

## **Report of Director of Planning and Regeneration**

### **Former Padstow School Detached Playing Field North-east of Southglade Primary School, Ridgeway**

#### **1 Summary**

Application No: 21/02507/PFUL3 for planning permission

Application by: Countryside Properties (UK) Limited

Proposal: Erection of 71 dwellings, associated works including engineering works and drainage, new roads and landscaping. Diversion of public rights of way at Land at Former Padstow School Detached Playing Field, Ridgeway, Bestwood, Nottingham

The application is brought to Committee because it is a major application with important land use considerations

To meet the Council's Performance Targets this application should have been determined by 21st February 2022, an extension of time has been agreed in principle with the applicant.

#### **2 Recommendations**

2.1 To **GRANT PLANNING PERMISSION** subject to:

- (a) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of:
  - (i) An off-site Public Open Space financial contribution of £161,872 towards enhancement in the surrounding area
  - (ii) A financial contribution of £181,546 towards new and enhanced secondary education facilities
  - (iii) A financial contribution of £20,420 towards employment and training and provision of employment opportunities during the construction phase of the development
  
- (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 terms of the agreement under s111 of the Local Government Act 1972, Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

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 site is located within an established residential area where properties are a mix of semi-detached and terraced and largely constructed from brick and tile. The site is bounded by Ridgeway to the north, Belleville Drive to the east, Southglade primary and nursery school to the south west and residential properties on Beckhampton Road to the south. The ridge adventure playground also sits along the western boundary of the site.
- 3.2 The site slopes gently from Ridgeway down to Beckhampton Road and is grassed. The site was historically a playing field associated with Padstow School and in more recent years has been used by local football teams, however it is understood that it has no formal use at present. The site is allocated within the Local Plan as SR05 – Ridgeway – Former Padstow detached playing field.
- 3.3 A public right of way runs along the western boundary of the site connecting Ridgeway to Beckhampton Road and a further path runs diagonally from the north eastern corner, across the site to the south western corner of the site.

### **4 Details of the proposal**

- 4.1 The proposal is for the construction of 71 residential dwellings. The development would provide a mix of 1, 2, 3 and 4 bed properties. 33 of the proposed dwellings would be affordable units which would be transferred to Nottingham City Homes on completion. Affordable units would largely be located along the western half of the site and be a mix of detached, semi-detached and terraces to match the wider site mix. The following affordable mix is proposed: 6 x 1 bed 16 x 2 bed, 9 x 3 bed and 2 x 4 bed and open market units would be: 14 x 2 bed, 22 x 3 bed and 2 x 4 bed.
- 4.2 Properties would all be two storey in height and constructed from brick and tile. Ten varying property styles are proposed, all of which include window headers, cills and brick string courses. Dwellings would be enclosed with a mix of brick walls and hedging with railings.
- 4.3 All parking areas within the curtilage of dwellings will be provided with Electric Vehicle Charging Points (EVCP's). Provision has been made for bin storage within rear garden areas and an outbuilding would be provided for bike storage.
- 4.4 Only the northern two thirds of the wider site is proposed to be developed with the southern third retained as green space, albeit a drainage attenuation basin is proposed on the southern boundary of this parcel.

### **5 Consultations and observations of other officers**

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

9 neighbouring properties consulted on Beckhampton Road, Belleville Drive and Ridgeway Walk

Press & site notices displayed

Four letters of representation received raising the following points:

#### Nottingham Local Access Forum

Pathway links within the site are welcome but aren't fully detailed. The pathways also omit formalised provision for a route diagonally crossing the retained open space from the Bestwood Park Community centre on Beckhampton Road. A condition should be applied to secure this path and the path should be segregated for cyclists and pedestrians.

Will roads be adopted?

External cycle storage for dwellings is supported and should be conditioned to ensure it is delivered. Storage areas should reflect size of property and should be secure and provide power for e bike charging.

#### Nottingham Open Spaces Forum

We believe that the design as proposed doesn't accord with the Biodiversity SPD. The submitted landscape strategy appears to include stock images and detail is unclear.

The submitted ecology survey is vague and doesn't include any proposed enhancement/mitigation.

