

**REPORT OF DIRECTOR FOR PLANNING AND TRANSPORT**

**Land at Kingsthorpe Close, Kildare Road**

**1 SUMMARY**

Application No: 13/01367/PFUL3 for planning permission

Application by: Bm3 Architecture Ltd on behalf of Keepmoat Homes Ltd

Proposal: 70 dwellings and associated works.

The application is brought to Committee because it is a major application and officers are recommending the approval of the application without the full S106 planning obligations in relation to affordable housing, as required by adopted planning policies.

To meet the Council's Performance Targets this application should be determined by 1st October 2013.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Director for Planning and Transport

**3 BACKGROUND**

- 3.1 The site is a linear piece of land which runs from Kildare Road to the south, along Kingsthorpe Close and northwards toward Astley Drive. Access is from Kildare Road, with a second access from Dooland Drive, to the east.
- 3.2 The site was formerly developed with five main blocks of flats and two smaller blocks, approximately 130 properties, and built around the 1970's. The larger blocks were 5 storeys in height. The housing was social housing owned by the City council. The properties were demolished in 2011 and the site cleared. The site left by the properties south of Dooland Drive has been enclosed by railings. The site north of Dooland Drive has not been enclosed but access to vehicles has been restricted by the introduction of bollards to the access road.
- 3.3 The site rises from the south of Kildare Road to a plateau along the remainder of the site. The properties to the west of the site, along Astley Drive, are in an elevated position, as are those properties, albeit to a lesser extent, to the east of the site from Dooland Drive northwards. Those to the west of Kildare Road are at a similar level to the site. The Wells Road, which runs in a north south direction, is at a much lower level once past Dooland Drive, heading south towards the junction with Kildare Road.

- 3.4 Informal Planning Guidance was approved by Portfolio Holder in July 2012. The guidance sought to replace the poor quality housing, which attracted high levels of anti-social behaviour, with a high quality residential scheme consisting of family housing and a new playground to serve the development.

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

- 4.1 Development of 70 dwellings and associated works. The dwellings would consist of 66 two storey and 4 three storey properties, and a mix of detached, semi-detached and terraces. Most properties would have in curtilage parking.
- 4.2 The existing playground would be removed and a new playground provided to the east of Kildare Road.
- 4.3 11 of the properties would be affordable housing. Twenty of the dwellings would have solar photo voltaic panels which would attain 10% of energy from renewable sources on site. Additionally, the dwellings would be built to a minimum Buildings for Life Silver Standard and Code for Sustainable Homes level 3.
- 4.4 There remain some single and two storey dwellings, mostly contained to Dooland Drive, the southern part of Kingsthorpe Close and to the east of Kildare Road. These will be retained.

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

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

1, 1A, 2, 3, 3A, 4, 5 and 5A Kildare Road

6 to 16 inclusive Kildare Road

19 to 43 (odds) Kildare Road

Flat ground floor 17 Kildare Road

Flat first floor 17 Kildare Road

Kingsthorpe View Nursing Home Kildare Road

1 to 24 inclusive Heaton Close

1 to 8 inclusive Dooland Drive

1 to 10 inclusive, 10A, 11 and 15 to 57 (odds) Astley Drive

16 to 20 Kingsthorpe Close

431 to 459, then 479 to 511 (odds) The Wells Road

268 to 278 (evens) and 280-282 The Wells Road

75, 77, 79, 96, 98 and 100 Pendle Crescent

A site notice and press notice have been published. Overall expiry date for

consultations 14<sup>th</sup> August 2013.

Three letters of objection have been received. Points raised include:

- impact on wooded area
- what type of tenants and are the houses private, housing association or council
- overlooking and proximity of dwellings to existing dwellings (relating to numbers 7 and 8 Dooland Drive)
- access whilst the houses are being built, mud on the roads, noise from development.

**Additional consultation letters sent to:**

**Pollution Control:** Recommend conditions relating to contaminated land and gaseous emissions, an environmental noise assessment and a sound insulation scheme.

**Highways:** No objections, subject to details of a construction method statement and other road improvements, prior to commencement.

**Arboricultural Officer:** No objections subject to a condition relating to tree protection.

**Biodiversity and Greenspace Policy Officer:** No objections. Some landscaping is proposed, within the curtilage of the dwellings where applicable. Bat and bird boxes are proposed and a plan to show locations of these has been agreed. The new play area would be maintained by the city council and a payment towards this has been agreed as part of the land sale.

