

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Express Dairies, Meadow Lane

1 SUMMARY

- Application No: 18/01570/PFUL3 for planning permission
- Application by: Hunter Page Planning Ltd on behalf of Trent Bridge Quays (Phase II) LLP
- Proposal: Demolition of existing buildings and Residential development comprising 44 apartments, 14 townhouses, and retail space (REVISED SUBMISSION - Trent Bridge Quays Phase II).

The application is brought to Committee because it is a major application, with Section 106 obligations, which raises important local issues, and is not policy compliant due to viability appraisal.

To meet the Council's Performance Targets this application should have been determined by 30th May 2019

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 (a) prior completion of a Section 106 planning obligation to secure:
- (i) A financial contribution of £78,872 towards education provision.
 - (ii) A financial contribution of £56,354.16 towards open space provision.
 - (iii) A financial contribution of £26,696 towards local employment and training opportunities.
- (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 final details of the conditions to be delegated to the Chief Planner.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 BACKGROUND

- 3.1 The application site is located directly opposite Notts County Football Ground on Meadow Lane and adjoins a site to the south and west that is owned by the same

applicant and is currently being developed with apartments and townhouses (17/01720/PVAR3). Adjoining the site to the east are the Fruit Basket Direct and 200° Roast House business premises.

- 3.2 The site was last used and operated as a dairy depot by Dairy Crest Limited. It is advised that operations were relocated approximately 18 months ago and the site was then sold. The site contains two large and long single storey warehouse buildings that extend from Meadow lane to the full depth of the site. There is a range of much smaller single storey buildings that are arranged in a horseshoe around the perimeter of the remainder of the site, with a central open area and a wide gated vehicle access off Meadow Lane

4 DETAILS OF THE PROPOSAL

- 4.1 The proposed development has been revised from its initial submission and a full reconsultation has been carried out. The revised proposal is for the redevelopment of the site with 44 apartments in a five storey building and 14 three storey townhouses. There would be a retail space within the ground floor of the apartments building.
- 4.2 The proposed layout of the development would be a continuation of the first phase of development now underway on the adjoining site, with the terraces of townhouses in this first phase being extended northwards to link with an apartments building fronting onto Meadow Lane.
- 4.3 The proposed development would provide for a mix of townhouse and apartment sizes: 5 x 4-bed and 9 x 3-bed townhouses, and 2 x 3-bed, 26 x 2-bed, and 16 x 1-bed apartments. The townhouses would have private rear garden spaces, short front enclosed areas, and external terraces at second floor level. The south facing elevation of the apartments building also includes short external balconies.
- 4.4 Access to the development is off Meadow Lane using a new road that is being provided by the first phase of development. This road continues through the site to then loop around and back onto Meadow Lane to the west of the proposed apartments building. Car parking (47 spaces) would be provided in a continuation of the layout of on-street parking bays that are being provided in the first phase of development, and also within a parking courtyard space to the rear of the apartments building, with access/egress via carriageway entrances. Trees and other on-street hard and soft landscaping is also to be provided as an extension of the approach to the landscaping to the first phase.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The following occupiers have been individually notified by letter on receipt of the original proposal and again on the revised proposal:

1 – 18 (consec.) Meadow Close
11 – 13 Ashling Court, Ashling Street
Notts County Football Club Meadow Lane
Sport Nottingham Health and Fitness Complex Notts County Football Stadium
The Meadow Club Meadow Lane
Units 5 & 6 Meadow Lane

Suites 1 & 2 Heston House
Environment Agency Laboratory, Meadow Lane

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

No responses have been received in relation to these notifications.

Additional consultation letters sent to:

Environmental Health: No objection with comments and subject to conditions relating to the potential for contamination, protection of future residents from commercial noise and odours, hours of servicing of proposed commercial uses, and provision of electric vehicle charge points.

The Environmental Noise Assessment Report has taken into account the impact of noise from both football stadia. Other existing commercial operations also need to be considered. Fruit Basket Direct have a warehouse/distribution centre next to the site that is known to operate night time and early morning deliveries. There will also be noise from the premises loading & unloading vehicles, using fork lift trucks with reversing beepers etc. This kind of activity so close to a residential development has the potential to cause a problem & EH want to avoid is the situation where future residents of the development end up making complaints about deliveries to & from the site. The developer needs to assess this noise & put in place measures which will avoid such a situation where complaints may arise.

