

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT**

**Site Of Wray Close, Flewitt Gardens And , Garages North 76**

**1 SUMMARY**

Application No: 12/03501/PFUL3 for planning permission

Application by: BM3 Architecture on behalf of Keepmoat Homes Ltd

Proposal: Erection of 111 new dwellings.

The application is brought to Committee because it relates to a major development of significant local interest. Committee is recommended to grant planning permission subject to conditions.

To meet the Council's Performance Targets this application should be determined by 25th March 2013.

**2 RECOMMENDATIONS**

Subject to the resolution of matters regarding the Flood Risk Assessment, **GRANT PLANNING PERMISSION** subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

**3 BACKGROUND**

3.1 This site forms part of the overall Stonebridge Park regeneration project which was a joint scheme initially managed by ASRA Housing Association and Nottingham City Council's Strategic Housing Service. Outline planning permission for access and site layout, supported by a master plan and design code for the regeneration project, (Planning ref: 09/01732/POUT) was approved in September 2009. The overall proposal involves the partial redevelopment of the Stonebridge Park estate with 258 new dwellings and the upgrading of 243 retained houses. A new road infrastructure would be created to serve existing and proposed dwellings and environmental improvements to the estate were proposed.

3.2 Three further planning applications have subsequently been approved:

- i) Phase 1A of the regeneration project was approved in September 2009 (planning ref: 09/01733/PFUL3) for 45 new dwellings consisting of 23 two storey houses and 22 apartments in the western part of the scheme fronting Beacon Hill Rise, Eastham Close and Dennett Close. This development has been constructed.
- ii) Phases 1B, 2A and 2B was approved in March 2010 (planning ref:

10/00278/PRES4) for 50 dwellings and has been constructed. It relates to 2 different areas of the estate:

- a) Phase 1B: A two, three and four storey apartment building containing 26 apartments (5 one bedroom and 21 two bedroom) fronting St Matthias Road,
- b) Phase 2A: 6 split level houses (4 three bedroom and 2 four bedroom) fronting Eastham Close immediately to the south of Phase 1A
- c) Phase 2B: 18 two storey houses (10 two bedroom and 8 three bedroom) as an extension to Magson Close.

iii) Phase 4 was approved in January 2013 (planning ref: 12/02954/PFUL3) for 15 new dwellings in the northern part of the scheme fronting Beacon Hill Rise and Limmen Gardens.

- 3.3 This application is for Phases 3 and 6 of the regeneration project and relates to the eastern and central areas of the Stonebridge Estate. It forms a cleared site, which was previously occupied by 7 blocks of three storey deck access maisonettes, which occupied the eastern part of the site adjoining Jersey Gardens, together with Fairholm Court and Long Hedge residential care homes which occupied the southern and western part of the site.
- 3.4 The site is bordered by existing two storey dwellings fronting Rocket Park, Limmen Gardens and Flewitt Gardens to the west. To its southern boundary are newly constructed two storey dwellings on Blake Close (approved as Phase 2A), existing dwellings on Wray Close and Stonebridge City Farm. St Matthias Road adjoins the eastern and north east boundary of the site and the vacant site of the former Church of Christ and existing properties on Melville Gardens are located to the north west.
- 3.5 Whilst all existing buildings have been demolished, the existing road layout remains to serve retained properties. Jersey Gardens provides vehicular access to properties in the eastern part of the site from St Matthias Road and Flewitt Gardens provides access for those bordering the site to the south west. A series of connecting public footpaths run across the site with the most notable linking St Matthias Road to the east with Pym Walk to the west.
- 3.6 There are significant level changes across the site, with levels rising from Flewitt Gardens to the south west to St Matthias Road to the north east.

