable foraging habitat and an important linear feature for bats, it would be advisable to request that a bat emergence survey is conducted on the buildings prior to determining this application for demolition. It is important that the area of broadleaved woodland on the southern boundary of the site, between the site and the river Trent, is retained and not impacted by the works. Root protection zones must be put in place to protect this habitat, it is one of the few areas of natural bank left within the city along the River Trent. Pleached trees and 'lollipop' trees don't have much ecological value and on a site so close to a major linear feature like the River Trent it is important that we try to retain as much of the green corridor as possible and enhance the site. Native species should be used where possible on the development and the inclusion of fruiting trees is beneficial to many species.

Environment Agency: No objection subject to conditions and advisory notes. Advise any future development within Courts 3 and 4 ensures an 8-metre easement is provided from the privately owned flood defence. This will provide essential access for maintenance, EA inspections and emergency repair works (if required).

Canal & River Trust: No objection. Note that the drawings indicate that a footbridge will be installed across the basin entrance and recommend that the construction methodology be secured by condition to ensure that the means of constructing it does not impact upon the navigation on the river. Recommend that the applicant discusses the design and construction methods with the Trust's engineers. Also note that the outline element of the scheme includes land adjacent to the river that has been identified as a potential location for a new bridge crossing the river. Recommend that any planning permission is compatible with these aspirations.

Rushcliffe Borough Council: No objection. Advise that the layout of the proposed development consider the potential location of any new foot/cycle bridge in this location including the need for supporting infrastructure and construction requirements. The levels between any new bridge and the surrounding development should also be considered along with the impacts of any potential lighting at a raised level on any new bridge structure. Advise that the views of the landscaping officers are sought to ensure that appropriate species are chosen for this environment as inappropriate species selection could lead to pressure to fell trees that impact on residential amenity/balconies if they grow too tall/too close to the properties.

Carbon Neutral: Keen to see the provisional plans for the mobility hub taken forward. Positive to see a considered focus on sustainable travel, although it is not entirely accurate to describe the development as 'car free'. Possible flood risk to the site is of a concern. Unable to comment on the demolition process, and possible emissions incurred from waste, due to lack of information provided. Would like to see intention towards replacing (or exceeding) current biodiversity levels followed through.

Education: Request financial contribution towards secondary school places to be used for new or enhanced education facilities in the South Planning Area.

Nottinghamshire Police: No comments or concerns at this time.

Nottingham Design Review Panel (29 January 2022): The Panel reviewed the proposed development at its pre-application stage. Whilst it was noted that proposal deviated from the original masterplan, the Panel considered that it did so with great success and commended it for its bold design and commercial ambition, changing the way residential schemes are designed in adopting a car-free approach.

The Panel was concerned with the greenspace offer. Whilst it was accepted that connections could be made to surrounding spaces, especially if the bridge over the River Trent is built, there was a need to make far more of a gesture within the site. The pocket park offered potential to create a neighbourhood-wide amenity space it was considered to be too small. The Panel suggested that removing some car and pushing houses further back would make a significant difference to the size of the park and go some way in resolving the greenspace issue.

The Panel considered that both the scale and density of the development was acceptable, although slightly underwhelmed with the scale and massing around the Basin. The Panel commended the courtyard approach to the development, creating a tight but family-based urban form. The architectural quality suggested is impressive with the aesthetic of the buildings pleasing and good articulation of individual blocks.

The introduction of a parking/car barn to free up space for people and landscape rather than cars is a bold transformative model. Nevertheless it would be a large building that could be viewed as dominant in its setting. Therefore, attention needs to be given to its appearance and architectural treatment. As progress is made more towards a future where car ownership will become less, the car barn needs to be flexible and adaptable.

The design of Kilpin Way as a shared surface residential street was supported.

However, the inclusion of footways and the excessive radii gives the route an urban road appearance and the Panel concluded that there is still more work needed on the road design.