Relating to odours, 200° Roast House is also proximate to the site and the smell of roasting coffee is noticeable in the area. Whilst a condition is proposed, it is also recommended that the developer be advised to discuss this directly with the company to review and mitigate the implications of the residential development to avoid EH getting involved in a future odour nuisance investigation.

Highways: No objection subject to conditions, including Construction Traffic Management Plan, the provision of electric vehicle charge points and reinstatement of redundant footway crossings.

Environment Agency: No objection subject to conditions requiring implementation in accordance with revised approved Flood Risk Assessment; scheme to deal with the risks associated with the potential contamination of the site; no penetrative piling without express consent; and scheme to treat surface water run-off during construction works.

Drainage: No objection in accordance with submitted details.

Education: Request for S106 contribution towards primary school places.

Employment & Training: Request for S106 contribution towards construction phase local employment and training opportunities.

NUH Trust: Request for S106 contribution towards additional health care services.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 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:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Nottingham Local Plan (2005):

ST1 - Sustainable Communities
H2 - Density
H5 - Affordable Housing
MU7 - Waterside Regeneration Zone Sites. (MU7.3 Meadow Lane Site)
R2 - Open Space in New Development
NE9 - Pollution
NE10 - Water Quality and Flood Protection
NE12 - Derelict and Contaminated Land
T3 - Car, Cycle and Servicing Parking

Aligned Core Strategy (2014):

Policy 1 - Climate Change
Policy 7 - Regeneration
Policy 8 - Housing Size, Mix and Choice
Policy 10 - Design and Enhancing Local Identity
Policy 14 - Managing Travel Demand
Policy 16 - Green Infrastructure, Parks and Open Space
Policy 17 – Biodiversity

Emerging Land and Planning Policies Development Plan Document - Local Plan Part 2: Proposed Main Modifications Version (2019)

The Local Plan is currently undergoing Examination. The hearing sessions concluded in December 2018 and the Main Modifications consultation stage finished on 28 June 2019. It is anticipated that the Council will adopt the Plan in January 2020. Its policies therefore carry considerable weight.

Policy CC1: Sustainable Design and Construction

Policy RE8: Waterside

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy DE1: Building Design and Use

Policy TR1: Parking and Travel Planning

Policy EE4: Local Employment and Training Opportunities

Policy EN2: Open Space in New Development

Policy IN4: Developer Contributions

Policy SA1 - Site Allocations (Site PA81: Waterside - Meadow Lane)

Waterside Supplementary Planning Document (2019)

Prepared in order to guide development proposals for part of the larger Waterside area located on the north bank of the River Trent, and building upon previous master planning work for the area. Sets out a vision for the area, identifies constraints and opportunities and provides guidance on the type, form and phasing of expected development.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The development will provide for the appropriate regeneration of the area.
- (ii) The overall density and layout of development is appropriate for this location.
- (iii) The scale and design of the buildings and open spaces will provide a strong sense of character and identity.

Issue (i) Regeneration (NLP Policies ST1, MU7/MU7.3, ACS Policy 7, and LAPP Policies RE8 and SA1)

- 7.1 The application site falls within the Waterside Regeneration Zone and is an allocated site for mixed use redevelopment (MU7.3/PA81).
- 7.2 The regeneration policies of the Local Plan and Aligned Core Strategies positively promote development proposals which contribute to the creation of a new mixed use riverside quarter in the Waterside Regeneration Zone, with appropriate supporting facilities and strong links to surrounding communities and the riverside. Policy ST1(d) also supports the use of previously developed land in the context of the formation of sustainable communities and a successful economy.
- 7.3 The recently adopted Waterside Supplementary Planning Document seeks to ensure that the Waterside realises its full potential, with increasing the delivery of housing being a key priority. The new sustainable community in Waterside is

expected to make a significant contribution to meeting the city's housing needs. And the emerging LAPP estimates that the sites within the Waterside SPD boundary could deliver approximately 1073 new dwellings.

