

REPORT OF CHIEF PLANNER

Land To Rear Of And Including Banton House, Meadow Lane

1 SUMMARY

Application No: 17/01720/PVAR3

Application by: Hunter Page Planning Ltd on behalf of Elevate Property Group

Proposal: Variation of condition S1 of planning permission reference: 13/02877/PFUL3 (revised development block elevations and plans, with modifications to siting, materials palette, and landscaping).

The application is brought to Committee because being it is for the variation of a major application that has been previously determined by Committee and relates to a prominent site where there are important design considerations.

To meet the Council's Performance Targets this application should have been determined by 13th November 2017

2. RECOMMENDATIONS

1. SUBJECT TO:

- i. further satisfactory amendments to the design of Block B2 of the scheme;
- ii. variation of the Section 106 Agreement dated 28 October 2015 relating to planning permission 13/02877/PFUL3 to make it also apply to this application and permission;

GRANT PLANNING PERMISSION subject to the indicative conditions listed in the draft decision notice at the end of this report with the power to determine the final details of the conditions to be delegated to the Chief Planner.

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 and
3. That Councillors are satisfied that the section 106 obligation(s) sought 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 located between Meadow Lane and the River Trent. It is 'L-shaped' with a short frontage onto Meadow Lane and a longer frontage onto the river. Adjoining the site and with frontages onto Meadow Lane is a dairy distribution centre; Heston House which is used for car hire and storage; and vacant land to the east of Heston House which had been previously used as a boatyard brokerage. Also adjoining the site on Meadow Lane and bounding the Nottingham Canal is Meadow Close, which is a 1980s development of two-storey residential properties. Adjoining and fronting onto the canal are offices and research buildings used by the Environment Agency. Facing opposite across Meadow Lane is Notts County Football Club stadium.

3.2 Planning permission was granted on 29 October 2015 for the redevelopment of the site. The full description of this approved development is:

"Demolition of existing structures and the redevelopment of the site to form 95 dwellings, 385sq.m of retail and cafe floorspace (Class A1/Class A3), new vehicular access and parking, new waterfront pedestrian and cycle path, and public open space.

The site has since been cleared of all of its remaining former structures.

4 DETAILS OF THE PROPOSAL

4.1 The varied submission proposes the same number of dwellings and retail floorspace as previously granted planning permission. The proposed revisions relate to the development block elevations and plans, also with modifications to their siting and internal layout, their materials palette, and landscaping.

4.2 The application submission states that the granted proposals have a very low efficiency of net to gross area, which have brought the financial viability of the scheme into question. The buildability, usability and maintenance aspects of the approved scheme have also been reviewed, with a number of inconsistencies being noted that are advised would also affect viability. Typical issues identified for the apartments include the efficiency of the apartment floor plans; the inconsistency of the structural grid of each building; the core design and how apartments are entered; and the rationale behind the aspects of the materials palette. Typical issues that have been identified for the townhouse relate to the efficiency of their internal layout, including constrained room sizes; extensive terraces without a relationship to the room hierarchy; and the misalignment of drainage and services.

4.3 The proposed varied submission substantially maintains the previously approved layout of the development blocks with the exception of (i) the riverside blocks where two approved blocks (B5/B6) to the north-eastern corner of the site are amalgamated into one block, which also provides for greater separation between the blocks (ii) the central western townhouse block (B1) is shortened to avoid an advised easement situation, and (iii) the central eastern townhouse block (B7) is set back to allow for additional frontage car parking.

4.4 Elevation changes to the previously approved development follow on from the proposed changes to the block plans, with revisions to the materials palette also being proposed to reflect these changes.

4.5 The supporting documents previously provided as part of the first planning permission are carried forward (e.g. flood risk assessment, transport assessment).

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

8 – 18 (consec.) Meadow Close
11 – 13 Ashling Court, Ashling Street
Sport Nottingham Health and Fitness Complex Notts County Football Stadium
Units 1, 5 & 6 Meadow Lane
Suites 1 & 2 Heston House
The Meadow Club, Meadow Lane
All Tools, Ashling Street
Environment Agency Laboratory, Meadow Lane
Express Dairies, Meadow Lane
SLR Consulting Limited

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

The following comments have been received:

City Resident: Agree with the Design & Access Statement and support the redevelopment of this brownfield land.