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

- 4.1 This is a full planning application submitted by Keepmoat Housing for phases 3 and 6 of the regeneration project. Keepmoat has successfully bid for £620,000 from central governments 'Get Britain Building' fund and is working in partnership with the City Council to secure the development. It seeks permission for 111 dwellings (revised from 110 dwellings) which would comprise of 31 x 2 bedroom, and 81 x 3 bedroom dwellings. There are proposed to be 8 affordable housing units, which would be for social rent (operated by ASRA). The remaining 103 units would be for private dwellings for sale on the open market.
- 4.2 The development proposes to utilise and extend the existing vehicular access roads along Jersey Gardens and Flewitt Gardens. A new access road would be created along the line of the existing pedestrian route from St Matthias Road to Pym Walk (not connected) which would link into either end of Flewitt Gardens. The

proposed road layout would provide vehicular access for the new dwellings and existing properties who will then be provided with vehicular access from the new road as part of future estate improvements. The proposal would involve the overall reduction of pedestrian footpaths which cross the site.

- 4.3 The dwellings would mainly be two storeys in height, with 2/3 storey split level properties fronting St Matthias Road and would form a mixture of semi-detached, terraced and detached dwellings. They are proposed to be traditional in design and constructed within a restricted palette of materials consisting of a red brick, render some accent timber effect cladding with grey tiled roof, with grey UPVC windows.
- 4.4 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities relating to construction jobs and has agreed to financial contributions towards public open space and education provision. These have been secured through the development agreement for the sale of the land.

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

### **Adjoining occupiers consulted:**

The application has been advertised by site notices, advertisement in the local newspaper and the following 74 neighbours have been consulted:

5-15 Blake Close

40-48 (evens), Albany House, Rosehill Special School and Rosehill School Clinic and Flat 1-9, 35 St Matthias Road

114-120 (evens) Limmen Gardens

65-83 (odd) Jersey Gardens

2-6 (evens) Melville Gardens

25-33 Flewitt Gardens

10-16 Pym Walk

13-15 Ferrers Walk

3-6, 18 and 18-21 Wray Close

Stonebridge City Farm, Stonebridge Road

One letter has been received from a local resident who is pleased with the proposed plans and does not wish to raise objection to the application. As the development will require the closure of existing footpaths which cross the site, the resident requests that an application be submitted to the Department of Transport to avoid lengthy delay of the development. The resident states that there is a need to ensure that the development adequately addresses the significant level differences which cross the site is raised.

Nottinghamshire Wildlife Trust has raised no objections to the development. They support the findings of the ecology survey which found no protected species on the site and ask that consideration be given to the inclusion of bat and bird boxes.

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

**Regeneration:** Fully support the development.

**Pollution Control:** No objections. Conditions relating to contamination and gaseous emissions are recommended.

**Highways:** No objections. A condition relating to drainage and the need for it to be based on sustainable drainage principles is recommended.

**Environment Agency:** Objections have been raised on the lack of a satisfactory drainage scheme. Provision needs to be made to enhance water quality of surface water run off and incorporate the use of sustainable drainage techniques. The applicant is to submit further information to the Environment Agency to address their concerns and any further comments will be reported to the Committee.

**Severn Trent:** No objections. A condition relating to drainage is recommended.

**Biodiversity Officer:** No objections subject to the development being carried in line with the recommendations of the ecology survey ie. the use of native species of planting, the inclusion of bat and bird boxes and sensitive lighting proposals. All vegetation should be removed outside the bird breeding season.

**Tree Officer:** No objections. Conditions relation to the submission of an arboricultural method statement and landscaping scheme are recommended.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

ST1 - Sustainable Communities – complies.

H2 – Density – complies.

H3 - Appropriate Housing Types – complies.

H5 - Affordable Housing - complies

R2 - Open Space in New Development – complies.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design - complies

BE5 - Landscape Design - complies

NE5 – Trees - complies

NE3 – Conservation of Species – complies.

NE10 - Water Quality and Flood Protection – complies.

NE12 - Derelict and Contaminated Land – complies.

NE14 - Renewable Energy – complies.

T3 - Car, Cycle and Servicing Parking – complies.