- 7.4 It is therefore considered that the proposed development will strengthen the further phased regeneration of the Waterside area and accords with NLP Policies ST1, MU7/MU7.3, ACS Policy 7, and LAPP Policy RE8.

Issue (ii) Density and Layout (NLP Policies H2, T3, ACS Policies 8, 10 and 14, and LAPP Policies HO1 and TR1)

- 7.5 There is a direct link between the principles of density and layout that have been established for the adjoining site and the proposed development of this site as a continuation of these principles.
- 7.6 The SPD states that the aim is to create a place of human scale and of proven high quality design with townhouses and apartment blocks fronting well connected streets, forming perimeter blocks and providing a mix of tenures. It is considered that the proposed development will reinforce the masterplan structure of the adjoining site, which has also been acknowledged by the Waterside SPD Masterplan and Design Principles Plan.
- 7.7 The new access roads that loop around the sites will also provide for pedestrian access to a new section of the riverside path that is being developed and which will connect to the existing riverside path and canal towpath.
- 7.8 Whilst the level of proposed car parking is lower than the ratio of 1.5 spaces per dwelling that the SPD advises, it is considered the proposed 47 spaces for the 56 dwellings being proposed is reasonable in this instance, recognising that this part of the Waterside is proximate to public transport services on London Road and that the proposed mix includes a number of 1-bed apartments where car ownership is likely to be lower. In reaching this conclusion it is also recognised that whilst additional car parking spaces could be provided in more bays off the access road, that this would be at the expense of landscaping and tree planting that will secure a higher quality of general amenity for the development and area. The SPD seeks to ensure that parking does not detract from the quality of the streets or creation of a high-quality neighbourhood.
- 7.9 It is therefore considered that the proposed development accords with NLP Policies H2, T3 and ACS Policies 8, 10 and 14, and LAPP policies HO1 and TR1.

Issue (iii) Scale and Design (ACS Policy 10 and LAPP Policy DE1)

- 7.10 Development of the adjoining site (Phase 1) is now underway, having been initially granted planning permission in October 2015 and then being varied in March 2019 with revisions to the development elevations and plans. The approved designs of the four riverside apartment blocks and terraces of townhouses within this phase are individual and contemporary, with control being exercised through their common typology and use of a limited palette of materials. It is proposed that this model is carried through onto the application site on what would then be Phase 2 of this development.
- 7.11 Whilst the initial submission for this site had proposed a higher density development with a taller apartments building onto Meadow Lane, the revised

submission at 5 storeys now accords with the Waterside SPD that advises that buildings of 4-5 storeys will generally be acceptable along Meadow Lane/Daleside Road. At 5 storeys, this building will be one storey higher than the neighbouring new 4 storey building being developed as part of Phase 1. This is considered to be appropriate at this location on Meadow lane opposite Notts County's football stadium building. The inclusion of active ground floor retail uses in both of these apartments' buildings will also help to establish a more pedestrian friendly, mixed use character on Meadow Lane that is also supported by the SPD.

- 7.12 The design of the apartments building has been revised, now being broken down into a number of elements and using brick contrast and detailing to provide individuality to each element. The building is described to sit on a plinth of red brick in recessed brick banding, which then wraps up the western end of the building. Soldier course brickwork is used to define each floor level, and all of the large window openings are to be provided with deep reveals. There is visual strength and consistency in these design elements, which have direct reference to the apartments buildings being implemented in Phase 1. Intermediate three storey blocks incorporating carriageway accesses are also used to provide the linking elements to the proposed townhouses. Bins for the apartments and commercial units are to be accommodated within two ground floor rooms to the rear of the retail units, adjacent to the cycle storage areas.
- 7.13 The extension of the terraces of townhouses along the access roads is also consistent with the SPD objective for this model of two and three storey housing. The design of these townhouses also continue the model being used on Phase 1, with subtle variation through the introduction of new brick textures to the front elevations. The palette of brick for Phase 1 is maintained in use of good quality light red and light grey multi facing brick. Windows are to be in light grey powder coated aluminium with elements of metal panel infills. Roofs are mono-pitched metal standing seam, with a revised southern orientation having been agreed in order to provide the potential for future pv installation. Bins for the houses are to be accommodated in front gardens, screened by walls.
- 7.14 The SPD advises that high quality contemporary architecture is expected with a variety of building designs being used to contribute to a sense of place and to create character. It is considered that the scale and design of the proposed development meet this objective and is also an appropriate follow on phase of development to that already underway on the adjacent site by the same developer.
- 7.15 It is therefore considered that the proposed development accords with ACS Policy 10 and LAPP Policy DE1.

