

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**Factory Between 42 To 98 , Morley Avenue**

**1 SUMMARY**

Application No: 18/01789/PFUL3 for planning permission

Application by: Letts Wheeler Architects on behalf of Nottingham Community Housing Association

Proposal: Development of 24 family houses and 7 supported housing flats with associated staff office/overnight accommodation.

The application is brought to Committee because policy compliant S106 contributions may not be achieved on the grounds of viability, depending on the awaited conclusions of the District Valuer.

To meet the Council's Performance Targets this application should have been determined by 23rd November 2018 but an extension of time has been agreed until 15 February 2019.

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION** subject to:

a) The prior completion of an agreement under section 106 of the Town and Country Planning Act 1990 to potentially include:-

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

in the event that an independent report of the District Valuer shows that the development is sufficiently viable to support such contribution(s)

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

2.2 Power to determine the content and requirements of any section 106 Agreement be delegated to the Director of Planning and Regeneration and subject to him being satisfied that the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 are met

2.3 The power to determine the final details of the conditions be delegated to the Director of Planning and Regeneration

**3 BACKGROUND**

3.1 The application relates to a former factory site located on the southeast side of Morley Road. The previous industrial uses ceased in 2010 and all buildings on the

site were subsequently demolished. Occupying an elevated position in relation to the application site, Woodborough Road runs along its south east boundary. A steep, tree covered bank separates the relatively flat site below from the road above. There are residential properties to the east and west and to the north on the opposite side of Morley Avenue.

- 3.2 The west site boundary is enclosed by a 1.8m high brick wall and the steep bank to the southeast boundary also has a brick wall of approximately 2m in height, running along the top. There are a number of timber fences enclosing the rear boundaries of properties on Morley Avenue, along the eastern boundary of the site. A temporary security fence has been erected along the Morley Avenue (north) boundary of the site. There are a number of mature trees planted along the boundaries of the site.
- 3.3 Outline Planning Permission was granted for residential development on the site with an undefined number of dwellings and all matters reserved, in November 2017 (Planning application reference 15/01604/POUT). Outline planning permission was granted subject to the prior completion of a s106 Agreement which (together with employment and training obligations offered by the applicant) secured the payment of commuted sums for Open Space and Education to be calculated by reference to a policy compliant formula (given that the application was in outline). Whilst the permission granted under reference 15/01604/POUT is still extant, there have as yet been no subsequent application for Reserved Matters and the trigger for the payment of the s106 obligations has not been met.

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

- 4.1 Planning permission is sought for residential development on the site comprising 24 family houses and 7 supported flats with associated staff accommodation. The houses would be a mix of terraced and semi-detached properties with two and three bedrooms. The supported accommodation would provide one-bedroom flats with on-site supervision and accommodation for staff.
- 4.2 The site would be accessed off Morley Avenue and would have a main access road with a shared surface cul-de-sac at the south eastern end of the site. Five dwellings would face north west, onto Morley Avenue whilst the remainder of the dwellings would face onto the internal road within the development. The supported accommodation block would be positioned at the north eastern extent of the site. The existing steep wooded bank along the south eastern edge of the site would be retained.
- 4.3 The layout has been amended to reduce the expanse of road surface and the roof of the supported accommodation block has been amended to reduce its overall height and prominence. All dwellings would benefit from in-curtilage parking for one car.