Additional consultation letters sent to:

Environmental Health: No objection. Recommended conditions remain the same are per the original application and note that the applicant will need to confirm that the noise assessment work done so far is not adversely affected by the layout changes. Request that electric vehicle charging points are also provided on this development as part of the variation.

Highways: No objections in principle. The site has generally good accessibility, including cycle provision. Details of the highways layout are still being discussed. Previous comments relating to the need to Traffic Regulation Orders to prevent parking by football traffic and to control speed still apply as does need for commuted sums for the maintenance of street trees. Highways conditions as previous are recommended.

Drainage: No objection to this variation.

Biodiversity: Waterside areas should be softened with further planting to benefit riparian wildlife. Open space to north-east corner is poorly located and not sufficient for site.

Environment Agency: No objection. The flood risk assessment is unchanged by the variation.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

NE10 - Water Quality and Flood Protection.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

Whether:

- (i) The varied siting, design and appearance of the proposed development will maintain the strong sense of character and identity of the previously approved scheme.

- 7.1 The layout of the proposed development is considered to maintain a clear and strong urban form. The townhouses all address the street and are structured in a manner that will provide interest along its length. The siting of the proposed pavilion apartment blocks at the end of the street and fronting onto the riverside also maintain their strength and character by providing appropriate focal points within the scheme and as prominent markers along the riverside edge. It is considered that the amalgamation of the previous two Block B5 and B6 into a larger plan single block does not significantly impact upon the presence and rhythm of blocks along the riverside edge. However, the cranked form of Block B2 at the point where the canal meets the river has not been retained and the detailed design of this block is continuing to be discussed with the applicant. This block has an important and prominent dual relationship to the canal and river and the contribution that its form has to this position within the layout is considered to be significant to the quality and impact of the development as a whole. A further update on the design of this block will therefore be provided at Committee.
- 7.2 The revised designs of the pavilion apartment blocks and townhouses remain individual and contemporary in their appearance, being appropriately varied and yet controlled through their common typology and use of a limited palette of materials. The apartment block maintain their large aperture pattern of glazing and balcony openings, but with some of the balconies becoming expressed elements on the façade rather than all recessed as within the previously approved scheme. The materials palette of the apartment blocks are also modified with the introduction contrasting colours, with a red brick ground floor plinth and lighter toned bricks above. Detailing within the panels of brickwork, including soldier and double soldier courses and other brickwork textures, is also used to provide a further level of interest to the elevations. This approach is repeated on the elevations of the townhouses, with large window openings being maintained and panels of brickwork textures being used as complementary features. It is considered that the revised designs of the pavilion apartment blocks and townhouses have demonstrated that a good quality of appearance will be provided in accordance with Policy 10.
- 7.3 In addition to the landscape qualities of the spaces between the blocks being improved, the revised layout has also reviewed the design of the riverside edge of the development and section of riverside footpath and cycle path that this will

provide. Accordingly, there is a more organised approach to the layout of this important element of open space, with the footpaths and cycle paths being more defined and a buffer zone of planting being provided to secure the fronts of the ground floor apartments that will face onto this space. The greening of the riverside edge has been significantly improved and will consequently further enhance the biodiversity aspect of the scheme in accordance with Policy 17.