Other matters

Flood Risk and Drainage (NLP Policy NE10, ACS Policy 1)

- 7.16 The Environment Agency have no objection to the proposed development in accordance with the submitted revised Flood Risk Assessment. The Drainage team also have no objection in accordance with the submitted details. It is therefore considered that, subject to conditions, the proposed development accords with Policy NE10 and Policy 1

Pollution and Contamination (NLP Policies NE9 and NE12)

- 7.17 Environmental Health have no objection to the proposed development subject to appropriate measures being made in relation the potential for contamination, protection of future residents from commercial noise and odours, and hours of servicing of the proposed commercial uses. It is therefore considered that, subject to conditions, the proposed development accords with Policies NE9 and NE12.

Planning Obligations: (NLP Policies ST1, H5, R2; ACS Policies 8 and 16; and LAPP Policies EE4, EN2, HO3 and IN4)

- 7.18 A policy compliant planning obligation for the proposed development would be expected to provide:
- affordable housing £468,000
 - open space £56,354.16,
 - education £78,872,
 - local employment and training £26,696.
- Total: £629,922.16
- 7.19 The applicant has submitted a viability appraisal, which has been independently assessed on behalf of the Council. The assessor's report on the viability appraisal advises that the proposed development would not be viable with full S106 contributions, but that if the affordable housing element was removed that this would then result in a developer profit level of 15.96%, a level which is considered to be sufficient to bring the site forward for development. The applicant has accepted this conclusion and has confirmed their commitment to the requested commuted sum contributions towards open space (£56,354.16), education (£78,872), and local employment and training (£26,696).
- 7.20 The NUH Trust has also made a request for a contribution of £32,062 towards the provision of additional health care services to meet patient demand as a consequence of the predicted level of interventions that could arise from the population of the proposed development. It is accepted that health care provision is a material planning consideration within chapter 8 of the NPPF (Promoting Healthy & Safe Communities) which seeks to ensure that planning decisions deliver healthy, inclusive and safe places. Policy IN4 of the LAPP states that developments will be expected to meet the reasonable costs of new infrastructure and services required as a consequence of the proposal, including for community facilities. Whilst the Council recognises the importance of making adequate provision for healthcare of the occupants of the development, a number of queries and issues arise from the request, in particular that the contribution sought relates solely to secondary/acute care rather than wider healthcare infrastructure, particularly primary care (GP provision). There are also queries over the basis of the calculation being used to arrive at the figure requested, and reassurances required that any monies sought would be spent on healthcare provision reasonably and directly related to this development.
- 7.21 The Waterside SPD advises that the four main priorities for any S106 obligations are:
- Transport infrastructure
 - Education
 - Public realm and open space
 - Affordable housing

- 7.22 The SPD also states that developments should maximise opportunities for local employment and training in line with the Council's existing Employment and Training Plan process.
- 7.23 The viability appraisal has demonstrated that the proposed development is not able to support significant contributions and, in particular, the largest commuted sum that would provide off-site affordable housing. Whilst the Council notes the request for a contribution towards additional healthcare services, in this instance and in accordance with the recently adopted SPD, it is therefore recommended that the afforded S106 contributions are prioritised towards open space, education, and local employment and training. The contributions being sought are considered to be necessary to secure compliance with the policies listed. With regard to the contribution towards Local Employment and Training it should be noted that LAPP policy EE4, as proposed to be modified, envisages a Supplementary Planning Document to provide further guidance on how the objectives of the policy may be secured. In the absence of such guidance, however, it is considered that the contribution being offered will be used to support local employment and training opportunities and is therefore an appropriate response to the requirements of the policy. The proposed contribution is therefore considered necessary to secure compliance with LAPP policy EE4, directly related to the development and fairly and reasonably related in scale and kind.