What is proposed for the bottom section of land, will it be planted, who will maintain it?

Consideration of existing neighbouring boundary treatments is required. Simply installing a 6ft fence along entire boundary may not be appropriate. Some garden areas are currently screened by approx. 9ft fences and hedges and a similar approach should be considered.

Disappointed that this bit of greenery is to be built upon, where will I now take my children to play/walk my dog etc?

Local residents have been opposed to development for a long period of time but this clearly hasn't been listened to and is all about money.

14 day re-consultation undertaken two further letters received raising the following points:

Developing the site will affect the value of my property, how will owners be compensated for the loss?

The footpath between Ridgeway and Beckhampton needs to remain open

Parking is bad at present and this will exacerbate it. The council should pay for existing residents to have dropped kerbs

We use this space to play and the day care centre use it. We need our green space not new houses

The attenuation basin is very close to my property and I'm concerned that it will

encourage vermin to thrive

A further 14 day re-consultation has been undertaken and any further letters will be reported prior to the committee meeting.

**Additional consultation letters sent to:**

**Pollution Control:** Details of electric vehicle charging points should be submitted prior to the commencement of development

**Environment Agency:** The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site

**Lead Local Flood Authority:** Further clarification is required. Whilst the attenuation basin is a welcome feature again further clarification is needed regarding design, biodiversity opportunities, maintenance etc

I'd also request a construction management plan for how the site will be drained and surface water will be managed during the build, due to nature of the proposals.

**Carbon Neutral Team:** The scheme overall appears to show good thought in relation to ecological mitigation. More consideration in relation to carbon impact of the dwellings should be had. How will the houses be heated? Is there scope for air source heat pumps, solar PV?

**Rights of Way Officer:** Has the application been advertised based on the proposal resulting in footpath diversions?

Although the applicant refers to the diversion, the plan attached to their application says "extinguishment", which, legally, is a stopping up with no new Public Right of Way (PROW) being created. It can't be both.

No clear plan has been provided showing the diverted PROW

Pedestrian links should be designed to accommodate cyclists as well (sufficient width, signing and no physical motorcycle barriers)

**Highways Officer:** Comments and any further conditions to be reported as late items

**Biodiversity Officer:** Comments based on initially submitted ecology assessment:

Regardless of what is happening with the open space in the south, the layout is very tight in terms of providing any scope for landscaping and habitat creation and I would welcome the input from the Ecologists involved in the scheme beyond only providing a preliminary walkover of the site in advance of the development proposals being finalised. The Biodiversity SPD should be better reflected in the scheme, not only with the provision of hedgehog fencing, but ecologically valuable species and habitats being used in the landscaping, and there also needs to be provision of bat and bird boxes on an average of 1/5 units integrated into the fabric of the buildings and situated to maximise suitability for use by target species, details of which may be subject to condition.

Further comments, following receipt of updated survey:

The updated survey is welcomed but the concerns initially expressed still largely

remain. To be supported an ecological mitigation scheme should be conditioned to achieve net gain on site. In addition provision should be made for ensuring SuDs provision maximises its potential ecological value.

A management and monitoring plan should be conditioned outlining the responsible party and maintenance regime for habitats created on site.

A construction environmental management plan should also be conditioned and should contain a chapter referencing ecological protection for retained habitats to avoid accidental damage during construction.

Hedgehog fencing should also be required by condition in addition to a lighting plan to minimise impacts of increased lighting.

The site has missed a huge opportunity by not including a green buffer and this would have added ecological value to the site. This scheme doesn't well reflect the biodiversity SPD.

**Education:** A contribution is required towards Secondary school places

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (2021):**

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 126 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 130 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.

