

REPORT OF CHIEF PLANNER

Former Peacemills Site, Perry Road

1 SUMMARY

Application No: 17/00487/PFUL3 for planning permission

Application by: Mr Simon Henderson on behalf of Mr Dominic Waters

Proposal: Construction of 21 homes with associated car parking including a new access and car parking for the neighbouring business to the west.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 5th June 2017

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

a) Prior completion of a section 106 obligation which shall include:

- (i) A financial contribution towards off site public open space improvements at Woodthorpe Grange Park.
- (ii) A financial contribution towards the provision of school places at Seeley Primary School and Oakwood Secondary School.

b) The indicative 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 the conditions to be delegated to the Chief Planner.

2.2 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.

2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site is a vacant piece of land located to the south west of the junction of Perry Road and Victoria Road, in the Sherwood area of the city. Previous buildings on the site have been demolished and the site is enclosed in part by the front wall of the former building, to the Perry Road elevation, and then continues as railings round to Victoria Road to the site's junction with 22 Foxhollies Grove. The site then borders the rear of properties along Foxhollies Grove, a modern development of two storey dwellings. Currently an access road leading from Victoria Road separates the site of the former buildings and the residential dwellings to the south. To the west is a veterinary centre, which occupies former factory buildings. Vehicular access to the vet centre is via the southern access from Victoria Road. Opposite the site, to the north, the site faces the high wall of Nottingham Prison. To the east, on the opposite side of Perry Road, are the rear and side of dwellings on Burlington Road and Burlington Avenue. These dwellings, although fronting their respective roads, have rear access for parking directly from Victoria Road.
- 3.2 The land was previously occupied by industrial buildings. The buildings were demolished in 2009 and 2010. A planning application received in 2009 was granted planning permission for the demolition of the buildings and use of the cleared site as a temporary car park for a period up to the end of December 2010. The car park was required for the use of contractors and associated traffic in relation to development works at the Nottingham Prison. The site has remained vacant since the end of that period. Planning reference 09/00077/PFUL3.
- 3.3 Prior to the above application, a planning application for the erection of 4 B1 use units was granted outline planning permission. The approved scheme was not implemented. Reference 08/03846/POUT.
- 3.4 Apart from the vet centre and the prison, the surrounding area is residential in character.

4 DETAILS OF THE PROPOSAL

- 4.1 Construction of 21 homes with associated car parking including a new access and car parking for the neighbouring vet surgery business to the west.
- 4.2 The proposal consists of a terrace of 2 and 3 bed two storey housing to Perry Road.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

96 Burlington Road
2 and 4 Burlington Avenue
15 to 22 Inclusive Foxhollies Grove
Nottingham Prison
Vet centre Perry Road

A site notice was posted and a press notice published. The overall expiry date for comments (following re-consultations) is 14th May 2017.

21 letters received from 8 addresses as a result of consultations, commenting as follows:

- Can smaller units (i.e. one bed units) be considered as part of the scheme to give options for those living in larger homes when downsizing. This would also allow for a mix of tenancy.
- Support the scheme as offers affordable housing / building needed housing.
- Clarification on responsibility for maintenance of wall, and access to it, between the site and Foxhollies Grove required, and not yet resolved.
- Concerns regarding on-street parking along Perry Road and Victoria Road. Prison staff and visitors park on these roads instead of on the prison site. The proposed development would remove some on street parking spaces [as the proposed dwellings would need access to their driveways] leading to further pressure for on-street parking spaces in the vicinity. Further comment received on amended drawings, still cannot see any provision made for prison visitors or staff. Can see the problem worsening.
- The proposed parking associated with the vet surgery would need to be managed in order to deter non-customers from using that car park.
- Parking restrictions such as no parking lines or resident parking permit scheme is suggested for the highway opposite the prison.
- The apartment scheme to the corner is too high for the site.
- The artist impression photos look nice.
- The apartment block would reduce light and impact upon privacy as would overlook our home, due to proximity of the proposal. Is there a need for a three storey block?
- In curtilage parking should be a requirement for all the proposed properties.
- Removal of the apartment block could allow for additional off street parking.