**Severn Trent Water:** No objections subject to details of drainage to be agreed prior to commencement of development.

**6 RELEVANT POLICIES AND GUIDANCE**

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

ST1 - Sustainable Communities

H2 – Density

H3 - Appropriate Housing Types

H5 – Affordable Housing

BE2 - Layout and Community Safety

BE3 - Building Design

BE4 - Sustainable Design

R2 - Open Space in New Development

T3 - Car, Cycle and Servicing Parking

NE5 – Trees

National Planning Policy Framework (2012)

Open Space SPG

Affordable Housing and Developer Contributions SPG

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

### **Main Issues**

- i) Principle of development
- ii) Design considerations
- iii) Highways considerations
- iv) Impact on residential amenity

### **Issue i) Principle of the development (Policies ST1, H2, H3 and R2)**

- 7.1 The site lies within a primarily residential area as identified in the 'saved' Local Plan and as such the principle of residential development is acceptable. The proposed housing would be on previously developed land and is in a sustainable location, being close to a well served public transport route and to schools. The proposal accords with Policies ST1 and H2, and the National Planning Policy Framework, which encourages the effective use of land by reusing land that has been previously developed.
- 7.2 The proposed dwellings would provide a mix of 1, 2, 3 and 4 bed homes. These would suit a range of tenures and would contribute to maintaining a sustainable community. Four of the dwellings would be built to Lifetime Homes Standard. The proposal therefore accords with Policies H2 and H3.
- 7.3 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 the range of housing to meet local needs and affordable housing if required. The proposal includes seven units for rent and four units for shared ownership. This is less than the usual requirement of 20%, at 16%, due to ground conditions/construction costs, which are higher than typical on this site. As such the lower figure is considered acceptable given the viability of the scheme. The requirements of policies H2 and H3 are therefore satisfied.
- 7.4 The proposed development would provide a new play area and open space to replace that lost in the re-development. Open space is to be provided on site, and a payment towards maintenance secured as part of the sale of the land. As such the proposal accords with Policy R2.

### **Issue ii) Design considerations (Policies BE2 and BE3)**

- 7.5 Policies BE2 and BE3 of the Local Plan and the NPPF recognises the importance of high quality 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 is largely dictated by the existing road layout and the

remaining dwellings. It is well defined and would provide active frontages with surveillance on to the streets and with secure private rear gardens. The scale of the dwellings is appropriate for the intended tenure.

- 7.7 The architectural treatment of the dwellings is considered to provide variety and interest with a mix of brick, tile and Eternit panelling. Other features include canopies above the entrance doors.
- 7.8 Most dwellings would have in curtilage parking to the front and sides with landscaped front gardens. The boundary enclosures would be railings to the front gardens and close boarded fencing to the rear gardens. The proposed enclosures would contribute to the appearance of the street scene whilst providing security to each plot.

### **Issue iii) highways considerations (Policies BE2 and T3)**

- 7.9 As a redevelopment of a former housing development, the scheme would not have a significant impact upon the surrounding highway network in terms of traffic generation and access, since approximately 130 dwellings have been demolished which are proposed to be replaced by 70 dwellings.
- 7.10 It is considered that there would be an adequate amount of car parking for future residents and their visitors, with most dwellings having in-curtilage parking, and additional visitor parking to the west side of Kingsthorpe Drive. Where the existing properties do not have in curtilage parking, it is anticipated that these properties, namely 2 to 12 Kildare Road and 16 to 20 Kingsthorpe Close, would park outside their respective properties as per the existing situation.
- 7.11 Raised areas on the highway would be introduced, close to the play area and at the junction of Kingsthorpe Drive and Dooland Drive, as a speed reduction feature. A turning head would be provided at the north end of the site. A highways agreement would need to be entered into to ensure that any alterations/improvements to the public highway would be carried out satisfactorily. Concerns from nearby residents regarding noise and disturbance during construction have been raised. A condition requiring a construction method statement to be submitted and agreed before the commencement of the development should address these concerns.

### **Issue iv) impact on residential amenity (Policy BE3)**

- 7.12 The proposed layout has been designed to ensure that there would be no adverse impact upon the amenities of nearby existing residents and the future occupants of the new development. It is noted particularly that the outlook for the existing occupants of Dooland Drive, which was formerly toward large multi storey blocks of flats, would be improved significantly. In regard to 8 Dooland Drive, a 1.8m high fence and changes to the side window overlooking that property would ensure that overlooking would be minimised. In regard to 7 Dooland Drive, the rear elevation would face the side elevation of a two storey property (plot 26). That property previously faced a five storey block of flats and it is therefore considered that the outlook for the occupiers of this property would be an improvement following this development. Sensitive boundary treatments would further enhance privacy for occupiers.
- 7.13 The residential amenity of the future occupiers would be safeguarded by conditions

relating to sound insulation.

