

**REPORT OF CHIEF PLANNER**

**109-113 And Land To Rear, Ruddington Lane**

**1 SUMMARY**

- Application No: 17/01760/PFUL3 for planning permission
- Application by: Mr Ben Holmes on behalf of Featherstones PDD
- Proposal: Demolition of number 111 Ruddington Lane; the creation of an access from Ruddington Lane and the development of 21 dwellings, comprising apartments, 1 , 2 , 3 and 4 bed houses together with groundworks, landscaping and other associated works.

The application is brought to Committee on the request of the Ward Councillors.

To meet the Council's Performance Targets this application should have been determined by 3 November 2017, however an extension of time has been agreed.

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION** subject to:

- a) Prior completion of a planning obligation which shall include;
  - (i) a financial contribution towards off-site public open space;
  - (ii) a financial contribution towards off-site education provision
- b) The indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions and the obligation 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 This is an irregular shaped parcel of land of 0.47 hectares located to the rear of properties on the eastern side of Ruddington Lane. The site comprises what was formally part of the rear gardens to No 107 - 109 Ruddington Lane, separated from the dwellings by an access track (vehicular). The site is currently very overgrown with a mixture of dense vegetation and trees, and contains some garden buildings. The site largely appears as one area of land, rather than individual gardens.
- 3.2 To the north of the site is the Ruddington Lane Recreation Ground, to the east is the Compton Acres tram stop. The (dissected) rear gardens to the other properties in the row are to the south, which are also overgrown with vegetation.
- 3.3 Outline planning permission was granted in 2011 for the erection of dwellings and creation of associated parking, which was for a slightly smaller site (involving fewer rear gardens) but included the same access arrangement as proposed in the current application (11/02745/POUT).

### **4 DETAILS OF THE PROPOSAL**

- 4.1 This application seeks full planning permission for 21 residential units comprising of 12 houses and 9 apartments. Accessing the site requires the demolition of 111 Ruddington Lane, which is currently a semi-detached property, to provide a vehicular and pedestrian access.
- 4.2 The proposed units consist of:
- 1 no. 1 bed bungalow (Type A)
  - 3 no. 2 bed houses (Type B)
  - 7 no. 3 bed houses (Types C, D, DD, E)
  - 1 no. 4 bed house (Type F)
  - 9 no. 2 bed apartments
- 4.3 There are eight different house types but all share a common architectural language. The height of the dwellings rises gradually from the site entrance, where the bungalow is located, to the rear of the site where there is a three storey apartment building. Two storey dwellings with rooms in the roof form the majority of the site. During the pre-application process the number of dwellings and the site layout have been reduced and altered respectively, to sit more comfortably in the context of the surrounding area.
- 4.4 All the properties are proposed to be finished in predominantly brick, with cladding panel features and concrete roof tiles. Dormers are a prominent feature of the design of the dwellings.
- 4.5 The plans have been amended from the original submission with alterations to the design and orientation of the bungalow at the entrance of the site (Type A). The amendments improve the appearance of the dwelling from the street and remove an issue of overlooking and loss of privacy with the existing dwellings on Ruddington Lane. These changes seek to address concerns raised by the occupants of the nearest adjacent property.

- 4.6 The amended plans also show enlargement of the ground floor windows in the Type B units to improve their design, and the reduction in height of property types D, DD, E & F. This would improve the overall appearance of the scheme and ensure the new development better relates to the size and scale of the dwellings on Ruddington Lane, which is the main contextual reference for the development. The majority of the dwellings, with the exception of the three storey apartment block, are now comparable in height to the dwellings on Ruddington Lane. The three storey apartment building responds to the change in ground levels between the application site and the Compton Acres tram stop, which sits at a higher level.
- 4.7 All one and two bedroom properties have a parking space. All three and four bed properties are proposed to have two parking spaces, some within integral garages. The apartment building has a landscaped parking area to the south with one space per apartment.
- 4.8 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities relating to construction jobs.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