### **Aligned Core Strategies (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change  
Policy 8: Housing Size, Mix and Choice  
Policy 10: Design and Enhancing Local Identity  
Policy 14: Managing Travel Demand  
Policy 17: Biodiversity  
Policy 19: Developer Contributions

## **Local Plan Part 2 - Land and Planning Policies (January 2020)**

Policy CC1 - Sustainable Design and Construction  
Policy CC3 - Water  
Policy HO1 - Housing Mix  
Policy HO3 - Affordable Housing  
Policy DE1 - Building Design and Use  
Policy DE2 - Context and Place Making  
Policy EN2 - Open Space in New Development  
Policy EN6 - Biodiversity  
Policy EN7 - Trees  
Policy IN2 - Land Contamination, Instability and Pollution  
Policy IN4 - Developer Contributions  
Policy SA1 - Site Allocations  
Policy TR1: Parking and Travel Planning

## **7. Appraisal of proposed development**

### **Main Issues**

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Impact on Residential Amenity
- (iv) Planning Obligations
- (v) Other Matters

### **(i) Principle of the Development (ACS Policy 8 and LAPP Policies HO1 and SA1)**

7.1 The site is identified in the Local Plan Part 2 as Site Allocation SR05 – Ridgeway – Former Padstow detached playing field. The proposed use is “residential (C3, predominantly family housing) with a proportion of the site retained as open space.”. Having regard to this allocation the principle of residential development of the site is considered to be acceptable. As detailed, in the description of the development the site as proposed would offer an approximate 60/40 split in housing tenure between private and social ownership. Given the allocated nature of the site and the proposal for residential development the development is acceptable in principle and accords with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

### **(ii) Design and Impact on the Streetscene (ACS Policy 10 and LAPP Policies DE1 and DE2)**

7.2 The scheme has been the subject of pre-application discussions with the council's urban design team prior to formal submission and a design brief produced to help ensure the optimum site layout and relationship with existing neighbouring built

form. The site has been subject to further design revisions during the lifetime of the application to resolve access issues and convoluted parking arrangements. Frontage parking for 8 properties accessed from a single point on Ridgeway has been included as part of the revised layout with the boundary proposed to be landscaped to soften visual impact, with precise finish to be secured via condition. The site would have a primary access point from Ridgeway, with narrower shared surface streets connecting off the principle route in. A small private driveway is proposed on the western boundary from Ridgeway which would serve 6 properties. Discussions have continued with the applicant to seek to optimise the layout of this element of the site in relation to place making and functionality for future occupiers and further layout revisions shall be secured via condition. All properties would front the road, in addition to properties situated on corners being dual aspect. Properties would have small areas of private frontage which would generally be enclosed by hedging with railings beyond and brick walls on prominent corners. Precise means of enclosure would be secured via condition.

7.3 Parking for dwellings would either to the side or front and would generally be finished in block work. Ten varying property styles are proposed to provide interest in the street scene with properties generally proposed as semi-detached and terraces of 3 dwellings. Indicative materials are bricks and tiles with the suggested use of three varying brick colours with the precise finish to be secured via condition. Houses would all contain a degree of architectural interest notably brick headers, cills, brick string courses and a mix of porch details.

7.4 Streets would be a mix of tarmac and block work to provide variety and interest and smaller, minor side roads are proposed as shared surfaces. Subject to conditions in relation to materials, layout, landscaping and boundary treatments the proposal is considered to be acceptable and in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

**(iii) Impact on Residential Amenity** (ACS Policy 10 and LAPP Policies DE1 and DE2)

7.5 The proposed layout has been informed through discussions with urban design colleagues. The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation from existing neighbouring built form. Back to back separation distances to properties on Belleville Drive would be approximately 21m, with the exception of two dwellings on the south eastern boundary where the separation reduces to 18.5m. However, these properties (plots 16 & 17) are set approximately 1.5m lower than properties to the rear on Belleville drive and as such on balance this relationship is considered to be acceptable.

7.6 Having regard to the layout of the development and the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Sufficient parking is provided both on plot and within road build outs for future occupiers and visitors. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

**(iv) Planning Obligations** (ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4)

7.7 The site is owned by the Council with the sale of the land pending. As the Council

(as land owner) cannot enter into a s106 agreement with itself an agreement will be required with the developer under s111 of the Local Government Act 1972 to require them to enter into a s106 Agreement in respect of the appropriate planning obligations on transfer of ownership.