6 Relevant policies and guidance

Aligned Core Strategies (ACS)

Policy A: Presumption in Favour of Sustainable Development
Policy 1: Climate Change
Policy 7: Regeneration
Policy 8: Housing Size, Mix and Choice
Policy 10: Design and Enhancing Local Identity
Policy 14: Managing Travel Demand
Policy 17: Biodiversity
Policy 19: Developer Contributions

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

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 EN5: Development Adjacent to Waterways
Policy EN6: Biodiversity
Policy HO1: Housing Mix
Policy HO3: Affordable Housing
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy RE1: Facilitating Regeneration
Policy RE8: Waterside
Policy SA1 - Site Allocations (SR73 Waterside - Daleside Road, Trent Lane Basin)
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
- (iii) Access and highways

Issue (i): Land use and regeneration (ACS Policy 7 and LAPP Policies RE1, RE8, and SA1)

- 7.1 ACS Policy 7 states that the Waterside Regeneration Zone will be the location of new mixed use neighbourhoods at Trent Basin and Meadow Lane, with appropriate local supporting facilities and strong links to surrounding communities and the riverside. It seeks improved green infrastructure, including a continuous footpath and cycleway along the north bank of the River Trent, pedestrian and cycle access across the river, to the city centre and surrounding communities. Development is also required to facilitate enhanced east–west transport links (including public transport),
- 7.2 LAPP Policy RE1 seeks to ensure that development proposals facilitate regeneration and makes the best use of land. LAPP Policy RE8 relates directly to the Waterside Regeneration Zone and encourages the provision of new family housing and other forms of innovative residential accommodation formats as part of mixed use schemes. The incorporation of mitigation measures is also noted where

this may be required to avoid adverse impacts on new occupiers and existing businesses.

- 7.3 The Waterside Nottingham Supplementary Planning Document seeks to ensure that the Waterside realises its full potential, with increasing the delivery of housing being a key priority. The new sustainable community in Waterside is expected to make a significant contribution to meeting the city's housing needs.
- 7.4 The proposed development would continue the innovative formats of residential development that the applicant has created through the phases of development of Trent Basin that have been completed to date. Being aimed primarily at family housing and with the inclusion of a new format of maisonette accommodation, it is therefore considered that the proposed development accords with ACS Policy 7, LAPP Policies RE1, RE8, SA1 (allocated site SR73) and the Waterside Nottingham Supplementary Planning Document.
- 7.5 The response of Veolia to the proposed residential development of the site is acknowledged and accepted. Whilst it may be several years before the proposed development would be progressed to a point proximate to Veolia's waste transfer operations, planning conditions are proposed in order to ensure that appropriate mitigation measures are provided should the advised relocation of the waste transfer operation not have occurred by that time.

Issue (ii): Layout and design (ACS Policies 8 and 10 and LAPP Policies HO1, DE1, DE2 and EN5)

- 7.6 The proposed development has a compact layout and is to a high density for primarily family housing. The proposed layout is a departure from a conventional housing layout, with a focus on the use of courtyard housing and where residents are expected to adopt remote car parking to enable the creation of a predominantly pedestrian and cycle environment. There is consultee support for the format of the development, with the Nottingham Design Review Panel commending its "bold design and commercial ambition". The size of private garden spaces within the layout are limited and there would therefore be a strong reliance on responsible communal behaviour within the shared courtyard spaces.
- 7.7 The level of on-site open space provision was an issue raised at the Nottingham Design Review Panel. The applicants' response has been to widen the 'pocket park' space to the north of the Basin by relocating car parking spaces that had been provided to the rear of the adjacent western terrace of houses into the parking barn. The Biodiversity team note that the proposed open space provision throughout the proposed layout remains low and this is acknowledged. However, the environment being proposed across the site is notably biased towards pedestrian use, including the courtyard spaces and around the Basin, and the provision of the pocket park and enclosed courtyard spaces within the proposed layout will allow for safe play space.
- 7.8 The proposed development is also considered in the context of a future pedestrian bridge crossing of the River Trent, where residents of the existing and proposed developments off Trent Lane would then be able to enjoy access to expansive areas of open space immediately to the south of the river. Whilst a planning application has yet to be submitted for the pedestrian bridge crossing, Transforming Cities funding for this project has been secured. Coordination on the implementation aspects of both projects is underway and has influenced the hybrid

nature of the application submission whereby the detailed design of the riverside element of the proposed development is reserved for future submission following a decision on the final details of the bridge crossing. On this basis it is considered that the proposed development accords with LAPP Policy EN2 in relation to future access to open space.