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

##### **Adjoining occupiers consulted:**

40 and 42, 73-89 (odds), 98-104 (evens) Morley Avenue  
23-27 (odds) and 24-26 (evens) Bladon Close  
1-7 Byford Close  
473, 475A, 475B and 499-503 Woodborough Road

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

12 written representations have been received from 9 addresses, making the following comments:

- The development is too intensive in an area where there are existing parking and access issues
- Existing parking problems cause congestion and obstructions and have resulted in damage to parked vehicles. The proposed development would result in additional demand for parking on Morley Avenue
- The development will remove existing parking provision on Morley Avenue
- The proposal to provide one parking space per dwelling is inadequate
- Will the existing street trees on Morley Avenue be retained?
- The construction will result in noise, disturbance and dust for residents on Morley Avenue, how will this be alleviated?
- Will residents be notified once construction times have been agreed?
- Where will construction traffic park?
- The plans ignore all concerns raised in relation to the previous scheme on this site
- The proposals are very different to those in the first scheme with a higher number of dwellings
- A further site on Woodborough Road is applying for residential development which will cause additional congestion on Morley Avenue
- The previous application proposed privately owned housing, but the current proposal proposes Social housing provided by a Housing Association.
- Will the Council provide parking within the development for existing residents of Morley Avenue?
- The development will impact upon the light and privacy of properties on Morley Avenue
- The terraced properties are not in keeping with the surrounding development
- The flat building would appear obtrusive
- Where will children play? On site open space should be provided for family homes particularly with current concerns about children's health and need for exercise.

#### **Additional consultation letters sent to:**

**Environmental Health:** No objections. Conditions relating to contaminated land remediation and Electric Vehicle Charging points are recommended.

**Highways:** Concerns were raised about the initial road layout. This has subsequently been revised and final highway comments are awaited. Conditions requiring a Construction Traffic Management Plan, Travel Plan and details of hard surfacing were recommended. The applicant has provided these ahead of determination and these are considered broadly acceptable. Subject to some minor amendments, the submitted details are satisfactory and the conditions no longer need to be imposed. Final comments are awaited.

**Biodiversity Officer:** The Submitted Ecological Survey is satisfactory. Ecological enhancements including bird and bat boxes and hedgehog friendly fencing are required. A strategy for dealing with Japanese Knotweed is also required by condition. Details of the landscaping scheme are to be reviewed and the

conclusions will be reported by way of an update to committee.

**Drainage:** A Sustainable Drainage strategy is required. A condition to this effect is recommended.

**Others:**

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (July 2018)**

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible and paragraph 11 indicates that development proposals that accord with an up-to date development plan should be approved without delay. A number of sections of the NPPF are relevant to this application.
- 6.2 **Delivery of a sufficient supply of homes** - Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Paragraph 62 indicates that when the need for affordable housing is identified it should normally be expected to be met on-site.
- 6.3 **Promoting healthy and safe communities** - Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles. Paragraph 94 stresses the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Paragraph 98 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 6.4 **Making effective use of land** - Paragraphs 117-123 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.5 **Achieving well- designed places** - Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of

amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.6 **Conserving and enhancing the natural environment** - Paragraphs 170-183 states (amongst other things) that planning decisions should protect and enhance sites of biodiversity.

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

NE3 - Conservation of Species.

NE5 - Trees.

NE10 - Water Quality and Flood Protection.

ST1 - Sustainable Communities.

T3 - Car, Cycle and Servicing Parking.

R2 - Open Space in New Development.

**Aligned Core Strategy (ACS) (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 17 – Biodiversity

Policy 19 – Developers Contributions

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

- (i) Principle of residential development
- (ii) Design and impact on the streetscene
- (iii) Impact on residential amenity
- (iv) Highways and Parking
- (v) Impact on Trees
- (vi) Planning Obligations

**Issue (i) Principle of Residential Development on the site** (Policies ST1 and H1 of the Local Plan and Policy 8 of the Aligned Core Strategies)

- 7.1 Policy ST1 aims to secure the creation and maintenance of balanced communities, including a balanced mix of housing size, type, and affordability. The policy supports the use of previously developed land and buildings and development at an appropriate density to help support local services and to ensure the efficient use of land.