- 7.4 The details of the internal highways layout of the scheme are continuing to be discussed with Highways but remain fundamentally the same as the approved development, with changes being made in relation to the exact alignment of the access roads in association with amendments to the car parking details of the scheme. 80 car parking spaces are being provided, including 4 disabled spaces and 1 car club space. The surfacing and landscaping qualities of the access roads have been improved in association with these changes and, subject to conditions, it is considered that the highway and car parking aspects of the scheme accord with Policy T3.
- 7.5 The S106 agreement for the first planning permission is to be varied so as to also apply to any permission granted under this application. This includes:-
- i) A financial contribution of £83,461 towards primary places within the Greenfields Primary School;
 - ii) The provision of travel information packs for each dwelling, together with funding for the provision of initial travel passes on request (equating to a maximum financial value of £52,310);
 - iii) A financial contribution of £10,000 towards the making, advertising and confirming (if appropriate) of a traffic regulation order to control parking within the development;
 - iv) The on-going management and maintenance of areas of open space within the development;
 - v) Provision and maintenance of a permissive foot/cycle path to be provided along the riverside.
 - vi) Provisions to ensure that development of adjacent land is not prejudiced;
 - vii) The grant of a licence to allow the future construction of a pedestrian bridge link over the Tinkers Leen;
 - viii) Subject to a further viability appraisal, a financial contribution towards the provision of affordable housing

all of which requirements are still felt to be necessary to make this development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Confirmation has been received that the variation will not exceed the pooling requirements of Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The previously approved development has proposed a 'fabric-first' approach to minimise energy consumption. The orientation of the buildings have also taken into account the benefits of passive solar gain whilst also making provision for overheating in summer. It is considered that a 'fabric-first' approach is an appropriate means to achieve carbon reduction targets and, subject to a requirement to implement the development using this approach. The comments of the Biodiversity team are recognised in the enhanced greening qualities of the

riverside edge of the proposed development. It is therefore considered that the proposed variation accords with Policies 1 and 17.

- 8.2 The Environment Agency and Drainage team has no objection to the proposed variation, which is considered to accord with Policy NE10.

9 FINANCIAL IMPLICATIONS

This permission is linked to the previous Section 106 Agreement, which secured, amongst other things, various financial obligations outlined in 7.5 above. The grant of this application is to be made subject of an appropriate variation being made to the original s106 Agreement to make it also apply to this permission

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

Ensuring Nottingham's workforce is skilled.

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: 17/01720/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTZSSNLYGA000>