- 7.9 The primary vehicle route through the site is to be called Kilpin Way, which will connect Poulton Drive in the west with Trent Lane in the east. A section of this road off Trent Lane is to be implemented in association with the development of the Waterside School. The remaining section of Kilpin Way running through the site is to be provided in association with the proposed development.
- 7.10 All other areas of the masterplan have been designed to be pedestrian friendly, allowing easy movement through the site and aided by a clear townscape structure, long views and defined front boundaries to the dwellings. Courtyard spaces provided within the layout then provide a safe pedestrian place that are connected by semi-private pedestrian routes. The courtyards are described by the applicant as people-friendly spaces, which also allow for drop off and disabled parking. The Nottingham Design Review Panel commended the tight but family-based urban form of the courtyard approach to the development which, as a departure from conventional housing layouts, is considered to be bold and forward thinking in its design.
- 7.11 It is noted that several architectural practices have initially been chosen to work within the masterplan to provide a townscape with variety. Taller terraced typologies provide strong frontages with significant townscape markers at pivotal locations. The Basin has a strong edge created by a terrace of bespoke typologies. Four storey maisonette buildings line the triangular pocket park with the other edge being formed with 3-storey terraced houses. The entrance into the neighbourhood from Poulton Drive is also marked by a row of 4-storey maisonettes. All of the dwellings are confirmed to be designed to meet the Nationally Described Space Standards.
- 7.12 It is noted that the Nottingham Design Review Panel considered the architectural quality to be impressive and with good articulation being provided to individual blocks. The support of Nottingham Civic Society for the variety of architecture and house types is also noted and welcomed.
- 7.13 The proposed material palette is for the primary use of a red brick, with occasional blue brick detailing. In accordance with the use of different architectural practices, the proposed development does include the use of corrugated slate blue coloured cladding as a lighter weight contrast to the primary red brick finishes. Accent and other details, e.g. re-constituted stone or precast concrete coloured to match tones within the brickwork, are also included.
- 7.14 The proposed 'parking barn' that is to serve the majority of the dwellings is a decked car park structure that is proposed to be clad with perforated cladding panels and planting. Whilst the intent of this element of the proposed development is clear, it is not considered that its design and appearance has been resolved to the extent that it is able to be supported. It is therefore recommended that further design details are to be provided as a condition of planning permission.

Outline element

- 7.15 The outline areas of the hybrid planning application have been identified on the

proposed masterplan drawing. These areas include a larger section of the site adjacent to the River Trent and to the west of the Basin, which would include a future section of the riverside path, and a smaller area to the north of the Basin that is indicatively proposed as an E-Mobility Hub and ancillary café/food & drink use.

- 7.16 The section of the site adjacent to the river has been purposefully omitted in order that the design and details of the future pedestrian bridge crossing of the River Trent at this point is able to be determined. It is anticipated that the layout of the dwellings that follow would continue the approach used on the rest of the site, with the scale and design having regard to the influence that the bridge crossing may have on this section of the development.
- 7.17 It is important that the riverside path is extended across this section of the proposed development and this has been acknowledged indicatively in the application submission. It is intended to secure a S106 planning obligation in order to ensure the provision of public access along the western edge of the Basin, across the section of riverside walkway, and unrestricted opportunity to continue the riverside walkway onto adjacent future development sites.
- 7.18 It is therefore considered that the proposed development accords with ACS Policies 8 and 10 and LAPP Policies HO1, DE1, DE2 and EN5.

Issue (iii) Access and highways

- 7.19 The design of the new primary road through the site (Kilpin Way) has been revised during the course of the consideration of the application. Initially being limited to pedestrian and cycle movements across the head of the Basin, it has been considered that it is important that this route also functions as a vehicular route to connect with future residential developments to the west of the site as indicated in the Waterside Supplementary Planning Document. The applicant's ambition for a predominantly pedestrian and cycle environment is also recognised in the configuration of the road, which is purposely configured to slow and therefore deter through traffic.
- 7.20 Parking is largely proposed within the proposed parking barn, with limited further parking spaces being provided on-street and with several disabled parking spaces within one of the courtyards. Each dwelling is to be allocated a single parking space within the parking barn, complying with the local plan and Waterside SPD requirements of 1.5 space per dwelling. It is intended that the parking barn will also provide parking for the outline element of the proposal. Confirmation of this provision will be expected upon the submission of full details of this later phase of development, at which time the success of the applicant's measures to minimise car usage should be able to be demonstrated. Further car parking provision within the later phase of development would otherwise be expected to be accommodated.
- 7.21 Highways have no objection to the revised details subject to appropriate planning conditions and it is therefore considered that the proposed development accords with ACS Policy 14 and LAPP Policy TR1.