- 7.2 Policy 8 of the Aligned Core Strategy emphasises the need to develop sustainable communities and, in Nottingham's case, places further emphasis on the provision of innovative family housing on the fringes of the city centre and a broader mix of housing elsewhere. Policy 8 also recognises that the appropriate housing mix will be informed by a number of factors including local housing strategies, demographics, need and demand, site specifics and accessibility.
- 7.3 The application site is located within a Primarily Residential Area as defined by the Local Plan. Although the previous use of the site was industrial, all buildings have been demolished and the surrounding area is very much residential in character. The site is therefore considered to be appropriate for residential development. The extant outline planning permission for residential development on the site is also a material consideration which should be afforded weight providing a precedent/fall-back position for residential development on this site.
- 7.4 The current proposal would deliver quality housing of an appropriate size and design for occupation by families, offering a mix of two and three bedroom properties with private rear gardens. The supported units meet a need that has been identified for such accommodation within the city, and the number of units is considered to be appropriate and balanced within the overall scheme mix. The development would benefit from good public transport links to the city centre being located close to a primary bus route along Woodborough Road. It is therefore considered that the proposed development would comply with policies ST1 and H1 of the Nottingham Local Plan and Policy 8 of the Aligned Core Strategies.

**Issue (ii) Design and Impact on the Streetscene** (Policies 8 and 10 of the Aligned Core Strategies)

- 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. The commentary accompanying Policy 10 of the Aligned Core Strategy states that all new development should aspire to the highest standards of design, make a positive contribution to the public realm and create an attractive, safe, inclusive and healthy environment and the Policy itself sets the criteria that applications are to be measured against.
- 7.6 The proposed development has been the subject of pre-application discussions and has been amended a number of times to address initial concerns relating to the design and layout of the proposed scheme. The proposed development, as amended, provides a legible layout with an appropriate number of dwellings and the density and grain is in keeping with that of the surrounding area, which typically displays semi-detached and terraced dwellings. The proposed dwellings are of a good size providing a mix of two and three bedroom, affordable properties suitable for family occupation as well as 7 units of supported accommodation, for which a need has been identified.
- 7.7 Changes to the layout have improved the strength of the street frontages, reducing the dominance of the highway and ensuring that where dwellings are positioned on corners, they address both street frontages. Boundary walls and railings have been introduced on the Morley Avenue frontage.

- 7.8 The roof of the block providing the supported housing has been amended to include a flat area, which has reduced its overall height making it more in keeping with the scale of the surrounding houses. The use of tiled cladding to the upper elevations would add sufficient interest to the building.
- 7.9 In-curtilage parking for one vehicle would be provided for each of the houses and the flats would also each benefit from one allocated parking space. There is also provision for some on street parking for visitors. Front gardens would be landscaped with pergola features to the front entrances of properties within the development. A landscaping scheme has been submitted for consideration. The proposed palette of materials comprises a brown brick blend and tiled roofs. A condition requesting samples of all external materials is recommended.
- 7.10 Bin storage has been incorporated within rear gardens for all properties. In view of the above, it is considered that the proposed development complies with policies 8 and 10 of the Aligned Core Strategies.

**Issue (iii) Impact on Residential Amenity** (Policy 10 of the Aligned Core Strategies)

- 7.11 Through pre-application discussions, the proposed development has been amended to increase separation distances between the proposed dwellings and the existing dwellings that back onto the site on Morley Avenue. The flat block would stand at a distance of approximately 21m from the rear elevations of these properties, which is considered satisfactory. The roof of this building has also been amended to replace a large pitched roof with an area of flat roof, which would reduce any overbearing impact upon the rear gardens of the properties on Morley Avenue. As amended, the relationship between the proposed development and the properties beyond the site is considered acceptable.
- 7.12 The site is convenient for both Coppice Park and Woodthorpe Park, and it is considered that these are capable of meeting the needs of the occupiers of the scheme compensating for there being no formal on site open space provision.
- 7.13 The development would provide adequate sized houses, with sufficient outlook and access to natural light, and with private rear gardens. The proposal is therefore considered to provide a satisfactory quality living environment for future occupiers. The proposed development would therefore comply with Policy 10 of the Aligned Core Strategies.