These matters relate mainly to either layout, parking or impact on neighbours and are addressed in the appraisal section of the report.

Additional consultation letters sent to:

Environmental Health and Safer Places: Recommend details of a remediation strategy and electric vehicle charging scheme be submitted and agreed prior to commencement.

Highway section: No objections in principle subject to details of construction management plan, drainage and a travel pack for the future occupiers.

Tree Officer: Any works to the highway should ensure damage to tree roots are kept to a minimum.

Biodiversity Officer: Recommend ecological enhancements and hedgehog friendly fencing to be secured by condition.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

Aligned Core Strategy:

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 4: Employment Provision and Economic Development - aims to strengthen and diversify the local economy.

Policy 8: Housing Size, Mix and Choice - Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Within Nottingham City there should be an emphasis on providing family housing, including larger family housing.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 16: Green Infrastructure, Parks and Open Spaces.

Policy 19: Developer Contributions.

Nottingham Local Plan (November 2005):

E4 - Previously Used Employment Sites.

H2 - Density.

R2 - Open Space in New Development.

ST1 - Sustainable Communities.

Other Planning Guidance

Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Building Design, Layout and Parking
- (iii) Impact on Neighbours
- (iv) Planning Obligations

Issue (i) Principle of Development (ACS Policy 8 and LP Policies E4, ST1 and H2)

- 7.1 The site has no specific allocation in the Local Plan and has been left cleared and vacant since the temporary use as contractor parking for the prison ended in 2010. Prior to this the site was occupied by an industrial building. As there has been no employment use on the site for a number of years, in terms of employment use the proposed residential development would not result in the loss of land safeguarded for employment and would therefore be in accordance with LP Policy E4.
- 7.2 Aside from the Prison site opposite and the commercial property adjacent, the surrounding area is allocated as Primarily Residential in the Local Plan. The development of the site for residential use would therefore be in keeping with the character of the surrounding area.
- 7.3 The proposed development would provide a mix of two and three bedroom dwellings which would contribute to the provision of a balanced mix of housing in the area, and thereby contributing to the creation and maintenance of a sustainable community, in accordance with LP Policy ST1.
- 7.4 The density of development is compatible with the characteristics of the site and surroundings and is in an accessible location being close to a primary school and other facilities such as shopping being within walking distance. The site is also close to well served public transport routes, both on Hucknall Road and on Mansfield Road. The proposal accords with ACS Policy 8 and LP Policy H2.

Issue (ii) Building Design, Layout and Parking (ACS Policy 10)

- 7.5 The layout has been amended following discussions regarding impact on neighbours and upon on-street parking issues in the area. The proposal originally submitted was for 22 dwellings comprising 19 terraced houses along Perry Road and Victoria Road, and a block of three x 2 bed apartments to the corner. Not all properties had off –street parking. The development now proposed comprises 21 terraced dwellings, all facing Perry Road, with every plot having one off-street parking space within the curtilage (plots 20 and 21 being to the rear off Victoria Road).

- 7.6 Parking in the immediate area is restricted to the south side of Perry Road, and along Victoria Road. It is noted from consultation responses that staff and visitors associated with the Nottingham Prison, to the north of Perry Road, do not all utilise the on-site car parking associated with the use, and instead park along the south side of Perry Road, both directly outside the application site and to the west outside Crest View. This situation is a concern for the occupiers of nearby property, especially those at Crest View, to the west of the site, as vehicles park directly outside those dwellings which results in visitors to those properties having to park elsewhere, and sometimes causing obstruction to drives. The proposal would result in the loss of some on-street parking directly outside the application site, along Perry Road, which would be displaced elsewhere. However, as off street parking spaces to both the existing and proposed dwellings would require access at all times, this would take precedence over any casual parking and any displacement would need to be accommodated elsewhere, in an appropriate location and in a safe and legal manner. The proposal as amended allows for each property to have one off street parking space. This is considered to be acceptable as it would take vehicles off the street whilst allowing for some limited visitor parking on-street. A new parking area for the vet surgery would be provided with access directly off Perry Road. This replaces parking accessed from Victoria Road, which was to the rear of the surgery. The new parking area would be more convenient and likely to result in a reduction in vehicles that are visiting the vets from parking on street. A condition to secure details of a travel pack for the future residents would encourage consideration of more sustainable modes of transport.
- 7.7 The dwellings would be built of traditional materials, being brick and tile, and features such as rendered gables. Well-designed enclosed bin storage would be provided within the front gardens. Metal railings would be introduced along the frontages to enclose the front gardens.