- 5.1 22 neighbour notification letters were sent to neighbouring residents on Ruddington Lane, Kenny Avenue and Horwood Drive. The application has also been advertised with 3 site notices. The period for comment expired on 25.09.2017. In response 7 comments have been received which are summarised below:
- Concern about the increased traffic generated by the new dwellings, which has already been increased by the two new developments over the road
  - Concern about the increased traffic during the construction phase
  - Concern about the loss of wildlife habitat
  - Concern about the siting of the proposed property Type A(bungalow at the entrance of the site), and its impact on the privacy of the neighbouring residents
  - Not enough space for the parking requirements of the new dwellings within the site
  - Loss of privacy to the dwellings on Ruddington Lane because of the height of the new dwellings
  - Loss of green space and trees/change to the character of the neighbourhood
  - The bungalow at the entrance of the site might set a precedent for other neighbours to build at the end of their gardens
  - Properties would be above the ground level of existing properties
  - There are existing drainage issues and concern is expressed about 21 additional dwellings making the situation worse
  - The access road to the side of this property is a tight road and there may be an increase in accidents
  - Concern about subsidence
  - Concern about the increase in the scale from the previous proposal; coupled with existing new developments would be an overdevelopment of the area, which was once a semi- rural location

- Concern that there are no other 3 storey buildings in the area and this may set a precedent for other developers
- The development would result in increased noise in the area
- Apartments are already being built in the area so there is no need for further apartments in this location
- Increased residents in the area will add to the congested roads during commuter times
- The plans appear to show the cinder path, which allows access along the rear of the properties on Ruddington Lane, to have disappeared
- The loss of wildlife habitat means the development could displace some animals, such as bats and badgers, into the rear gardens of the neighbouring properties
- The building works may damage the neighbouring properties
- The development would impact on the value of the properties on Ruddington lane because people would prefer new build properties

5.2 One neighbour also commented that they have no objection to the general concept of development.

**Additional consultation letters sent to:**

**City Archaeologist:** A condition should be imposed requiring an archaeological field evaluation, which should be undertaken in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation to be approved by the City Archaeologist. Evidence indicates that Iron Age/Roman agricultural activity took place within close proximity to the proposed development area and it is possible that such activity and occupation may have extended within the proposed development area. Evidence for Iron Age and Roman occupation is considered to be of local and regional importance.

**Planning Policy:** No policy objections to the higher density than previously envisaged, providing the design and layout are satisfactory. It is noted that the site is proposed to be allocated for residential development in the emerging LAAP, but for less units.

**Environmental Health and Safer Places:** Request conditions to ensure the mitigation measures set out in the Acoustic Assessment submitted as part of the application are in place prior to occupation of the dwellings. With regard to contaminated land, the Phase 1 Desk Study identifies a number of low risks on the site, therefore a Phase 2 intrusive investigation to confirm ground contamination and gas risks is recommended.

**Highways:** The swept path analysis does not take into account on-street parking. Any vehicles parked on the approach may hinder access for refuse and emergency vehicles. A Traffic Regulation Order will be required to prevent parking on the approach to the access, which should be imposed by condition. A condition would also be required for details of visibility splays to be provided within land controlled by the applicant, which should be dedicated as highway land. The road layout is generally considered to be in line with the recommendations previously provided on the approved outline application, including a 4.8m carriageway, 1.8m footway and a

0.5m/0.6m service strip opposite. A narrowing of the road width to 3.7m is accepted as a pinch point to reduce vehicle speed. Concern is expressed about the continuity of the pedestrian links because they cross over from one side of the street to the other. It is noted that some of the properties have integral garages as part of the parking provision and the internal space does not meet preferred standards, and some of the parking spaces are smaller than the size recommended in the ^C Design Guide.

**Drainage:** It is noted that this is a greenfield site and therefore we would look to limit the surface water run-off to 5l/s per hectare of the developed site. Furthermore they must be able to mitigate for run-off to third parties as this is a greenfield site; developing on it may cause additional risks to any nearby properties and therefore the overland flow paths of the water must be fully considered.