**Issue (iv) Highways and Parking** (Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.14 A number of concerns have been raised by local residents about the impact that the proposed development would have upon congestion and on-street parking on Morley Avenue. Local Residents cite existing problems of over-subscribed demand for parking on Morley Avenue and suggest that the proposed development would reduce the amount of parking space available and increase the demand.
- 7.15 There is no allocated on street parking for existing residents on Morley Avenue and whilst the private land to the frontage of the application site appears to have been used for parking, this is not with the permission of the land owner and could be stopped at any time. The Highway Authority has been consulted and it raises no objection to the proposed development on these grounds.

- 7.16 The proposed development provides one off-street parking space for each of the proposed dwellings and supported flats, and provides some capacity for visitor parking on street within the development site. The parking provision is considered to be sufficient and in line with the levels that the Council would usually expect to be provided for a residential scheme of this size. It is not anticipated that the proposed development would result in any significant increase in demand for on-street parking on Morley Avenue. It is therefore considered that the proposed development would comply with Policy 10 of the Aligned Core Strategies and Policy T3 of the Local Plan.

**Issue (v) Trees (Policy NE5 of the Local Plan)**

- 7.17 The application is accompanied by a Tree Survey and Arboricultural report, which identifies trees for removal and retention and sets out measures for tree protection during the development. Although a small number of trees within the development site are to be removed, these are considered to be of low amenity value and are proposed to be replaced with new trees within the development site.
- 7.18 Two recently planted street trees to the front of the site are to be removed to allow vehicular access into the site. A condition to secure their replacement in suitable alternative locations is recommended.
- 7.19 Provided that the development is carried out in accordance with the recommendations contained within the tree report and subject to the recommended conditions, it is considered that the development would comply with Policy NE5 of the Local Plan.

**Issue (vi) Planning Obligations (Policy 19 of the Aligned Core Strategies and Policy R2 of the Local Plan)**

- 7.20 For this development the policy compliant planning obligations that would be required based on the application would be:
- An off-site financial contribution of £27,247.74 towards public open space.
  - A Financial contribution of £71,387.00 towards education provision.
- 7.21 The public open space contribution would be used towards facility improvements at Coppice Park and Woodthorpe Park which are in the vicinity of the site. The Education team have advised that Catchment Secondary Schools within the area would be able to accommodate any additional capacity generated by the proposed development but the pressure for Primary School places is likely to exceed current capacity. As such, education contributions are only sought towards the provision of Primary School Places and if secured, would be used towards Walter Halls Primary School.
- 7.22 The applicants have however, submitted a viability appraisal indicating that the proposed development would not be viable based upon the provision of the full range of S106 developer contributions that the scheme would otherwise be required to meet. The appraisal has been submitted for review to the District Valuer and negotiations regarding this matter are ongoing. For this reason, it is suggested that the power to determine the contents and requirements of any necessary agreement(s) be delegated to the Director of Planning and Regeneration subject to

him being satisfied that the relevant requirements of the Community Infrastructure Levy Regulations will be met.

### **Other Matters**

- 7.23 Concerns relating to disruption during construction have also been raised. This cannot be directly controlled through Planning Conditions, however, a construction Traffic Management Plan has been submitted with the application. This has been reviewed by the Highway Authority and subject to some minor additional recommendations, will be acceptable. Noise and air pollution arising from construction work are not material planning considerations but in appropriate circumstances can be controlled by other legislation enforced by colleagues in Environmental Health.
- 7.24 One resident has queried whether parking will be allocated for existing residents of Morley Avenue, within the proposed development. There will be no allocated parking, other than in curtilage parking, within the development.
- 7.25 Comments have also been made about the differences between the extant outline permission and the current application. Although the outline permission is extant, the current application has been submitted by a different applicant. Other than the site area, the two applications are not related and there is nothing to prevent there being more than one planning permission for a site.
- 7.26 Concern has also been raised about the lack of open space provision within the site. The Councils approach for a development of this size would be to seek contributions towards the enhancement of existing facilities within the area through s106 obligations. As set out above, this is currently under negotiation, pending an independent viability appraisal of the scheme, by the District Valuer. It should be noted that there are existing Open Space facilities within the vicinity of the application site, namely Woodthorpe Park and Coppice Park.