8. SUSTAINABILITY / BIODIVERSITY (ACS Policies 1 and 17, LAPP Policy CC1)

- 8.1 A 'fabric-first' approach is proposed, and is an appropriate means to achieve carbon reduction targets and accords with Policy 1. Significant CO2 emissions savings can be made through passive energy efficiency measures such as improving the building's fabric efficiency, and employing higher efficiency equipment for the building services.
- 8.2 Roof pitches to the townhouses have been reoriented to allow for the future installation of photovoltaic cells, sections of green roof have been provided to the intermediate three storey blocks, and additional tree planting is being provided to enhance the landscaping qualities of the development as well as providing greater levels of summer shade.
- 8.3 The details of the landscaping scheme, to be secured by conditions, will be assessed to ensure that opportunities for habitat creation, including pollinators, are maximised.
- 8.4 It is therefore considered that the proposed development accords with ACS Policies 1 and 17, and LAPP Policy CC1.

9 FINANCIAL IMPLICATIONS

A financial contribution totalling £161,922.16 has been negotiated in accordance with current and emerging policies and supplementary planning guidance in relation to open space, education, and local employment and training. Whilst this is less than full policy compliant contributions of £629,922.16, reduced contributions are considered to be justified in this case following an independent appraisal of the financial viability of the development.

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

Securing training and employment for Nottingham citizens through the construction of the development.

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: 18/01570/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PD2Z4HLYLQW00>

2. Environmental Health, 19.9.18, 20.9.18, 18.3.19

3. Environment Agency, 25.9.18, 19.3.19

4. Highways, 18.9.18, 12.4.19, 19.8.19

5. Drainage, 4.9.18, 14.3.19

6. Education, 3.10.18, 4.7.19, 13.11.19

7. Employment & Training, 14.11.19

8. NHS Trust, 13.9.19

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Land and Planning Policies Development Plan Document - Local Plan Part 2:

Proposed Main Modifications Version (May 2019)

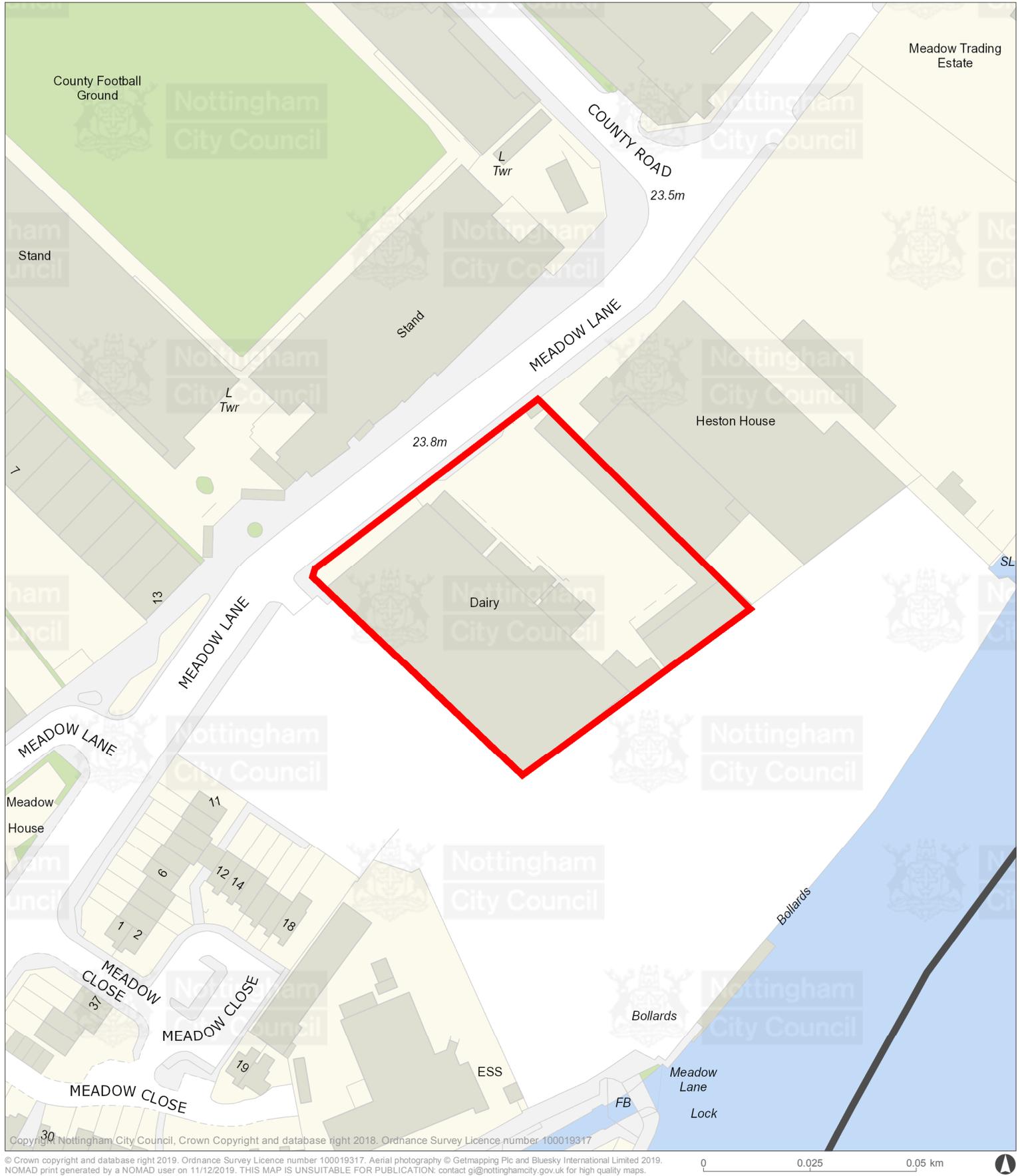
Waterside Supplementary Planning Document (June 2019)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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