Fully policy compliant planning obligation contributions are to be secured and are seen as necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development as follows:

Open Space - £161,872

Education - £181,546

Employment and Training - £20,420

- 7.8 In excess of the policy compliant 20% affordable properties are being provided on site which are being transferred to Nottingham City Homes on completion. There is no requirement to secure the exact make up of this affordable provision as part of this grant of planning permission with details secured via the sale of the land.
- 7.9 A request for a contribution of £79,658 has also been received from the NUH NHS Trust in relation to the provision of health care provision. Officers have reviewed the request and discussed with the applicant. It is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities) and Policy IN4 of the LAPP. However, it is considered that the case put forward by the NUH NHS Trust does not demonstrate why it is necessary for the shortfall of provision that has been identified in the Trust's submissions to be met by a contribution from the developers, as opposed to through other funding mechanisms available to them. The case for the Trust is essentially that it is not possible to plan for increased demands that will be placed on services arising from population increase because it is not possible to predict when planning applications for development will come forward. However, given that there is a significant lead time between planning applications being submitted and developments being constructed and occupied, it is not understood why this additional demand cannot be planned and accounted for in the allocation of resources. It is noted that funding from the CCG changes over time to take into account population change.
- 7.10 A number of further 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 regarding 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 occupants of this development. In the absence of these matters being satisfactorily resolved, is not therefore considered that the requested NUH NHS Trust contribution should be sought in this case.
- 7.11 It is considered that the development would accord with policies 8 & 19 of the ACS and policies EN2, HO3 and IN4 of the LAPP.
- (v) **Other Matters** (Policies 1, 10 and 17 of the ACS and policies CC3, EN6 and EN7 of the LAPP

Highways



- 7.12 The layout has been revised during the application process to provide improved functionality. Roads have been designed with reference to the Design Quality Framework and amendments made to ensure pavements are provided on both sides of the development at the primary access point. A further footpath is proposed alongside the private drive which would connect up with the existing footpath on the western boundary of the site. Roads have been designed to be adoptable and parking is generally provided on-plot for the proposed dwellings and on a ratio of 1 ½ spaces per unit. Roads have been designed to where possible informally accommodate additional parking requirements and visitors.
- 7.13 Further more detailed comments and conditions shall be provided as part of the update sheet. The proposal has been reviewed by Highway colleagues and, subject to conditions in relation to provision of a construction traffic management plan and electric vehicle charging points to promote sustainable travel the development, is considered to be acceptable and would accord with policies 1, 10 & 14 of the ACS and policies CC3 and TR1 of the LAPP.
- 7.14 The comments from the Rights of Way Officer are noted and the application has been advertised correctly. Matters relating to footpath diversions/alterations are subject to a separate statutory process which the applicant is in the process of pursuing in consultation with the rights of way officer.

#### Trees and Biodiversity

- 7.15 The initial comments received from the biodiversity officer are noted and have been discussed with the applicant and a revised Preliminary Ecological Appraisal received. The site is of limited ecological value being largely mown grassland, given its previous use as playing fields. The layout of the site has been revised slightly to seek to retain T1 (Norway Maple) which is situated on the northern boundary and fronts Ridgeway. The reference to creation of green buffers on the northern and western boundaries is noted and the applicant on the submitted landscape masterplan has indicated the inclusion of additional tree and hedge planting on these boundaries to strengthen existing landscaping and contribute towards place making and biodiversity. The precise mix of planting shall be the subject of a landscaping condition, with a focus on planting native and promoting pollinators. An ecological mitigation plan shall be conditioned in the interests of promoting biodiversity gain with a focus on the provision of in building bird and bat boxes and hedgehog suitable fencing. The applicant has also indicated that they would be willing to revise the attenuation pond design to allow it to retain water to encourage aquatic biodiversity. Whilst the comments received raising concern that the pond could encourage vermin are noted the detail would be subject to condition to ensure the design is appropriate and wouldn't detrimentally impact upon neighbouring properties. Finally a lighting plan and construction environmental management plan shall be submitted prior to the commencement of development to ensure existing features of biodiversity interest are retained and lighting does not result in nuisance during and post development. Subject to condition the proposal would accord with policies EN6 & EN7 of the LAPP.