2. Pollution Control, 21.9.17

3. Environment Agency, 30.8.17

4. Drainage Team, 21.8.17

5. City Resident, 22.8.17

17 Published documents referred to in compiling this report

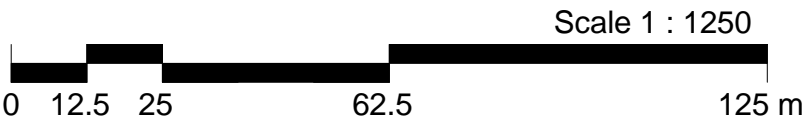
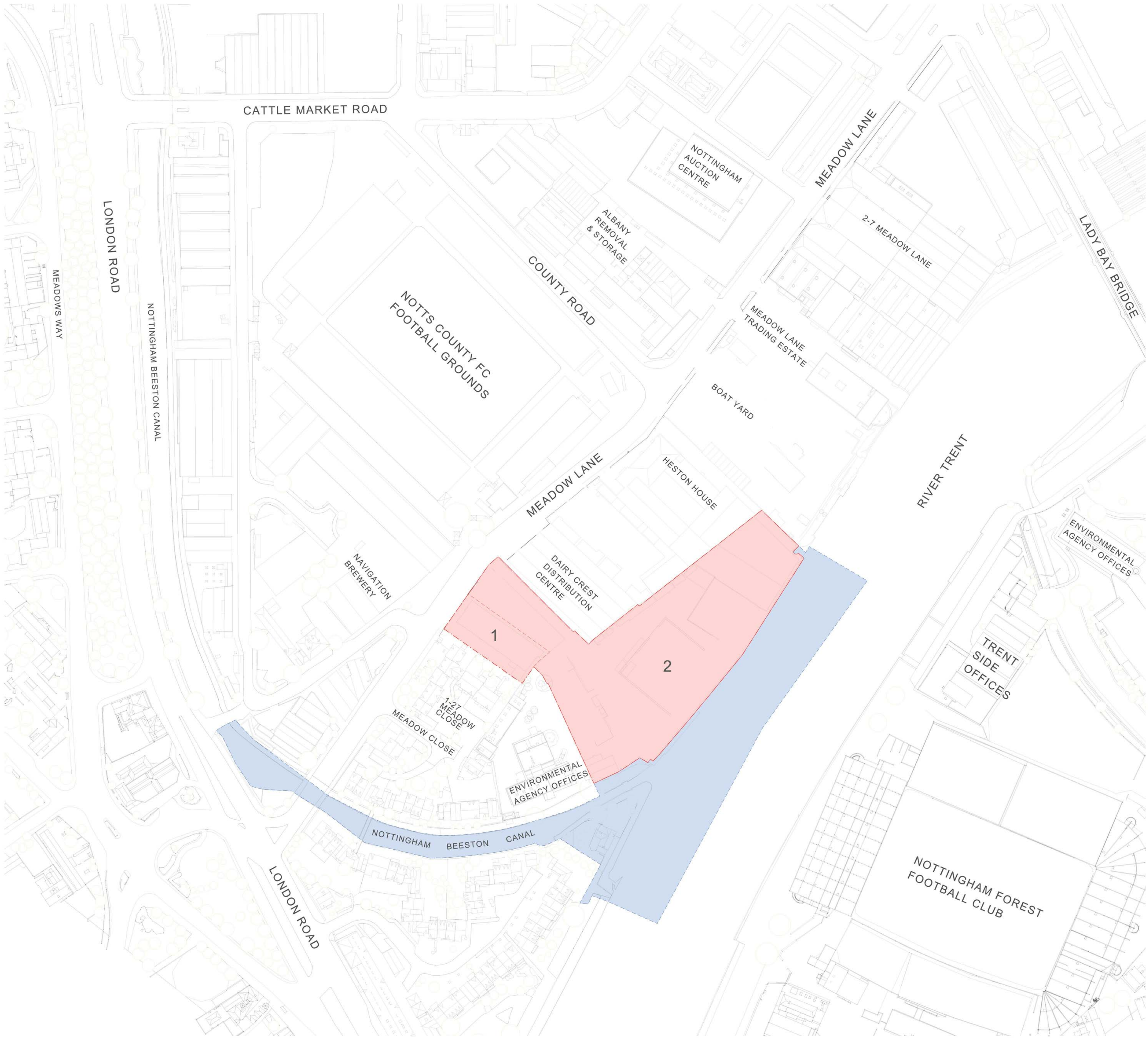
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Contact Officer:

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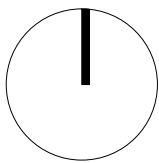
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- THE BDP RISK SERIES OF DRAWINGS
- THE PROJECT CDM RISK REGISTER

NOTES

Drawing from Consented Application (drawing number 05069_B1_00_000_)



A	Issued for S73 Application	SS/T S/KM	EH	31/07/17
-	Issued for S73 Application	SS/T S/KM	EH	28/07/17

REVISION	DESCRIPTION	DRAWN	CHECKED	DATE
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REVISION

Planning Issue

CLIENT



BDP.

158 Edmund Street
Birmingham
B3 2HB
United Kingdom
T +44 (0)121 212 3553
www.bdp.com

PROJECT TITLE
Meadow Lane

BDP JOB NUMBER P2007917	PROJECT CLASSIFICATION Public Use
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DRAWING TITLE Location Plan	SCALE 1250 @ A1
DATE FIRST ISSUED 28/07/17	

REVISION NO. 2007235-BDP-(00-01)-DR-A-XX-XX_00001	REVISION A
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My Ref: 17/01720/PVAR3 (PP-06274885)

Your Ref:

Contact: Mr Jim Rae

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**Nottingham
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Hunter Page Planning Ltd
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Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990 APPLICATION FOR PLANNING PERMISSION

Application No: 17/01720/PVAR3 (PP-06274885)
Application by: Elevate Property Group
Location: Land To Rear Of And Including Banton House, Meadow Lane, Nottingham
Proposal: Variation of condition S1 of planning permission reference: 13/02877/PFUL3 (revised development block elevations and plans, with modifications to siting, materials palette, and landscaping).

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 grant of planning permission reference 13/02877/PFUL3 on 29 October 2015.