Other

- 7.22 The site is located across Flood Zones 1 and 2 and a Flood Risk Assessment (FRA) has been submitted. Finished floor levels are to be a minimum of 25.04m AOD with the less vulnerable parking barn in the western portion of the site to be

set at a minimum of 24.60m AOD. On this basis the Environment Agency have no objections to the proposed development subject to conditions and advisory notes, including the need for an 8-metre easement to the riverside flood defence for access for maintenance.

- 7.23 The response of Flood Risk Management is also noted and appropriate conditions regarding surface water drainage are proposed. It is therefore considered that the proposed development accords with ACS Policy 1 and LAPP Policy CC3
- 7.24 The response of Environmental Health is noted and appropriate conditions regarding site contamination remediation and verification, and the further assessment and mitigation of potential noise and cooking odours are proposed. It is therefore considered that the proposed development accords with LAPP Policy IN2.

8. Sustainability / Biodiversity

Sustainability

- 8.1 The design specification of the proposed development is proposed to be in excess of the Building Regulations requirements, with an expected reduction of carbon emissions of approximately 42.08%. The applicant's ambition is to achieve a 75% reduction of carbon emissions with the intention to install photovoltaics across the site.
- 8.2 The proposed development is to be designed and constructed to meet the optional water efficiency requirement rate of 110 litres/person/day in accordance with ACS Policy 1 and LAPP Policy CC1 and regulatory condition is proposed to this effect.

Biodiversity

- 8.3 The majority of the application site included within the previous hybrid planning permission had been cleared of its vegetation prior to that application being submitted and in association with building demolitions and remediation works that were undertaken at that time. Whilst areas of vegetation have now naturally regenerated, the only significant area of established landscaping is along the section of riverside that was not included within the previous hybrid planning permission and is now included within the outline area of the application site.
- 8.4 The submitted Biodiversity Metric Assessment demonstrates that the proposed development achieves a significant net gain against the historic baseline position but would unlikely to be able to achieve a net gain based on the site's current condition. It is considered reasonable that the historic baseline position be used in order to determine the net gain position where the previously cleared site had been committed for redevelopment and where the merits of the proposed development have been confirmed above. The comments of Biodiversity are noted and conditions are proposed to ensure existing landscaping and habitat protection as well as appropriate specie selection for new planting.
- 8.5 It is therefore considered that the proposed development accords with ACS Policy 17 and LAPP Policy EN6.

9. Section 106

- 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: £1,061,175.50
Public Open Space: £294,071.69
Education: £500,294.21
Employment & Training: £109,219.77

- 9.2 The applicant has submitted a viability appraisal with the application, which has been independently assessed by the Council's consultants. The independent assessment agrees that the scheme is unable to provide a policy compliant S106, concluding that a reasonable argument has been presented to remove the planning policy contributions in order to give the scheme the best chance of being delivered. On the basis of the conclusions of the independent assessment of the applicant's viability appraisal it is therefore considered that the proposed development accords with ACS Policy 19 and LAPP Policy IN4.
- 9.3 The response of the Education team is noted but is not able to be accommodated in the context of the conclusion of the viability assessment.

10 Financial Implications

As noted above, contributions totalling £1,964,761.18, 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 has been 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 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: 21/02550/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R37Y6OLYH2P00>

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.