#### Drainage

- 7.16 Site drainage strategies have been reviewed by drainage colleagues and further information submitted by the applicant. Subject to precise details particularly in

relation to surface water management and the use of an attenuation pond being secured by condition the proposal is considered to be acceptable and would accord with policy CC3 of the LAPP.

#### Other Matters

- 7.17 The comments received relating to the proposal resulting in property devaluation are noted. The impact a development may or may not have on existing property values is not a material planning consideration.
- 7.18 The comments received relating to loss of green space are noted; whilst it is regrettable that this parcel of green space is proposed to be developed the site is an allocated site and been earmarked for housing for a long period of time. The bottom 3<sup>rd</sup> of the site would as detailed be retained as green space for local residents to enjoy.
- 7.17 The comment received regarding boundary treatments is noted. The applicant has provided an indicative section which demonstrates that where there is a change in level a retained wall would be constructed and a standardised 1800mm close boarded fence utilised above this. The varying heights of retaining wall would ensure that privacy is allowed for between existing and proposed properties.

### **8. Sustainability**

- 8.1 The application is supported by a sustainability statement which details that properties would follow a fabric first approach with 'Modern Methods of Construction' (MMC) utilised. MMC Properties are proposed to be of timber frame construction with modules mass produced in a factory environment ensuring consistency of manufacture and increased speed of delivery. The applicant has stated that the use of timber framed dwellings ensures that carbon savings are 'locked in' for the lifetime of the development, as opposed to a relatively short period, circa 25 years that technologies such as solar pv deliver savings for.
- 8.2 All properties would comply with Part L of Building regulations and it is considered that the development would satisfy the requirements of policy 1 of the ACS and policy CC1 of the LAPP. Contaminated land assessments have been submitted and reviewed by pollution control colleagues. Subject to a remediation strategy being secured via condition the proposal would comply with Policy IN2 of the LAPP.
- 8.3 The applicant has indicated that all on plot parking would be provided with electric vehicle charging points, with precise details to be secured via condition.

### **9 Financial Implications**

As noted above, the development will provide policy-compliant Section 106 contributions of:

- Open Space - £161,872
- Education - £181,546
- Employment and Training - £20,420

Affordable housing is to be provided through the arrangements for the disposal of

the site.

**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**

Contribution towards the provision of family housing, encouraging families to stay within the boundaries of the city.

**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: 21/02507/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R2UZIFLYG1L00>

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

Nottingham Local Plan – Part 2 (January 2020)  
Aligned Core Strategies (September 2014)  
NPPF (2021)

**Contact Officer:**

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065

# Nomad printed map



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0 0.04 0.07 km

**Key**  
 City Boundary

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**My Ref:** 21/02507/PFUL3 (PP-10339870)  
**Your Ref:**  
**Contact:** Mr James Mountain  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Countryside Properties (UK) Limited  
1 Penman Way  
Penman House  
Grove Park  
Leicester  
LE19 1SY  
United Kingdom

Date of decision:

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

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Application No: 21/02507/PFUL3 (PP-10339870)  
Application by: Countryside Properties (UK) Limited  
Location: Former Padstow School Detached Playing Field North-east Of Southglade Primary School, Ridgeway, Nottingham  
Proposal: Erection of 71 dwellings, associated works including engineering works and drainage, new roads and landscaping. Diversion of public rights of way at Land at Former Padstow School Detached Playing Field, Ridgeway, Bestwood, Nottingham

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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:-

**Time limit**

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

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

**Pre-commencement conditions**

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



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**Not for issue**

Continued...

2. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

*Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR2 of the LAPP*

3. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

*Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase and to accord with policy CC3 of the LAPP*

4. Prior to the commencement of the construction of any dwellings, details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment shall be provided to the Local Planning Authority.

Where a sustainable drainage scheme is to be provided the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime. Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

*Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development and to accord with policy CC3 of the LAPP*

5. Prior to the commencement of development an ecological mitigation strategy in accordance with section 7 of the revised preliminary ecological appraisal undertaken by Middlemarch Environmental Ltd dated March 2022 shall be submitted to and agreed in writing with the Local Planning Authority.

The development shall thereafter be carried out in strict accordance with the strategy, unless otherwise agreed in writing.