NOMAD printed map



Key



City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 18/01570/PFUL3 (PP-07187377)
Your Ref:
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**Nottingham
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Date of decision:

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

Application No: 18/01570/PFUL3 (PP-07187377)
Application by: Trent Bridge Quays (Phase II) LLP
Location: Express Dairies, Meadow Lane, Nottingham
Proposal: Demolition of existing buildings and residential development comprising 44 apartments, 14 townhouses, and retail space.

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

Time limit

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

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

Pre-commencement conditions

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

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

Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.



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Not for issue

Continued...

3. Prior to the commencement of the development, a Remediation Strategy that shall have regard to the Preliminary Phase 2 Ground Investigation by GIP Ltd dated 27/04/2018 (ref KCS/26658) and comments from Environmental Health, 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 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.

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

Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

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

The environmental noise assessment shall have regard to the Noise Assessment Report by BDP dated July 2018 (ref P2008055/(REP)U001) include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating (including e.g. the neighbouring Fruit Basket Direct warehouse/distribution premises). In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy NE9 of the Nottingham Local Plan..

5. The approved development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

Piling or any other foundation designs using penetrative methods is not permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

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

Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

6. No mechanical services plant or equipment (including any air handling plant) shall be installed to serve the approved retail space within the development unless an environmental noise assessment and sound insulation scheme in relation to the impact of this plant or equipment has submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

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

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy NE9 of the Nottingham Local Plan.

7. Prior to the commencement of any above ground development, large-scale elevation and section drawings to show the detailed design of each building type shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate details of all elevations, including window types and curtain walling glazing systems; reveals; brick detailing; standing seam cladding; louvre panels; shopfront glazing; entrances; doors; and balustrades. The submissions shall incorporate the roof design for each element of the building including parapets and details of any plant housings; lift enclosures ventilation systems; and other similar elements that are integral to the fabric of the building shall also be included. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Aligned Core Strategies.

8. Prior to the commencement of any above ground development of any phase of the approved development, details of all hard surface treatments, including the roads, footways, public realm and parking areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

9. Prior to the commencement of any above ground development and notwithstanding the details included within the Landscape Strategy document and Landscape Masterplan drawing (Ref 2008055-BDP-(00-01)-DR-L-XX-XX_00900 Rev.A), a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a preference towards the use of native species and suitable species that will attract/create ecological assets) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategies and NE5 of the Local Plan.