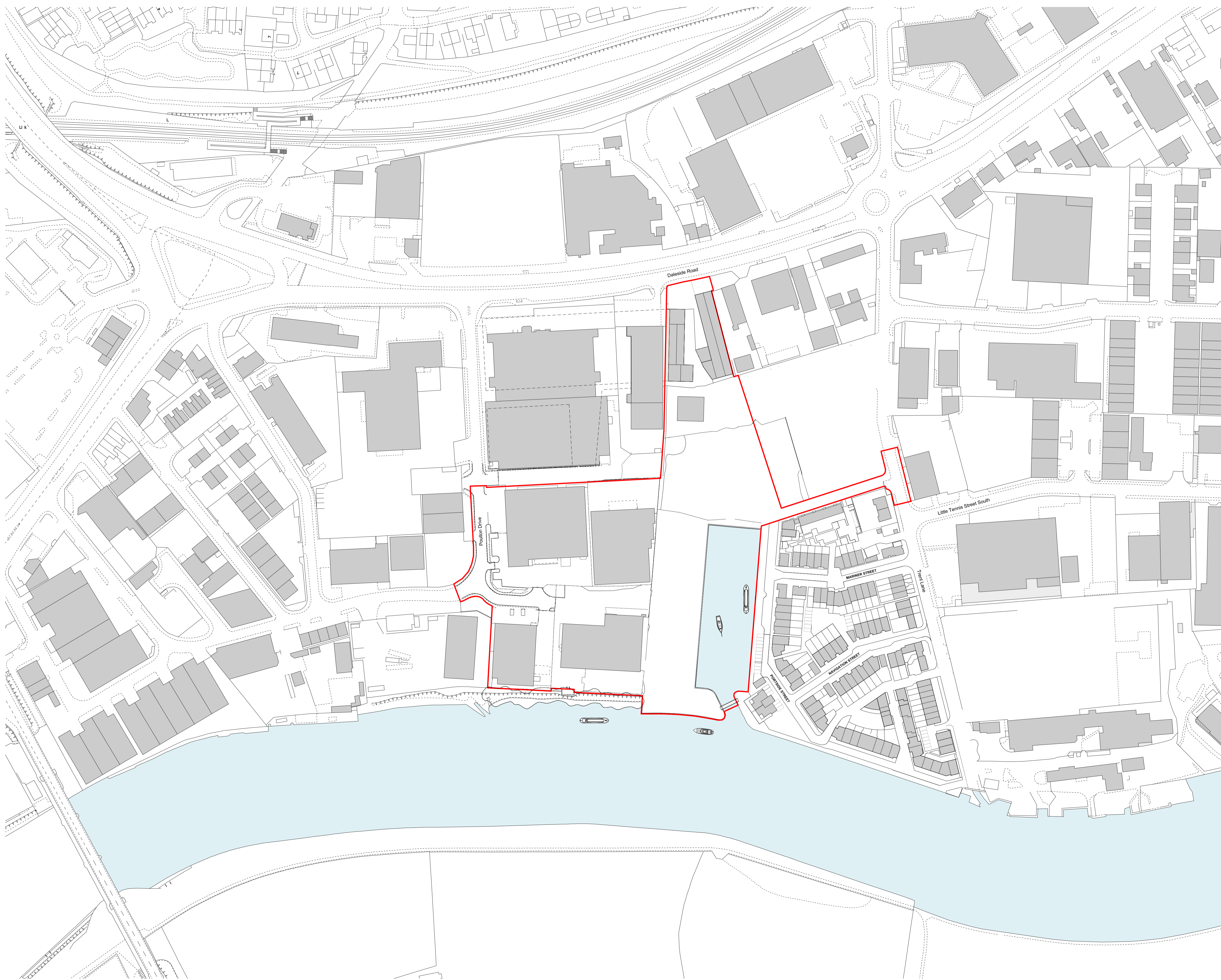
Education Contributions from Residential Developments Supplementary Planning Document

Waterside Nottingham Supplementary Planning Document (2019)

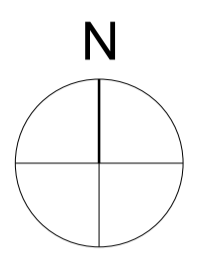
Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074



- General Notes
1. This drawing is copyright of the architects and must not be copied in whole or part without prior consent.
 2. Do not scale from this drawing.
 3. Refer to drawing number.
 4. This drawing is to be read in conjunction with all other relevant architects' and engineers' drawings.
 5. All dimensions to be checked on site prior to commencement of works and any discrepancies are to be checked with the architects immediately.
 6. Unless otherwise stated all dimensions are in mm.