Issue (iii) Impact on Neighbours (ACS Policy 10)

- 7.8 Following the outcome of the consultation process and an assessment of the proposal, the scheme has been amended. The original layout had a three storey apartment block located to the corner of Perry Road and Victoria Road. This has now been omitted from the scheme, along with three dwellings on Victoria Road frontage, and the layout adjusted to show a continuation of the terrace along Perry Road. This has minimised the impact on the amenities of the occupiers of 96 Burlington Road, to the east, which would otherwise have been overlooked by the apartment block.
- 7.9 The plots toward the east of the proposed terrace, where they are closer to dwellings on Foxhollies Grove, have the rear first floor designed with lowered eaves such that only roof lights serve the rear bedrooms in these units, thereby safeguarding privacy for the occupiers of the existing properties.
- 7.10 Other measures such as higher enclosures to the rear boundary would further safeguard privacy. The proposal therefore accords with Policy 10 of the Aligned Core Strategy.

Issue (iv) Planning Obligations (LP Policy R2 and Aligned Core Strategy Policies 10, 16 and 19)

7.11 A Section 106 planning obligation is required in order to secure financial contributions towards the following:

- Public Open Space
- Education

It is proposed that the public open space contribution would be used towards improvements at Woodthorpe Grange Park, which are part of the nearest and largest area of public open space that would be readily accessible to the residents of this development. It is proposed that the primary education contribution would be used towards expanding the capacity of the Seeley Primary School and the Oakwood Secondary School, which serves the catchment area the site is located within.

7.12 The sums that would be generated by the proposal for education will be £56,598 for primary education and £55,922 for secondary education, and for public open space this would be £21,515.

7.13 In respect of both the open space and the education contributions, the Section 106 obligations sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8. SUSTAINABILITY / BIODIVERSITY

8.1 Whilst the application site is not of high ecological importance, measures such as landscaping, bird and bat boxes, and hedgehog friendly fencing would provide ecological enhancements on site.

8.2 The dwellings would be built to Building Regulation standards and have an energy saving equivalent to Code 4 in the Code for Sustainable Homes. Sun pipes would be used to light internal bathrooms, helping to reduce energy requirement.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a long term vacant site with a high quality, sustainable development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 17/00487/PFUL3 - link to online case file:

[http://publicaccess.nottinghamcity.gov.uk/online-](http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OM8O4SLYJ4T00)

[applications/applicationDetails.do?activeTab=summary&keyVal=OM8O4SLYJ4T00](http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OM8O4SLYJ4T00)

2. Letters from neighbours dated 17th, 18th, 19th, 20th, 21st, 24th, 28th, 29th March and 3rd, 10th, 11th, 12th, 14th and 23rd April.

3. Environmental Health and Safer Places, email, dated 29th March.

4. Biodiversity Officer, email dated 18th April.

5. Highway Officer comments.

17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005)

2. Aligned Core Strategy

3. National Planning Policy Framework

Contact Officer:

Mrs Sue Heron, Case Officer, Development Management.

Email: sue.heron@nottinghamcity.gov.uk. Telephone: 0115 8764046

NOMAD printed map



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Key
City Boundary

Description
No description provided

My Ref: 17/00487/PFUL3 (PP-05569122)
Your Ref:
Contact: Mrs Sue Heron
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 Simon Henderson
12/14 Pelham Road
Nottingham
NG5 1AP
United Kingdom

Date of decision:

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

Application No: 17/00487/PFUL3 (PP-05569122)
Application by: Mr Dominic Waters
Location: Former Peacemills Site, Perry Road, Nottingham
Proposal: Construction of 21 dwellings with associated car parking including a new access and car parking for the neighbouring business to the west.