With the inclusion of the SuDs features within the proposals we would also need to see a maintenance plan for the lifetime of the development, and plans as to the ownership of any of the SuDs features.

**Environment Agency:** Originally objected to the proposal due to a lack of the required information in the FRA. A new FRA has submitted to the Environment Agency for comment. The response from the EA will be included in an update sheet.

**Tree Officer:** The important tree T11 is retained in its own small space. Recommend that an Arboricultural Method Statement be required by condition, as well as fuller landscaping details.

**Biodiversity Officer:** No response had been received at the time of the report being written. Any comments shall be included in the update sheet.

## **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 unless material planning considerations indicate otherwise, 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. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making 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.
- 6.3    Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4    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.

- 6.5 Paragraphs 100 to 104 sets out a sequential approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking the account of climate change.

**Nottingham Local Plan (November 2005):**

ST1 - Sustainable Communities.

H2 - Density.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

BE16 - Archaeology.

NE3 - Conservation of Species

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

**Aligned Core Strategy (September 2014):**

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

Policy 16: Green Infrastructure, Parks and Open Space

Policy 19: Developer Contributions

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

- (i) Principle of the development
- (ii) Density, layout and design considerations;
- (iii) Highway considerations;
- (iv) Impact on residential amenity;
- (v) Flood Risk;

**i) Principle of the development (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, and H2 of the Local Plan)**

- 7.1 The principle of residential development was established by an outline planning permission in 2011(11/02745/POUT), although the current proposal relates to a slightly larger site that includes more gardens than were previously available. Furthermore, the site is within a Primarily Residential Area and is proposed to be allocated for housing within the emerging LAPP.
- 7.2 The NPPF, Aligned Core Strategy and Local Plan policies supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. It is considered that the proposed range of house types within this scheme would contribute towards the Council's strategic objectives to create sustainable balanced communities and a varied mix of housing options.
- 7.3 The proposed development would provide 21 new dwellings comprising a mix of houses and apartments. The size and layout of the units are considered to be generous and would provide a high quality scheme with a good degree of amenity in terms of space and outlook. All the houses have been provided with access to private rear gardens or patios. Some houses and apartments have been designed with a rear outlook over the park to the north. Additionally, the development is located in a sustainable location, directly adjacent to the Compton Acres tram stop and would have direct access to adjacent park.
- 7.4 The proposal therefore accords with the NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, and Policies ST1 and H2 of the Local Plan.

**(ii) Density, layout and design considerations (NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan)**

- 7.5 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.6 Considerable work and amendment of the scheme has been carried out to ensure that the scale and density of the development respects that of surrounding residential properties and sits comfortably within the context of the surrounding area. This has been particularly important given the need to raise the floor levels of the whole development given the location of the site within Flood Zone 3. The scale of the development sensitively rises from the single storey bungalow at the entrance of the site (which relates to the existing properties garden outbuildings), through the 2 and 2.5 storey dwellings within the central part of the site that relate to the height of the two storey dwellings on Ruddington Lane, to the three storey apartment block adjacent to the elevated tram stop.
- 7.7 The scheme has also been designed to provide active frontages to the street and the park, and secure private rear gardens. The new family dwellings are mostly 2 and 2.5 storey in height and a mixture of semi-detached and detached dwelling, to reflect the context of the surrounding residential properties, yet also creating their own distinctive character. Bin stores are primarily proposed to be located in rear gardens.

- 7.8 The design aesthetic of the development is contemporary but traditional in form. The buildings' elevation treatment, together with the palette of materials, would create a clear and cohesive architectural language. The final details of the materials would be dealt with by condition.
- 7.9 The proposal include a pocket of public landscaping (which is proposed to be managed by a management company), which help to reflect the softer suburban context of the site. A number of trees are proposed to be retained. Details of hard surfacing and landscaping would be dealt with by condition.
- 7.10 Overall the scale, density, layout and design of the development are felt to be a positive and well considered response to the site and its context, yet would create a development with its own distinct and pleasant character. The proposal therefore accords with the NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan.