- Application Area
- Land in applicant's ownership

| | | | | | |
|---------------|------------------------------------|----------|----------|---------|-------|
| rev | _____ | date | _____ | issued | _____ |
| comments | _____ | | | | |
| client | Blueprint | | | | |
| project | Trent Basin - Phases 4 to 8 | | | | |
| status | Planning | | | | |
| drawing title | Site Location Plan | | | | |
| drawing no | PMA_00_ZZ_DR_A_0001 | | | | |
| scale | 1:1250 | date | 27.10.21 | drawn | CJ |
| original | A1 | revision | - | checked | AM |

Proctor & Matthews Architects
 Sarah Wigglesworth Architects
 Turner.Works

My Ref: 21/02550/POUT (PP-10127811)

Your Ref:

Contact: Mr Jim Rae

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Dominic Page
No.1 Marsden Street
Manchester
M2 1HW

Date of decision:

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

Application No: 21/02550/POUT (PP-10127811)
Application by: Blueprint (General Partner) Limited
Location: Land At Trent Basin, Nottingham, NG2 4BN
Proposal: Hybrid planning application comprising: Full application for the demolition of existing buildings and the development of 111 residential dwellings (Use Class C3 - mix of 2, 3 and 4-bedroom houses), parking barn, road infrastructure, landscaping and associated works; and Outline application (with all matters reserved) for the principle of residential development, up to 280 sq m of cafe / food & drink floorspace (Use Class E) and Community Transport Hub.

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

Time limit

1. The fully detailed element of the development hereby permitted (Phases 4 & 5 on the Site Plan - Phases Explained Drawing) 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.

2. Applications for the approval of Reserved Matters relating to the layout, scale, appearance and landscaping of subsequent outline phases of development (Outline Planning Area, Courts 3 & 4 on the Site Plan - Phases Explained Drawing) shall be made to the Local Planning Authority before the expiration of six 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.

3. The subsequent outline phases of development (Outline Planning Area, Courts 3 & 4 on the Site Plan - Phases Explained Drawing) shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.



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DRAFT ONLY
Not for issue

Continued...

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)

4. Prior to the commencement of any individual phase of the approved development, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:
1. A site investigation scheme (with a focus on groundwater and already identified 'hotspots') based on the results of site investigation undertaken to date to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 2. The results of the additional site investigation and subsequent detailed risk assessment an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020) and paragraph 174 of the National Planning Policy Framework (2021).

5. Prior to the commencement of any individual phase of the approved development the applicant shall submit drawings detailing how the gas protection measures outlined in 'Trent Basin Poulton Drive Remediation Strategy Report' by BWB dated March 2023 s2 (ref: TRB-BWB-ZZ-RP-YE-0002_RS NTH 2085) will be incorporated into the buildings on site for appraisal and approval.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



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

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

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

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

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

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

7. Prior to the commencement of any individual phase of the approved development, details of the surface water drainage works for that phase shall be submitted to and approved in writing by the Local Planning Authority. 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 CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

8. Prior to the commencement of any individual phase of the approved development, including any works of demolition, a Construction Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:

1. Details of temporary site entrances for construction traffic purposes.
2. Provision to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.
3. Adequate precaution to prevent the deposit of mud and other similar debris on the adjacent public highways.
4. A routing agreement associated with each phase of construction. All vehicles associated with the development shall access the site in accordance with the approved routing agreement.

The Construction Management Plan for each phase of development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants and 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).



9. Prior to the commencement of any individual phase of the approved the development, details in relation to the management of surface water on site during construction of the development shall be 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 in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

10. Piling using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. A piling Risk Assessment will be required to satisfy this condition. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

11. Prior to the commencement of any individual phase of the approved development, details of the finished floor levels of each dwelling and all roads within that phase, including street-scene cross sections, shall be submitted to and approved in writing by the Local Planning Authority. The development of all phases shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory 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 any individual phase of the approved development, details/samples of the external materials of the buildings within that phase 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/samples unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory 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).

13. Prior to the commencement of any individual phase of the approved development, details of all hard surface treatments within that phase, including the roads, foot/cycle paths and parking areas, 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory 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).

14. Prior to the commencement of any individual phase of the approved development, details of the means of enclosure for the site and individual dwellings within that phase 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory 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).

15. No development of the subsequent outline phases of the approved development (see Condition 3) shall commence until a scheme for the provision and management of a 10 metre wide buffer zone alongside the River Trent 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 scheme. Any subsequent variations shall be agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development. The scheme shall include:

i) plans showing the extent and layout of the buffer zone;

ii) details of the retention of existing and provision of supplementary landscaping demonstrating biodiversity net gain;

iii) details demonstrating how the buffer zone will be protected during development and managed over the longer term, including a named body responsible for its management and production of detailed management plan

iv) details of a riverside footpath to the dimensions and detail indicated within the Waterside Nottingham Supplementary Planning Document (2019)

Reason: In accordance with Policy 17 of the Aligned Core Strategies (2014), Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020), and paragraphs 174 and 180 of the National Planning Policy Framework (2021).