National Planning Policy Framework – complies.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- i) Principle of the development and appropriateness of mix of house types and tenure.
- ii) Design considerations
- iii) Highway considerations
- iv) Impact on Residential Amenity
- v) Flood Protection and Drainage

### **i) Principle of the development and appropriateness of mix of house types and tenure (ST1, H3, H2 and H5).**

7.1 The proposal relates to existing housing land which lies within a primarily residential area as identified in the 'saved' Local Plan. The principle of the development and its proposed layout has been established by the 2009 outline consent and its approved master plan. It would provide 111 dwellings (31x2 bedroom and 80x3 bedroom dwellings) and as such would provide a balanced mix of house types and sizes to meet the needs of local people. Phases 3 and 6 would consist of 8 affordable units, all for social rent, managed by ASRA. Earlier phases of the regeneration project have secured the 20% affordable housing requirement for the overall regeneration project.

7.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policy guidance. While planning applications still need to be determined in accordance with the development plan, the NPPF is a material consideration in the assessment of this application.

7.3 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. The scheme development is located in a sustainable location, close to local facilities and a range of transport options.

7.4 The NPPF supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that Local Planning Authorities should plan for a mix of housing and identify the size, type and tenure and range of housing to meet local needs and affordable housing if required. It is therefore considered that the proposed house type and tenure would contribute towards meeting local housing needs and would be in keeping with the NPPF and the City Council's strategic objectives to create sustainable balanced communities. The proposal therefore accords with policies ST1, H2, H3 and H5 of the Local Plan.

### **ii) Design Considerations (BE2, BE3, BE5, NE5 and T3)**

7.5 Local Plan policies and the NPPF recognises the importance of design in making places better. The NPPF states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.

7.6 The proposed layout reflects the approved master plan layout for Phases 3 and 6. Revisions has been made to improve the overall design of the housing layout,

make greater use of existing access roads, retain existing trees to ensure the historical presence of the natural landscape and to take account of the constraint of existing services which cross the site; particularly the district heating lines, diversion of which would significantly impact upon the viability of the scheme.

- 7.7 The new layout shows a 'perimeter block' form of residential development with continuous street frontage to provide a clear definition of the public and private realm throughout the development. To overcome the problems associated with the 'Radburn' housing layouts where existing dwellings on the estate have no clearly defined public and private frontages or space and are connected by a warren of pedestrian routes which have exacerbated communities safety issues in the area; the housing has been designed to front onto the street to provide active frontages and surveillance over the street and secure private rear gardens where possible. The new dwellings would mainly be two storeys in height and a mixture of semi detached, short terraces and detached properties to reflect its context. Split level properties are proposed fronting St Matthias Road to take account of level differences. These properties would be two storey when viewed from the road and three storeys to the rear. The proposed layout would greatly improve community safety due to the removal of unsurveyed footways, where possible, the creation of in curtilage parking to the front and sides of the dwellings and the creation of secured rear garden. Bin stores are proposed to be located in rear gardens.
- 7.8 The architectural treatment of the development together with the above palette of materials would be traditional in form with a clear, straightforward and direct architectural language to create consistency and a shared design approach with the simple façade and boundary treatments proposed for the retained housing stock. The proposed materials for the new houses would be a mix of a buff brick and render to the outer neighbourhood area, traditional red brick and render detail to the inner neighbourhood area and red brick, render and accent timber effect cladding to properties adjoining Rocket Park and the City Farm. The scheme accords with the approved design code for the development.
- 7.9 Boundary treatments would reflect those used in earlier phases of the regeneration project. Front of properties would be enclosed with 1100mm metal railings and the rear gardens with either 1800m high wooden fencing or brick walls (if adjoining the street). Properties fronting St Matthias Road would have a stronger front boundary made up of a dwarf wall and railings.
- 7.10 Conditions relating to materials, soft (to include native species) and hard surfacing would be imposed. On this basis the development would accord with policies BE2, BE3, BE5, NE5 and T3 of the Local Plan.
- 7.11 The completed Stonebridge housing scheme would achieve 'Building for Life' silver standard.

### **iii) Highway considerations (BE2 and T3)**

- 7.12 As a redevelopment of an existing residential area, the proposed development would not have a significant impact upon the surrounding highway network in terms of traffic generation and access.
- 7.13 The new housing layout has been designed to make use of existing streets and footpaths to create a 'perimeter' block layout, with pedestrian and vehicular access being from the front of each new property. The new access has been designed to

meet current highway standards. All materials used on the highway are proposed to comply with the City Council's "Streetscape Design Manual for Neighbourhoods".