**(iii) Highway considerations (Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)**

- 7.11 The proposed scheme has a mixture of single or double off-street parking spaces per dwelling located either within each plot, or adjacent to the apartment block. This is considered to be an acceptable level of parking provision. However, it was noted that the proposed garages do not meet with the preferred standards in terms of internal layout and some of the parking spaces do not meet the recommended standards in terms of size. However, it is considered that the layout and parking provision would be acceptable.
- 7.12 Highways have commented on the footpath arrangement, which is not continuous and crosses over the road at two points. From a design point of views, this is considered to be an acceptable arrangement and given the nature of the street, which is a cul de sac which would only be entered by vehicles visiting the 21 properties in the street, it is considered to be an acceptable layout in terms of safety for future users.
- 7.13 Highways have requested further information on visibility splays and turning areas within the site, along with the requirement for a Traffic Regulation Order, which can be addressed by condition.
- 7.14 The site is in a sustainable location with strong pedestrian, cycling and public transport links to the city centre and surrounding areas in close proximity, including an immediately adjacent tram stop. On balance therefore, the proposal would comply with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

**(iv) Impact on residential amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)**

- 7.15 The proposed layout has been designed to take into account the existing residential properties along Ruddington Lane which are, with the exception of the bungalow at plot 1, located across the existing vehicular access track and separated by the remaining rear gardens. It is considered that the layout of the site adequately respects the amenities of existing residents and future occupants of the new development, in terms of light, outlook and privacy.



- 7.16 The bungalow at the entrance of the site is closest to the adjacent 107 Ruddington Lane. This dwelling has been re-orientated and re-designed so that there are blank walls on the north and west elevations closest to this property, which is not directly facing the proposed bungalow but would view it at an angle. The bungalow has been designed so that no windows face directly towards existing properties, with the exception of a bedroom window on the western elevation facing the rear of the No. 109, which is within the application site and set back from the shared boundary due to the L shape of the dwelling. New fencing is proposed along the shared boundaries with both of these neighbouring properties.
- 7.17 With the exception of plot 1, which is discussed above, there is a minimum distance of approximately 32m from the rear of the dwellings on Ruddington Lane to the side elevation of nearest proposed dwelling, and 36m to the front elevation of the nearest proposed dwelling. This is considered to be an acceptable separation distance to ensure that there would not be a significant loss of amenity in terms of privacy or outlook.
- 7.18 Some concern has been expressed by neighbouring residents regarding the loss of wildlife habitat. The Council's Biodiversity officer had not commented at the time of the report. Any comments received shall be provided in the update sheet. It is noted that a large area of land to the south of the site remains as existing overgrown gardens.
- 7.19 The development therefore accords with Policy 10 of the Aligned Core Strategy and Policies NE3 and NE9 of the Local Plan in this regard.

**(v) Flood Risk (Policy 1 of the Aligned Core Strategy and Local Plan Policy NE10)**

- 7.20 The NPPF states that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Authorities should apply a sequential, risk-based approach to the location of development. The site was previously sequentially tested under application 11/02745/POUT and in relation to its allocation in the emerging LAPP, and is considered acceptable for residential development with appropriate flood mitigation measures.
- 7.21 The FRA initially submitted with the application was not considered to be adequate and the Environment Agency requested more information. A revised FRA was subsequently submitted and the EA has been consulted. Their response had not been received at the time of the report being written. Comments will be included in an update sheet.
- 7.22 Subject to the revised FRA being satisfactory, the proposal would accord with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

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

- 7.23 A Section 106 planning obligation is required in order to secure financial contributions towards the following:
- Public Open Space – £29,292

- Education - £23,034

It is proposed that the public open space contribution would be used towards improvements at Ruddington Lane Park, which is immediately adjacent to the site and would be readily accessible to the residents of this development. It is proposed that the secondary education contribution would be used for the Emmanuel School, with no requirement for a primary school contribution.