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

Pre-commencement conditions

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

2. Notwithstanding the details submitted on the approved layout drawings, no development shall commence until details of the proposed phasing of construction have been submitted to and approved by the Local Planning Authority. The proposed phasing shall include details of temporary turning spaces at each carriageway terminal leading to the next phase of the development and shall ensure that refuse and emergency tender vehicles can manoeuvre safely on the highway. Development shall be implemented in accordance with the approved phasing unless otherwise varied in writing by the Local Planning Authority and temporary turning spaces shall be implemented before the phase of development that it is intended to service is first occupied.

Reason: In the interests of highway safety and in order to service the approved development.



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Not for issue

Continued...

3. No development shall commence on any phase of the approved development until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policies BE2 and NE9 of the Local Plan.

4. No development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved by the Local Planning Authority. The Remediation Strategy and each component shall have regard to the Preliminary Risk Assessment entitled Phase 1 Desk Study Environmental Assessment by Delta Simons dated 23/11/2011 (ref 11-0548.01):

- a) A Site Investigation Scheme, based on the Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) The results of the Site Investigation and the Detailed Risk Assessment referred to in the Site Investigation Scheme and, based on these, an options appraisal and Remediation Strategy 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 the Remediation Strategy are complete.

Any changes to these components will require the express written approval of the Local Planning Authority.

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 NE9 of the Nottingham Local Plan.

5. No development shall commence on any phase of the approved development until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- i) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
 - ii) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.
 - iii) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
 - iv) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - v) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

6. No development shall commence on any phase of the approved development until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) 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 in (3) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution.

7. No development shall commence on any phase of the approved development until a detailed specification of sound insulation requirements at the various plot facades and floors located within that phase has been submitted to and approved in writing by the Local Planning Authority.

The detailed specification above shall have regard to the Supplementary Noise Assessment by Acoustic Air dated May 2014.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

8. The development of the commercial elements of the approved development shall not be commenced until an environmental noise assessment and sound insulation scheme for these elements has been submitted to and 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 to 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 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.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

10. No development shall commence on any phase of the approved development until details of all hard surface treatments, including the roads, footways, riverside walkway, public realm and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

11. No development shall commence on any phase of the approved development until details of the means of enclosure (boundary walls and fences) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

12. Notwithstanding the details included within the Landscape Strategy document and Landscape Masterplan drawing, no development shall commence until a detailed landscaping scheme has been 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 Strategy and NE5 of the Local Plan.

13. No development shall commence on any phase of the approved development until an ecological enhancement strategy for each phase or the whole site has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement strategy shall be carried out as approved unless varied with the further written consent of the Local Planning Authority.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy NE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 1406 - Revision A prepared by Acuity Consulting in April 2014 as well as the email from Acuity Consulting to the Environment Agency on the 6th November 2014 and the following mitigation measures detailed within both the FRA and the accompanying email:

1. The internal finished floor levels of the 'more vulnerable' (Flood Risk Vulnerability Classification) developments shall be set no lower than 600mm above the 1 in 100 year plus climate change flood level i.e. no lower than 25.05mAOD.

2. The internal finished floor levels of the 'less vulnerable' (Flood Risk Vulnerability Classification) developments shall be set no lower than 24.47mAOD.

3. Flood resilient measures recommended in section 4.1.3.1 of the approved FRA shall be incorporated throughout the development. It is recommended that flood resilient measures of the 'less vulnerable' developments shall be incorporated to a height of 600mm above the 1 in 100 year plus climate change flood level i.e. no lower than 25.05mAOD.

4. An 8m wide unobstructed easement from the River Trent bank top shall be accommodated throughout the site layout.

5. As part of the development, the Tinkers Leen culvert is to be opened throughout the site to provide an open watercourse. Any buildings (including any overhang) adjacent to the deculverted Tinkers Leen shall be set back a minimum of 3.00m from the bank top.

6. In accordance with section 4.2.2 of the approved FRA, green/brown roofs shall provide source control for the apartment blocks and rainwater harvesting and water butts should be considered for the housing.