## **8. SUSTAINABILITY / BIODIVERSITY (Policy NE3 of the Local Plan)**

- 8.1 An ecological appraisal has been submitted and reviewed by the Biodiversity Officer. The appraisal makes recommendations for series of ecological enhancements and for the installation of bat and bird boxes. Conditions to ensure that these measures are implemented are recommended. Conditions requiring the use of 'Hedgehog friendly' fencing within rear gardens and a strategy for the management of Japanese Knotweed on the site, and for the management of the tree-covered bank along the south eastern edge of the site, are also recommended. With these conditions, the proposed development complies with policy NE3 of the Local Plan.
- 8.2 A condition requiring the submission of Sustainable Drainage Strategy to reduce surface water run-off, is recommended. A condition requiring the submission of details of Electric Vehicle Charging Points is also recommended. Subject to these conditions, the development would comply with Policy 1 of the Aligned Core Strategies and Policy NE10 of the Local Plan.

## **9 FINANCIAL IMPLICATIONS**

None.

**10 LEGAL IMPLICATIONS**

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

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: requirement to provide a high quality and sustainable residential development.

Safer Nottingham: designing a development that that contributes to safer and more attractive neighbourhoods.

**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: 18/01789/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PDYBD3LYHLL00>

2. Highways comments 24.10.18

3. Environmental Health Officer comments 25.9.18

4. Drainage comments 5.9.18

5. Biodiversity Officer comments 10.12.18

6. Local Resident comments 3.9.18

7. Local Resident comments 4.9.18

8. Local Resident comments 4.9.18

9. Local Resident comments 4.9.18

10. Local Resident comments 5.9.18

11. Local Resident comments 9.9.18

12. Local Resident comments 12.9.18

13. Local Resident comments 12.9.18

14. Local Resident comments 13.9.18

15. Local Resident comments 13.9.18

16. Local Resident comments 17.9.18

17. Local Resident comments 20.9.18

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

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

**Contact Officer:**

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# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided



**Nottingham**  
**City Council**

**My Ref:** 18/01789/PFUL3 (PP-07137694)  
**Your Ref:**  
**Contact:** Mrs Zoe Kyle  
**Email:** development.management@nottinghamcity.gov.uk



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Date of decision:

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

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Application No: 18/01789/PFUL3 (PP-07137694)  
Application by: Nottingham Community Housing Association  
Location: Factory Between 42 To 98 , Morley Avenue, Nottingham  
Proposal: Development of 24no. family houses and 7no. supported housing flats with associated staff office/overnight accommodation.

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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:-

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| <b>Time limit</b>  |
| 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.<br><br><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><br>(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 all the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority.<br><br><i>Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.</i> |






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**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

Continued...

3. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
    - i) all previous site uses
    - ii) the nature and extent of potential contaminants associated with those uses
    - iii) the underlying geology of the site
    - iv) a conceptual model of the site indicating sources, pathways and receptors
    - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
  - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) A Remediation Plan, based on a) and b) 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).
  - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

*Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy NE9 of the Nottingham Local Plan.*

4. Prior to the commencement of development, an ecological enhancement strategy, together with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a lighting scheme, a management plan for the retained woodland, a management scheme for the disposal of Japanese Knotweed on site, and details of bat boxes (at least 3) and bird boxes (at least 3) including a plan of the type and location of boxes. The ecological enhancement strategy shall be carried out in accordance with the approved details.