## **8. SUSTAINABILITY / BIODIVERSITY**

- 8.1 The dwellings would be built to Level 3 of the Code for Sustainable Homes. Twenty of the dwellings would have solar photo voltaic panels attached.
- 8.2 The existing area of mature trees to the west would be retained and as such there would be no loss to the existing wooded area. Landscaping to the play area is proposed, and trees would be planted within the shared parking area to the upper west side of Kingsthorpe Close. All other planting would be within the curtilage of each dwelling.
- 8.3 Bird and bat boxes would be provided within individual plots which would enhance the biodiversity of the area. A condition to ensure that drainage on the site would be sustainable is to be imposed.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

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

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

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

All the public areas such as streets and the open space would have a good level of overlooking, which would help to minimise anti-social behaviour.

## **15 VALUE FOR MONEY**

None.

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

1. Application No: 13/01367/PFUL3 - link to online case file:

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01367/PFUL3>

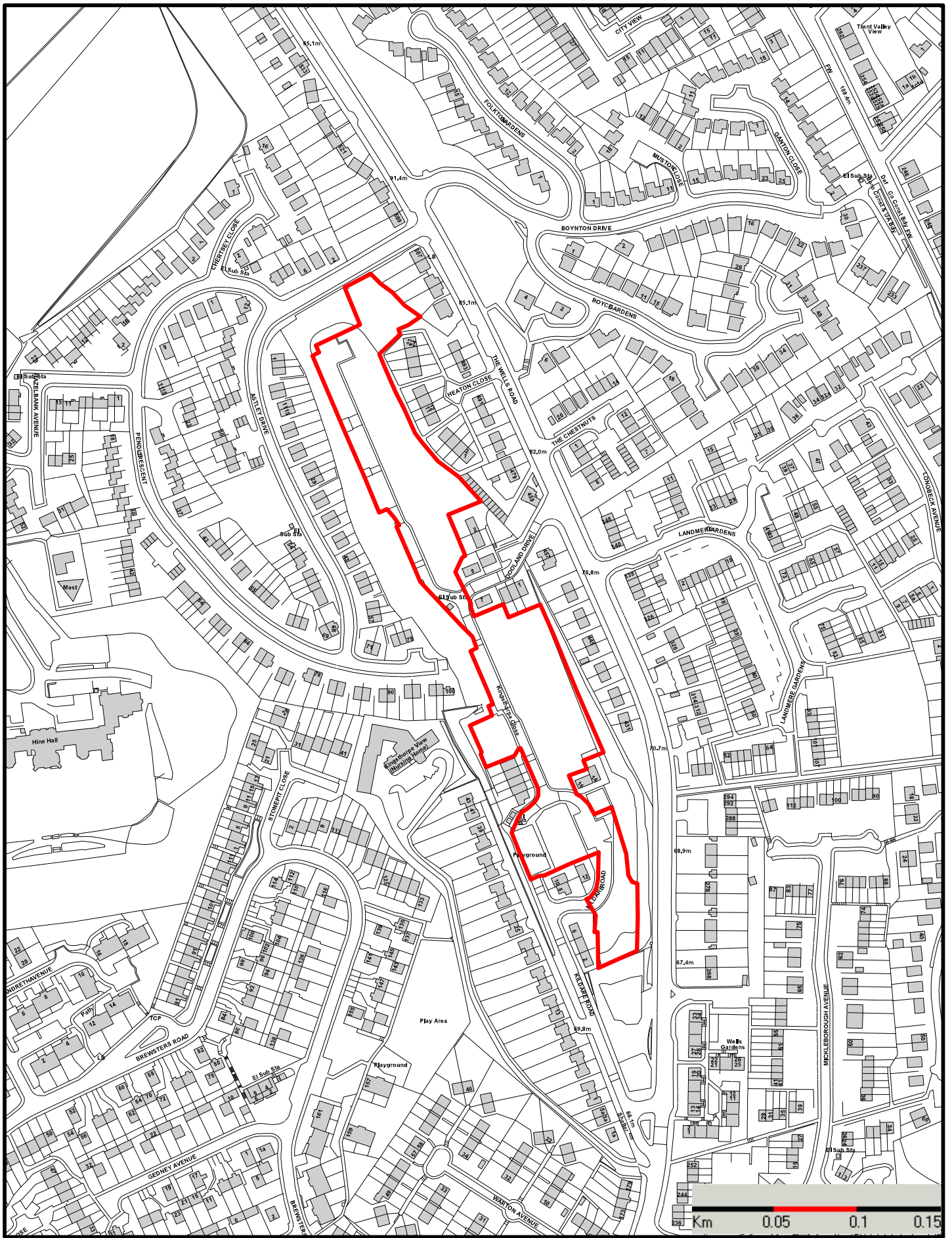
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)  
National Planning Policy Framework (2012)

**Contact Officer:**

Mrs S. Davis, Case Officer, Development Management.