7. The surface water run-off generated by the 1 in 100 year critical storm shall be limited to 30% less than the previous discharge rate (based on the equivalent M30-60 value of 30.80mm/hr).

8. The occupants of the site shall sign up to the Environment Agency Flood Line Warnings Direct via <https://fwd.environment-agency.gov.uk/app/olr/register> or by calling the Flood line on 0845 988 1188.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons:

1 & 2. To reduce the risk of flooding to the proposed development and future occupants.

3. To minimise the consequence of flooding and to facilitate a quicker recovery in the event of a flood.

4 & 5. To allow future maintenance operations to be undertaken as and when required and to improve habitat and amenity.

6 & 7. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site so that the discharge will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

8. To prepare for an imminent flood or in extreme circumstances, facilitate evacuation from the site.

15. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.
- Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.*
16. No dwelling on each phase of the approved development shall be occupied until the following information relating to that phase has been submitted to and approved 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 NE9 of the Nottingham Local Plan.*
17. 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 commercial elements of the development including any mitigation measures have been implemented prior to occupation of that part of the development.
- Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.*
18. No individual dwelling shall be occupied until the parking provision for that dwelling has been completed and is available for use.
- Reason: In the interests of the amenity of occupants of the development and in accordance with Policy T3 of the Nottingham Local Plan.*
19. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.
- Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategy.*
20. No phase of the development hereby permitted shall be occupied until such time that the design and contents of the Residential Travel Pack including details of the mechanisms regarding the distribution and obtaining of the Kangaroo passes have been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter each individual dwelling will be provided with a Residential Travel Pack no later than 14 days after its first occupation.
- Reason: To promote sustainable travel.*
21. No phase of the development hereby permitted shall be occupied until the name and contact details of the Travel Plan Coordinator has been provided to the Local Planning Authority. The actions and measures contained within the Residential Travel Plan shall be implemented at all

times, which also includes annual resident travel surveys, submitting annual travel plan updates to the Local Planning Authority, and invoking remedial measures in the event of any shortfall in the progress towards agreed targets.

Reason: To promote sustainable travel.

Regulatory/ongoing conditions

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

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution.

23. No construction work, landscaping or other activity shall be undertaken which may compromise the remediation measures implemented to deal with ground gas contamination of the site.

Permitted Development Rights for premises constructed as part of this development, as far as they relate to the extension of the footprint of the original building or new building structures within the curtilage of the site, are withdrawn. For residential properties this prohibition shall include the erection of a garage, shed, conservatory or porch or similar structure.

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 NE9 of the Nottingham Local Plan.

24. The integral garage parking spaces within the dwellings hereby permitted shall be remain permanently available for the parking of motor vehicles and shall not be converted or used for any other purpose. The integral garage parking spaces shall be used solely for the benefit of the occupants of the dwelling or their visitors and for no other purpose.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area and in the interests of general highway safety.

25. 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 Strategy.

26. All new public rights of way and sustainable transport routes crossing the site shall be constructed to adoptable standards.

In order to ensure the appropriate standard of construction of these routes.



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27. The approved development shall be implemented in accordance with the approved Energy and Sustainability Statement by BSE3d Consulting Engineers Ltd. that form part of the approved documents.

Reason: In the interests of ensuring the sustainable development of the site in accordance with Policy 1 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 forms, drawings and other documents comprising the application as validated by the council on 14 August 2017.

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.

3. The Remediation Strategy (including its component elements) must be undertaken and implemented by competent persons and must be conducted 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 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.

The purpose of the withdrawal of Permitted Development Rights is 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 without health or safety risks to the occupiers of the development and/or adjoining occupiers.

4. Environmental Noise Assessment

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

5. Commercial Noise

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.

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 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.

6. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

7. 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 and prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out if a disturbance to the highway is likely. Please contact them on 0115 876 5238.

8. The applicant is advised that the Highway Authority will require that traffic speed within the development is regulated by a Speed Order, with costs of making the order to be borne by the applicant (up to £5,500).

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: 17/01720/PVAR3 (PP-06274885)

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/pcs.

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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