*Reason: To ensure that the ecological interest of the site is safeguarded and enhanced to accord with Policy 17 of the Aligned Core Strategy.*

5. Prior to the commencement of development, details of hedgehog friendly timber fencing to be installed along the side boundaries of private rear gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

*Reason: To improve habitats for hedgehogs in accordance with policy NE3 of the Nottingham Local Plan.*

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| <p>6. Prior to the commencement of development a scheme to show the disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme should include SUDS techniques and surface water run-off from the development should be attenuated to the greenfield run-off rate (5 litres per second per hectare), or as close to this value as possible.</p> <p><i>Reason: In the interests of sustainable development and to reduce surface water run-off in accordance with Policy of the Aligned Core Strategy and Policy NE10 of the Local Plan.</i></p>  |
| <p>7. The development shall not be commenced until proposals for enclosing the site and individual plots therein have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.</i></p>   |
| <p>8. The development shall not be commenced until proposals for electric vehicle charging points across the development have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategy.</i></p>   |
| <p>9. Notwithstanding the submitted details, the development hereby permitted shall not be begun until the following have been submitted to and agreed in writing by the local planning authority:</p> <ul style="list-style-type: none"> <li>a) Details of arrangements for the felling of the trees shown as 'Existing saplings to be removed/replaced ' on the approved landscaping plan;</li> <li>b) Proposals for the planting of a replacement tree for each tree felled, including details of species, size, location and tree pit; and</li> <li>c) Details of arrangements for the initial protection, management and (if necessary as a result of loss or damage) replacement of the replacement trees.</li> </ul> <p>Unless otherwise agreed in writing by the local planning authority, the development shall not be occupied until the replacement trees for any tree lost have been planted.</p> <p><i>Reason: To ensure that the trees to be removed are replaced with trees of sufficient quality in accordance with Policy NE5 the Local Plan.</i></p> |
| <p><b>Pre-occupation conditions</b><br/>(The conditions in this section must be complied with before the development is occupied)</p>  |

10. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
  - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

*Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy NE9 of the Nottingham Local Plan.*

11. Individual dwellings shall not be occupied until the following matters relating to that plot have been provided in accordance with the approved details:

- i) the plot has been enclosed
- ii) parking
- iii) drainage
- iv) bin storage
- v) electric vehicle charging point

*Reason: To ensure a high quality, sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.*

**Regulatory/ongoing conditions**

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

**Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
- Drawing reference PLOTS 1-5 PLANS AND ELEVATIONS dated 24 August 2018
  - Drawing reference 12-16 PLANS AND ELEVATIONS dated 24 August 2018
  - Drawing reference PLOTS 17-24 PLANS AND ELEVATIONS dated 24 August 2018
  - Drawing reference AMENDED PLOTS 25-32 PLANS AND ELEVATIONS revision c dated 9 November 2018
  - Drawing reference PLOTS 6-11 PLANS AND ELEVATIONS dated 24 August 2018
  - Drawing reference AMENDED SITE SECTIONS 1-3 revision A dated 9 November 2018
  - Drawing reference AMENDED PROPOSED SITE SECTIONS 4-6 revision A dated 9 November 2018
  - Drawing reference AMENDED PROPOSED SITE LOCATION PLAN revision E dated 9 November 2018
  - Drawing reference AMENDED PROPOSED STREETSCENE revision A dated 9 November 2018
  - Drawing reference AMENDED PROPOSED STREETSCENE 2 revision A dated 9 November 2018
  - Drawing reference AMENDED LANDSCAPE PLAN revision B dated 9 November 2018
  - Drawing reference amended proposed roof plan revision b dated 9 November 2018
  - Drawing reference detailed material elevation dated 9 November 2018
  - Ecology Report reference Morley0618\_PEA revision June 18 dated 24 August 2018

*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. 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.

3. A key theme of the National Planning Policy Framework (2018) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided.

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

ii: It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

iii: In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

iv: The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

v: The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

5. 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.

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: 18/01789/PFUL3 (PP-07137694)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.