- 7.14 The total parking provision for development is at the ratio of 1.5 per dwelling which includes an element of on street provision. This equates to the maximum provision as detailed in the Local Plan and is acceptable. Further on street visitor parking is to be improved for existing and proposed properties through the creation of new parking spaces at the end of Flewitt Gardens adjacent to the City Farm.
- 7.15 It is considered that the development satisfies the requirements of policies BE2 and T3 of the Local Plan.
- 7.16 The applicant proposes to submit a stopping up order to the Department of Transport for the existing footpaths and roads to be closed or diverted, before the development commences.

**iv) Impact on Residential Amenity (BE3)**

- 7.17 The proposal housing layout has been designed to ensure that there would be no adverse impact upon the amenities of nearby existing residents and future occupants of the new development in terms of light and privacy. The development would therefore comply with BE3 of the Local Plan.

**v) Flood Protection and Drainage (NE10 and BE4)**

- 7.18 The submitted Flood Risk Assessment (FRA) states that the site is located as within Flood Zone 1 ie, having less than 1 in 1000 year flood risk - a low probability of flooding. The Environment Agency has raised objections to the development on the grounds that the FRA has not adequately dealt with the issue of surface water drainage. A revised FRS has been requested and that provision needs to be made, in the surface water drainage strategy, to enhance water quality of surface water run off and incorporate the use of sustainable drainage techniques. The outcome of further discussions will be reported to the meeting. However, given the sites location in an area of low flooding potential, the issue of surface water drainage can be dealt with by condition.

**Other Matters (Policies R2 and NE12)**

- 7.19 **Public Open Space Contribution (R2):** The provision of financial contribution towards public open space has been secured through the development licence. The development would not conflict with the requirements of policy R2.
- 7.20 **Contamination (NE12):** Pollution Control recommend conditions relating to ground contamination and gaseous emissions in accordance with policy NE12.
- 7.21 **Statement Required by Article 31(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.** In recommending the grant of planning permission for the development, the Local Planning Authority has worked with the applicant in a positive and proactive manner.

## **8. SUSTAINABILITY / BIODIVERSITY (BE4, NE14, NE3 and NE5)**

- 8.1 The development has been designed to meet the requirements of Code Level 4 for new houses. An energy report submitted in support of the application proposes that the development meets its 10% renewable energy requirement through connection to the district heating system.
- 8.2 An ecological assessment concluded that the site was dominated by buildings and hard standings with little ecological value. There is no evidence of protected species. It is considered that the development would not have a detrimental impact on the existing biodiversity of the area. The provision of bird and bat boxes is proposed to be secured by condition.
- 8.3 The original master plan involved the loss of all trees on the site. The current scheme now proposes the retention of the main trees of high amenity value. Of particular importance are three trees which would now form an attractive mature landscaped setting as part of the new road layout from St Matthias Road down to Rocket Park. To compensate for tree loss further trees are proposed as part of the layout.
- 8.4 It is considered that the development satisfies the requirements of policies BE4, NE14, NE3 and NE5 of the Local Plan.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham. – providing a high quality sustainable residential development, promoting market for sale family housing and well integrated open space.

Safer Nottingham – Maximising community safety with well designed open space, and secure properties and streets that facilitate good natural surveillance.

## **14 CRIME AND DISORDER ACT IMPLICATIONS**

The scheme will provide improved surveillance and community safety in the area.



**15**     **VALUE FOR MONEY**

None.

**16**     **List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 12/03501/PFUL3 - link to online case file:  
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=12/03501/PFUL3>
2. Pollution Control comments
3. Environment Agency comments
4. Letter dated 1.05.12 from the occupier of 2 Bellvue Gardens.
5. Highways comments .
6. Housing Strategy comments.
7. Heritage and Urban Design comments.
8. Tree Officer comments.
9. Biodiversity Officer comments.