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

Time limit

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

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

Pre-commencement conditions

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



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2. The development hereby permitted shall not be commenced until details of a Remediation Strategy that takes into account the recommendations set out in the Phase I Desk Study Report For Waters Homes Ltd, Project No: 36301, Dated: 12th January 2017 to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall contain:

- a) A Site Investigation, based on the recommendations in the phase 1 report mentioned above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A Remediation Plan, based on the phase 1 report mentioned above and the site investigation, 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 safeguard the health and residential amenity of the occupants of the proposed residential development to comply with Policy NE9 of the Nottingham Local Plan.

3. The development shall not be commenced until details of an electric vehicle charging scheme have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

For Residential Development:

- 1 electric vehicle charging point per domestic unit (ie dwelling with dedicated off street parking), and,
- 1 electric vehicle charging point per 10 parking spaces (unallocated parking)

For Anticipated Future Demand:

- To prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

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

Reason: In the interests of developing a sustainable community in accordance with Policy 10 of the Aligned Core Strategy.

4. Notwithstanding the approved plans, the development shall not be commenced until details of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The enhancements shall include native / pollinator friendly planting and the inclusion of bird and bat boxes.

Reason: In the interests of safeguarding and enhancing the health and habitat of protected species to comply with Policy NE3 of the Nottingham Local Plan.

5. The development hereby permitted shall not be commenced until details of sustainable drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.

6. The development shall not be commenced until details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- All site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period to be accommodated in the site.
- Vehicles delivering to the site cannot be permitted to wait/park on the highway.
- Adequate precaution shall be taken during the construction period to prevent the deposit of mud and other similar debris on the adjacent public highways.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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

7. No individual dwelling shall be occupied unless the car parking space associated with that dwelling has been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

8. No individual dwelling shall be occupied unless the boundary treatments associated with that dwelling have been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

9. No part of the development shall be occupied until the following has been submitted to and 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 safeguard the health and residential amenity of the occupants of the proposed residential development to comply with Policy NE9 of the Nottingham Local Plan.

10. No dwelling shall be occupied until the car park for the vet surgery has been provided, and provision for turning space within the site, for vehicles to be able to enter and exit the site in a forward gear, has been made available.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

11. No dwelling shall be occupied until details of a travel pack for the benefit of the occupiers of the residential development have been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

12. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of each dwelling or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within 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 to comply with Policy 10 of the Aligned Core Strategy.

13. No part of the development shall be brought into use until all redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated.

Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:

General reference P204, received 3 March 2017
General reference P205, received 3 March 2017
General reference P206, received 3 March 2017
General reference P207, received 3 March 2017
General reference P220, received 3 March 2017
Planning Layout reference P102 revision F, received 4 May 2017
General reference P203 revision C, received 4 May 2017
General reference P208 revision B, received 4 May 2017
General reference P209 revision B, received 4 May 2017
Landscaping reference P300 revision B, received 4 May 2017
Elevations reference P400 revision A, received 4 May 2017
Elevations reference P401 revision A, received 4 May 2017
General reference P500 revision A, received 4 May 2017

Reason: To determine the scope of this permission.

Informatives



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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.

3. Environmental Health and Safer Places advise:

Contaminated Land, Ground Gas & Groundwater

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

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.

A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

4. As hedgehogs are a NERC Act (2006) Species of Principal Conservation Importance, a suitable 5 inch square gap at the bottom of the fence either side of the garden/boundary throughout a development will improve connecting habitat for hedgehogs and other small mammals.

5. The Highway section advise the following:

1) It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

2) The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

3) Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide.

4) To discuss any required Temporary Traffic Regulation Orders (TTRO) the applicant is to contact Sean Bluett 0115 8765430

5) To progress the drainage submission in support of this application the applicant is advised to contact Paul Daniels Senior Drainage Engineer 0115 8765275 or Nick Raycraft Senior Drainage Engineer 0115 8765279.

6) Residential travel plan packs are to be prepared for each household and all costs borne by the applicant. The packs should be prepared in consultation with Robert Smith 0115 8763604

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: 17/00487/PFUL3 (PP-05569122)

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