*Reason: In the interests of protecting and promoting biodiversity and to accord with policies EN6 and EN7 of the LAPP*



6. Prior to the commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall ensure the existing habitats on site are protected from impacts such as damage by construction traffic, pollution including run off and increased noise and lighting levels.

Any environmentally hazardous material used should be kept in dedicated stores and any storage tanks should have appropriate bunding.

Development shall be undertaken in accordance with the approved scheme.

*Reason: In the interests of biodiversity and in accordance with policy EN6 & EN7 of the LAPP*

7. Prior to the commencement of above ground development, notwithstanding the details submitted with the application, details of all boundary treatments around individual plots, including hedgehog friendly timber fencing to be installed along the side and rear boundaries of rear gardens (where appropriate), 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 ensure that the layout and appearance of the development is satisfactory and to improve habitats for hedgehogs in accordance with policy 10 of the Aligned Core Strategies and Policy EN6 of the Nottingham Local Plan.*

8. No above ground development shall be commenced until the precise bricks and tiles to be used in the development have been submitted to and agreed in writing by the Local Planning Authority.

Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

*Reason: To safeguard the character of the development and in accordance with policies DE1 & DE2 of the LAPP*

9. Prior to the commencement of above ground development a lighting plan in accordance with point R3 of the Preliminary Ecological Appraisal undertaken by Middlemarch Environmental Ltd dated September 2021 shall be submitted to and agreed in writing by the Local Planning Authority.

*Reason: In the interests of mitigating impact on biodiversity and to accord with policy EN6 of the LAPP*

10. Prior to the commencement of development, notwithstanding the plans hereby approved, further consideration of the layout of units 40-45 shall be had in particular in relation to parking and removal of the turning head on the northern boundary of the site.

*Reason: In the interests of the character of the site and seeking to optimise overall site layout in accordance with policies DE1 & DE2 of the LAPP*

**Pre-occupation conditions**

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



11. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The submitted landscaping scheme shall pay particular attention to planting provision fronting Ridgeway and for the inclusion of planting to the bollarded area to the front of plot 40.

The approved landscaping scheme (hard and soft) shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development 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 and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.*

12. The cycle stores as detailed in Dwg No. NSD1010 shall be provided prior to the occupation of each individual unit

*Reason: In the interests of promoting sustainable transport and to accord with policy TR1 of the LAPP*

13. Prior to first occupation of any dwelling electric vehicle charging details shall be submitted and agreed in writing. Provision shall be made for 1 charging point per domestic unit with dedicated off street parking.

Verification shall be provided prior to occupation that the approved scheme has been implemented and is operational

*Reason: In the interests of sustainability and to accord with policy TR1 of the LAPP*

14. Prior to the occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

*Reason: To ensure the Drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with policy CC3 of the LAPP.*

15. No part of the development hereby permitted shall be brought into use until existing redundant footway crossings are reinstated as footways with full height kerbs in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

*Reason: In the interests of highway safety and to accord with policy 10 of the ACS*

16. A Travel Plan with up-to-date user survey data shall be submitted for approval by the Local Planning Authority no later than 3 months after first occupation of the development. The Travel Plan shall include the provision of a travel pack for residents and proposals for the monitoring, review and update of the Plan. The Travel Plan will also detail any other additional measures to be actioned by a named Travel Plan Coordinator for a minimum of 5 years following first





occupation of the development.

*Reason: In the interests of promoting sustainable travel and to accord with policy TR1 of the LAPP*

### **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 forms, drawings and other documents comprising the application as validated by the council on 22 November 2021.

*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. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) or by phone on 0115 8765012.

4. The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)
Saturday:	08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

### **Equipment**

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

#### Dust/Grit and Other Fugitive Emissions

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

Contractors are expected to use appropriate guidance and methods (eg Guidance on the Assessment of Dust from Demolition and Construction v1.1, IAQM, 2016) to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

5. National Planning Policy Framework When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

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.



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Continued...

## **RIGHTS OF APPEAL**

Application No: 21/02507/PFUL3 (PP-10339870)

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.

## **STREET NAMING AND NUMBERING**

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) as soon as possible,



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## **Not for issue**

quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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