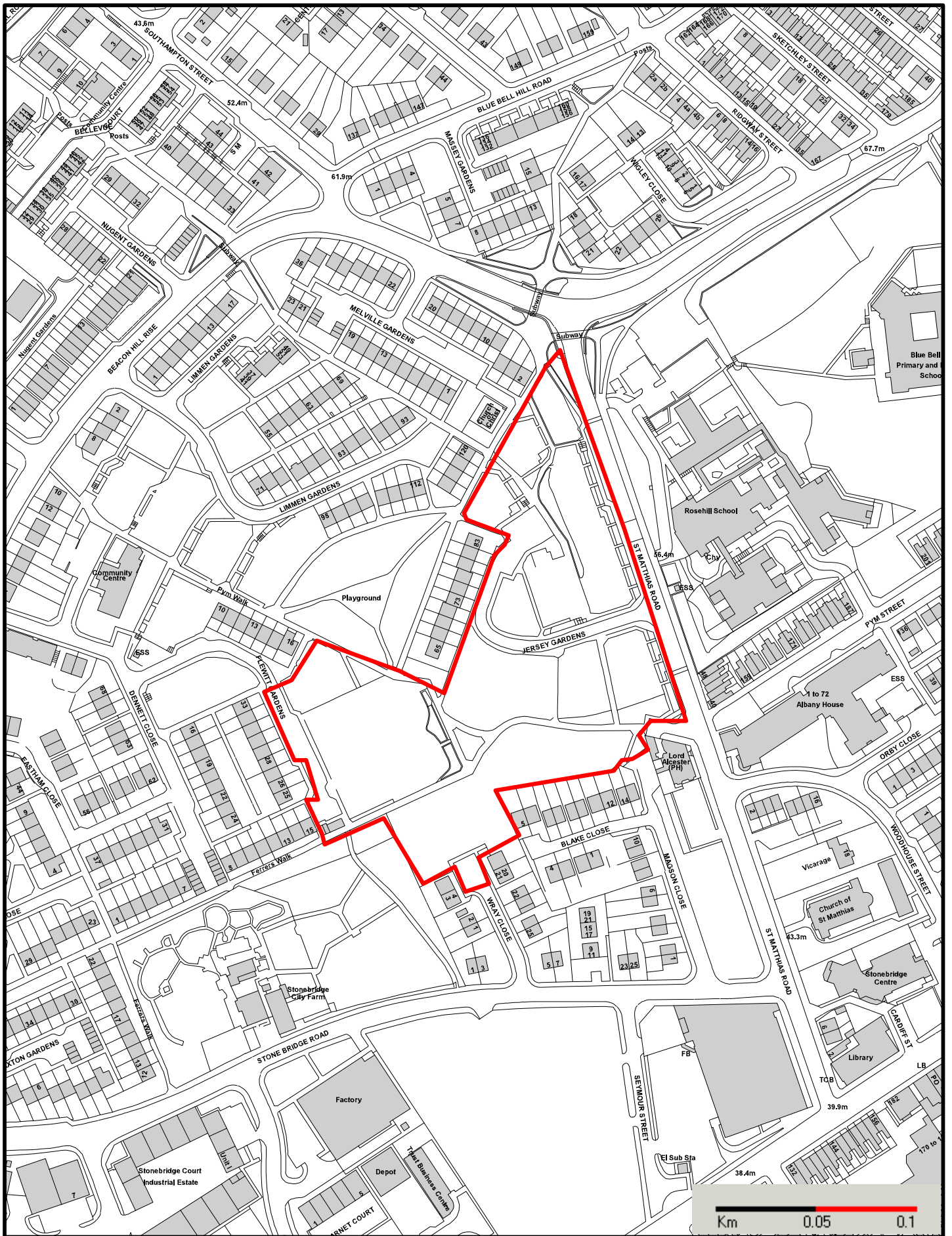
**17**     **Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

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Date of decision:

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

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Application No: 12/03501/PFUL3  
Application by: Keepmoat Homes Ltd  
Location: Site Of Wray Close, Flewitt Gardens And , Garages North 76, Jersey Gardens  
Proposal: Erection of 111 dwellings.