10. Prior to the commencement of any above ground development, samples of the external materials of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

11. Prior to the commencement of any above ground development, a scheme for the provision of charging points for electric vehicles to serve all car parking spaces within the approved development shall be submitted to and be approved in writing by the Local Planning Authority. Charging points shall thereafter be implemented in accordance with the approved scheme prior to the first occupation of the dwellings associated to that part of the approved development.

Reason: to enable future occupiers to make green vehicle choices and to comply with paragraph 35 of the National Planning Policy Framework.

12. The development hereby permitted shall not be commenced (including demolition) until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by the Local Planning Authority. Development shall thereafter be implemented in accordance with the approved scheme.

To reduce the risk of surface water pollution during the early stages of development and site clearance.

Pre-occupation conditions

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

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

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

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

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



15. Where any mechanical services plant or equipment (including any air handling plant) is proposed to be installed to serve the approved retail space within the development, written verification shall be submitted to the Local Planning Authority to confirm that the approved plant or equipment has been implemented in accordance with the approved specification, including any mitigation measures, prior to the first occupation of any part of the approved retail space.

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

16. No individual dwelling shall be occupied until the parking provision for that dwelling has been completed and is available for use.

Reason: In the interests of the amenity of occupants of the development and in accordance with Policy T3 of the Nottingham Local Plan.

17. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategies.

18. The approved development shall not be occupied until the existing vehicle access onto Meadow Lane, that will be made redundant as a consequence of the implementation of the approved development, has been reinstated with full height kerbs and footways.

Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategies.

Regulatory/ongoing conditions

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

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

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

20. Servicing and deliveries to and from the retail commercial element of the development (including waste collection) shall not take place outside the following times:

- i. 07.00 hrs to 19.00 hrs Monday to Friday
- ii. 08.00 hrs to 18.00 hrs Saturdays
- iii. 08.00 hrs to 16.00 hrs Sundays & Bank Holidays

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

21. The approved development shall be implemented in accordance with the submitted flood risk assessment (Flood Risk Assessment Rev A, Trent Bridge Quays - Phase 2 Nottingham,



Patrick Parsons, July 2018, B18311), specifically that finished floor levels shall be set no lower than 25.35m above Ordnance Datum (AOD) (Section 3.1 of the FRA). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The specified flood risk measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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:
As listed on Drawing Issue Sheet reference P2008055 revision 01b, received 21 November 2019
Other reference Land Contamination Assessment dated 27 April 2018
Other reference Noise Impact Assessment dated 1 July 2018
Other reference Transport Assessment dated 1 July 2018
Other reference Travel Plan dated 1 July 2018
Other reference Flood Risk Assessment revision Rev A dated 4 February 2019

Reason: To determine the scope of this permission.

Informatives

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

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

3. 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

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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.

4. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

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

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

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

6. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

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.

7. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please

contact Network Management 0115 8765238. All associated costs will be the responsibility of the developer.

8. Planning consent is not consent to work on the highway. Licences may be required to carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

9. Regarding new road adoption, the developer should contact the Highway Authority to issue 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 further information please contact Network Management on 0115 876 5293.

10. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

11. The applicant is to ensure that bin storage suitable in size to accommodate all residents is placed adjacent to the adopted highway and to an access. This is to ensure refuse collection is from an adopted highway.

12. To discuss electric vehicle charging points please contact Rasita Chudasama on 0115 8763938.

13. The applicant is to investigate if alterations to the TROs on Meadow Lane and the surrounding network are to be amended to ensure vehicle manoeuvrability. All costs to be borne by the applicant. Please contact Scott Harrison 0115 8765245 to initiate a discussion.

14. Please contact our drainage expert Paul Daniels 0115 8765275 to discuss requirements related to drainage.

15. Please contact Robert Smith 0115 8763604 (robert.smith3@nottinghamcity.gov.uk) to discuss sustainable transport options to be promoted, and the inclusion of items in a Travel Plan pack for residents.

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: 18/01570/PFUL3 (PP-07187377)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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