- 7.24 In respect of both the open space and education, the Section 106 obligations sought would not exceed the permissible number of obligations in accordance with Regulation 123 (3) of the Community Infrastructure Levy Regulations 2010.

**(vii) Other Matters Local Policies NE5, NE9 and BE15 of the Local Plan**

- 7.25 The City Archaeologist has requested that an archaeological field investigation should be carried out due to the existence of known Iron Age and Roman activity in close proximity to the site. This will be secured by condition.
- 7.26 The Council's Tree Officer has requested that an Arboricultural Method Statement to be submitted and implemented to ensure that the tree shown to be just outside the application site, labelled T11, is protected during the construction period. This will be addressed by condition.
- 7.27 The Council's Drainage Officer has requested a condition relating to the provision of SUDs and the future ownership and maintenance thereof, which will be secured by condition.
- 7.28 The Council's Environmental Health and Safer Places officer has requested conditions to ensure the mitigation measures set out in the Acoustic Assessment submitted as part of the application are in place prior to occupation of the dwellings, and regarding on-site investigation relating to ground conditions/gas.

**8. SUSTAINABILITY / BIODIVERSITY**

The development has been designed to meet a 10% reduction in carbon emissions beyond Building Regulations (Part L 2013). This is largely achieved by a 'fabric first approach' involving increased insulation to walls, floors and roofs to provide a higher 'u' value. Furthermore, the houses are orientated to make use of solar gain/shading, and incorporate natural ventilation.

**9 FINANCIAL IMPLICATIONS**

The development would provide financial contributions through a Section 106 legal agreement, as set out above.

**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: Development of a site allocated for residential development in the emerging development plan with a high quality, sustainable residential scheme.

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: 17/01760/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
2. Environmental Health and safer Places comments received 06 November 2017
3. Comments from a resident of 101 Ruddington Lane
4. Comments from a resident of 103 Ruddington Lane
5. Comments from a resident of 107 Ruddington Lane
6. Comments from a resident of 131 Ruddington Lane
7. Comments from a resident of 147 Ruddington Lane
8. Comments from a resident of 9 Brewill Grove
9. Comments from a resident of 143 Ruddington Lane
10. Highways comments received 26 September 2017
11. Environment Agency comments received 19 October 2017, but awaiting final comments at the time of writing the report.
12. Archaeologist comments received 11 October 2017
13. Tree Officer comments received 28 September 2017.
14. Drainage Officer comments received 30<sup>th</sup> August 2017.
15. Planning Policy comments received 5 October 2017.

**17     Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)  
Nottingham City Land Planning Policies Document (emerging)

**Contact Officer:**

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notes

1. Refer to figured dimensions, do not scale.
2. If in doubt refer to the Architect before work starts
3. All dimensions are to be checked on site
4. The Architects disclaim responsibility for variations from this drawing made without their written consent
5. Please ensure that there have been no additional revisions to this drawing before starting work.

revisions

client  
Featherstones PDD Ltd

job  
Ruddington Lane  
Wilford

drawing  
Site Location Plan

scale  
1:1250 @ A4

date  
July 2017

no.  
16021-SP-01

revision

drawn by

phone\_ 0115 941 1761  
web\_ marsh-grochowski.com  
address\_ 37a Snelinton Hermitage, Nottingham  
NG2 4BT

**My Ref:** 17/01760/PFUL3 (PP-06255071)  
**Your Ref:**  
**Contact:** Ms Kathryn White  
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Mr Ben Holmes  
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United Kingdom

Date of decision:

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

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Application No: 17/01760/PFUL3 (PP-06255071)  
Application by: Featherstones PDD  
Location: 109-113 And Land To Rear, Ruddington Lane, Nottingham  
Proposal: Demolition of number 111 Ruddington Lane; the creation of an access from Ruddington Lane and the development of 21 dwellings, comprising apartments, 1 , 2 , 3 and 4 bed houses together with groundworks, landscaping and other associated works.