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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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2. No equipment, machinery or materials shall be brought onto the site in connection with the development until all trees and shrubs to be retained have been protected in accordance with the recommendations of the approved Arboricultural Method Statement (The Tree Advisory Trust 2010 Revised). Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site. All other recommendations of the Arboricultural Method Statement shall be implemented during the construction of the development. All trees and shrubs identified for protection shall not be cut down, topped, lopped or uprooted without the prior written consent of the Local Planning Authority unless otherwise approved as part of the Arboricultural Method Statement. Any trees or hedges cut down, topped, lopped or uprooted otherwise than in accordance with the consent of the Local Planning Authority shall be immediately replaced with similar species to the satisfaction of the Local Planning Authority.

*Reason: To ensure protection of the trees to be retained in accordance with Policy NE5 of the Nottingham Local Plan.*

3. The development shall not be commenced until details of the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.*

4. The development shall not be commenced until details of hard surfacing, which shall comprise porous or permeable materials, for those parts of the site which would not be soft landscaped have been submitted to and agreed in writing with the Local Planning Authority.

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

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.*

5. The development shall not be commenced until details for enclosing the site, the means of retention and individual plots therein have been submitted to and approved in writing with the Local Planning Authority.

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

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.*

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off would be reduced by 30% from the existing rate.

Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To reduce the risk of flooding and to improve and protect water quality in accordance with Policies NE10 and BE4 of the Nottingham Local Plan.*



7. The development shall not be commenced until a detailed remediation strategy to deal with contamination of the site, which shall include the further investigations & assessment recommended in the Phase 2 Geo-environmental Assessment by Opus (ref K-NC419\_R1/1\_RAL) to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed has been submitted to and approved in writing with the Local Planning Authority.

In particular the remediation strategy shall include:

- (i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
- (ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
- (iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
- (iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

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

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

8. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

9. The development shall not be commenced until details of a scheme for the inclusion of bird and bat boxes within the development has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the type, number and position of the bird and bat boxes.

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

*Reason: In the interests of nature conservation in accordance with Policies NE3 of the Local Plan.*

**Pre-occupation conditions**

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





10. No part of the development hereby permitted shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

11. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used or occupied unless the approved remedial, preventative or precautionary measures for removing the gaseous emissions on the site as set out in Ground Gas Assessment - Phase 4 Stonebridge Park Project by BSP Consulting dated 21/08/2012 (ref PG/12154) have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

12. No part of the development shall be occupied until the proposed access and garage/parking spaces for that part have been provided and surfaced with porous or permeable materials and, where appropriate, individual spaces marked out in accordance with the approved plans.

*Reason: In the interests of highway safety in accordance with Policies BE2 and T3 of the Nottingham Local Plan.*

13. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development 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 BE5 of the Nottingham Local Plan.*

14. No part of the development hereby permitted shall be occupied until the renewable/low carbon energy scheme detailed in the Energy Statement has been installed and is able to provide renewable/low carbon energy to serve the development. Once the development is occupied the scheme shall be permanently retained and maintained and shall continue to provide energy for the development for as long as it remains unless otherwise agreed in writing with the Local Planning Authority.

*Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policies BE4 and NE14 of the Local Plan.*

**Regulatory/ongoing conditions**

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

**Standard condition- scope of permission**



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S1. Unless otherwise agreed in writing by the Local Planning Authority or 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 24 December 2012.

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

## **Informatives**

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

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

3. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is strongly recommended 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 will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

4. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).

5. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. For example it is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, and this can impact upon site clearance works during the main nesting season which runs from March to September. Whilst these aspects may have been considered during the processing of the planning application responsibility for complying with this legislation rests with the developer and/or contractor.

6. The development will require the stopping up of part of the highway which is a separate legal process to the planning application. No part of the development hereby permitted (or any temporary works or structures) must obstruct the highway until the areas of highway required to facilitate the development have been formally stopped up. This will require an application to The Department for Transport for an Order under Section 247 of the Town and Country Planning act 1990. (The National Transport Casework Team, Department for Transport, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH.

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.



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Your attention is drawn to the rights of appeal set out on the attached sheet.



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**Not for issue**

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## **RIGHTS OF APPEAL**

Application No: 12/03501/PFUL3

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.



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# **DRAFT ONLY**

## **Not for issue**