16. Prior to the commencement of any individual phase of the approved the development and prior to the occupation of the commercial units on site, 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 provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

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: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

17. Prior to the commencement of any use within the development where food and drink is prepared, cooked or served, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

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

18. Prior to the commencement of any individual phase of the approved development, a landscaping scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a preference towards the use of native species and suitable species that will attract/create ecological assets) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

Reason: In the interests of the appearance of 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).



19. No development of the subsequent outline phases of the approved development (Outline Planning Area, Courts 3 & 4 on the Site Plan - Phases Explained Drawing) shall be commenced unless the decked 'parking barn' structure as part of the fully detailed element of the approved development has been constructed and is available for use.

Reason: In the interest of ensuring that appropriate car parking provision for residents of the approved development in accordance with Policy TR1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020) and the Waterside Nottingham Supplementary Planning Document (2019).

20. Notwithstanding the details included as part of the application submission, development of the decked 'parking barn' structure shall not be commenced until large scale elevation and section details of this element of the approved development has been submitted to and approved by the Local Planning Authority. Development shall thereafter be implemented in accordance with the approved details.

Reason: In the interest of ensuring the quality of design and appearance of this element of the approved development and therefore in accordance with Policy 10 of the Aligned Core Strategies (2014) and Policy 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)

21. 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 site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

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

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

23. No individual phase of development shall be first occupied until a verification report demonstrating that the drainage system has been constructed in accordance with the agreed scheme, including details of a management company that will be responsible for future maintenance.

Reason: To ensure the Drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



24. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

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

25. Prior to first occupation of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 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)

26. The development shall be carried out in accordance with the submitted flood risk assessment (Trent Basin Phases 4-8, Nottingham, Flood Risk Assessment, TB4-BWB-ZZ-XX-RP-YE-0002_FRA, November 2021) and the following mitigation measures it details:

(i) Finished floor levels of residential dwellings ("More Vulnerable") shall be set no lower than 25.04 metres above Ordnance Datum (AOD) as stated within section 4.3 of the FRA.

(ii) Finished floor levels of the Parking Barn ("Less Vulnerable") shall be set no lower than 24.6 metres above Ordnance Datum (AOD) as stated within section 4.3 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: Finished floor levels shall be set to a minimum height of 25.04m AOD to ensure it is above the 1% Annual Exceedance Probability (AEP) flood event plus 50% climate change allowance (24.84m AOD) and the 1% AEP Breach Scenario (24.74m AOD) plus 300mm freeboard. The Parking Barn will be set to a minimum height of the 1% AEP plus 30% climate change allowance (24.6m AOD) in order to ensure that future occupants/users remain safe for its designed lifetime and in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

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

Reason: To ensure that the appearance of the development is satisfactory 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).

28. 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 7 December 2021.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

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

0. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (EMAQ, 2018).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <https://www.cheshirefire.gov.uk/business-safety/fire-safety-advice-for-businesses/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

0. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

0. 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 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.

0. Air Source Heat Pump

Air source heat pumps generate noise and care is required to select, specify and correctly site and install an air source heat pump so that will not raise ambient noise levels in the area and provoke justified complaints from neighbours.

The key considerations are:

- The sound power level (and directionality of the sound) of the air source heat pump
- Its location ie is it surrounded by sound reflecting surfaces
- Its proximity to neighbouring gardens and dwellings
- The ambient background noise levels when the air source heat pump is operating both day and night

0. Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

0. Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- o on or within 8 metres of a main river (16 metres if tidal)
- o on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- o on or within 16 metres of a sea defence
- o involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- o in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

0. Flood Warning Service

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

0. In line with the Humber RBMP, it is recommended that the proposed development is used as an opportunity to restore more natural processes to the watercourse. There is an opportunity to soften the edges of the basin, if possible by removing some of the concrete and creating natural edges, or if not using retrospective techniques such as things such as floating reed beds as have been used along sections of the Beeston Canal. This will create a more sympathetic area for wildlife and provide a more aesthetically pleasing area for people and would offer a significant environmental gain and help provide 10% biodiversity net gain for the project. These measures should be implemented and incorporated into the Landscape Management Plan

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 21/02550/POUT (PP-10127811)

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.



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Not for issue