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>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.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until 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. The information shall seek to demonstrate that the surface water run-off would be limited to 5l/s per hectare of the developed site. Overland flow paths of the water must be considered to ensure the development would not cause additional risk to nearby properties and the plans must also include details of the lifetime maintainance and ownership of the SUDs features.

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

*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 Local Plan.*

3. The development shall not be commenced until details of a Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. The approved Plan 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 during the construction period shall be accommodated within 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 and neighbour amenity in accordance with Policy 10 of the Aligned Core Strategy.*

4. The development shall not be commenced until details of an electric vehicle charging scheme, including a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details and timetable.

*Reason: In the interests of developing a sustainable community in accordance with Policy 1 of the Aligned Core Strategy.*

5. The development shall not be commenced until a detailed landscaping and planting scheme for the development, indicating the type, height, species and location of proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. The details shall also include arrangements for the future management and maintenance of the landscaped areas that are not within individual plot boundaries.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

6. The development shall not be commenced until details of the areas to be hard surfaced, to include the use of permeable materials, have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*



7. The development shall not be commenced until details of the external materials of the buildings have been submitted to and approved in writing by the Local Planning Authority.
- The development shall be carried out in accordance with the approved details.
- Reason To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.*
8. The development shall not be commenced until details of all doors, windows and window reveals have been submitted to and approved in writing by the Local Planning Authority.
- The development shall be carried out in accordance with the approved details.
- Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*
9. The development shall not be commenced until details of the means of enclosure for all site and individual plot boundaries, have been submitted to and approved in writing by the Local Planning Authority.
- The development shall be carried out in accordance with the approved details.
- Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*
10. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.
- The development shall be carried out in full accordance with the approved Method Statement.
- Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*
11. No development shall commence until an Archaeological Field Evaluation is submitted, which should provide information regarding the character, extent and condition of any remains and will provide an evidence base for establishing what, if any, further archaeological work is required in advance of, or during development.
- The Archaeological Field Evaluation should be undertaken in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation to be approved by the City Archaeologist.
- The development shall be carried out in accordance with the approved Field Evaluation and Scheme of Investigation.
- Reason: To ensure that any important archaeological remains are safeguarded in accordance with Policy BE16 of the Local Plan.*



12. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase I Desk Study Report by Geodyne dated 09/02/2017 (ref D36176) and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: To protect the health of future residents and to prevent ground pollution in accordance with Policies NE9 and NE10 of the Local Plan.*

13. Notwithstanding the approved drawings, prior to the commencement of the development details of the following shall be submitted to and approved in writing by the Local Planning Authority.

- Visibility splays.
- Further details of the junction crossing the existing cinder path.
- Details of the turning head, including size and configuration.
- Details of the width of the proposed footpath in the north east corner linking the site to Ruddington Lane Recreation Ground.

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

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan.*

#### **Pre-occupation conditions**

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

14. 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.*

15. 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.*



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16. Prior to the first occupation of any of the dwellings hereby approved, an application and draft designs for amendments to the Traffic Regulation Order in the area shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue implementation of the proposed amendments, prior to first occupation of the dwellings.

*Reason: In the interests of highway safety and sustainable development in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.*

17. Prior to the completion of all dwellings, verification that the approved sound insulation scheme as set out in the Acoustic Assessment by Vangardia dated 07/03/2017 (No 102366) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure the amenity of future residents is satisfactory in accordance with Policy NE9 of the Local of the Local Plan.*

18. 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 the amenity of future residents is satisfactory in accordance with Policies NE9 and NE10 of the Local Plan.*

#### **Regulatory/ongoing conditions**

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

19. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

20. 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.*

**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 4 August 2017.

*Reason: To determine the scope of this permission.*

## Informatives

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

2. 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.

### 3. 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.

### 4. Noise Control: hours of work and equipment during demolition/construction

To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

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

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

### Equipment

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

### Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning



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## 5. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be 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.

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: 17/01760/PFUL3 (PP-06255071)



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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](http://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.