Email: [sue.davis@nottinghamcity.gov.uk](mailto:sue.davis@nottinghamcity.gov.uk). Telephone: 0115 8764046



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**Nottingham**  
City Council



**My Ref:** 13/01367/PFUL3 (PP-02679111)  
**Your Ref:**  
**Contact:** Mrs S. Davis  
**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

Bm3 Architecture Ltd  
Mr Zahid Khan  
28 Pickford Street  
Digbeth  
Birmingham  
West Midlands (Met County)  
B5 5qh

Date of decision:

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

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Application No: 13/01367/PFUL3 (PP-02679111)  
Application by: Keepmoat Homes Ltd  
Location: Land At Kingsthorpe Close, Kildare Road, Nottingham  
Proposal: 70 dwellings and associated works.

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site have been submitted to and approved in writing by the Local Planning Authority, which shall include:-
- i) details of an investigation and assessment of the gaseous emissions on the site;
  - ii) proposals for ensuring the safe removal of gas;
  - iii) proposals for preventing the lateral migration of gas; and
  - iv) any other remedial measures shown in the assessment to be necessary.

*Reason: To protect users against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas to comply with Policy NE12 of the Nottingham Local Plan.*

3. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment 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 have been submitted to and approved in writing by the Local Planning Authority. In particular the scheme 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.

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

4. The development hereby permitted shall not be begun until details of sustainable urban drainage plans for the disposal of surface water and foul sewage as outlined in the FRA have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.*

5. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. 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.

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

6. The development shall not be commenced until details of all external materials including cladding, bricks and tiles have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.*

7. The development shall not be commenced until an environmental noise assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be suitable and sufficient and shall 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. The submission shall include 1/3rd octave band analysis, all assumptions made (e.g. glazing and façade areas) and be designed to achieve the following internal noise levels:
- i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.
  - ii. Not more than 45dB L<sub>Amax</sub> (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

Where noticeable low frequency noise is present, the submission shall also be designed to achieve the following internal noise levels:

- i. Not exceeding NR 30 for living rooms between the hours of 07.00 and 23.00
- ii. Not exceeding NR 25 bedrooms between the hours of 23.00 and 07.00.

The noise assessment shall be undertaken with regard to BS 7445:1991 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

*Reason: To safeguard the health and residential amenity of the occupants of the proposed dwellings to comply with Policy NE9 of the Nottingham Local Plan.*

8. The development shall not be commenced until details of a sound insulation scheme, including the glazed areas of the property and any complementary acoustical ventilation, have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To safeguard the health and residential amenity of the occupants of the proposed dwellings to comply with Policy NE9 of the Nottingham Local Plan.*

9. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the LPA. The approved statement shall be adhered to throughout the construction period and shall provide for:
- a) The parking of vehicles of site operatives and visitors.
  - b) Loading and unloading of plant and materials.
  - c) Storage of plant and materials used in constructing the development.
  - d) Wheel washing facilities.
  - e) Measures to control the emission of dust and dirt during construction.

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

10. The development hereby permitted shall not be begun until details of a management and maintenance plan for the landscaped areas have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.*

**Pre-occupation conditions**

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

11. The dwellings shall not be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to comply with Policy NE10 of the Nottingham Local Plan.*

12. Those dwellings shown to have photo voltaic panels shall not be occupied until the agreed method of renewable energy technology have been installed and are operational in accordance with details submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of sustainable development to comply with Policy BE4 of the Nottingham Local Plan.*

13. No dwelling shall be occupied until the boundary enclosures associated with that dwelling have been erected in accordance with the details approved by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.*

14. No dwelling shall be occupied until the associated car parking space(s) have been completed.

*Reason: In the interests of highway safety to comply with Policy BE2 of the Nottingham Local Plan.*



15. No dwelling shall be occupied until the sound insulation scheme including glazing and any complementary acoustical ventilation has been fully installed in accordance with the details approved.

*Reason: To safeguard the health and residential amenity of the occupants of the proposed dwellings to comply with Policy NE9 of the Nottingham Local Plan.*

16. No dwelling 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 public health and safety to comply with Policy NE12 of the Nottingham Local Plan.*

17. 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: To protect users against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas, to comply with Policy NE12 of the Nottingham Local Plan.*

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

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

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

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy BE3 of the Nottingham Local Plan.*

19. Existing trees on the site, shown to be retained on the approved plan, shall be protected until the completion of the development as follows:

a)

No equipment, machinery or materials shall be brought onto the site in connection with the development unless all trees shown on the approved plan to be retained have been protected with fencing in the positions shown on a plan to be submitted and approved by the Local Planning Authority. The fencing shall be in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations and 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.

b)

No work or storage of materials (including the removal or deposit of top soil), or excavations, shall be carried out within the fenced area(s) without the prior written permission of the Local Planning Authority.

c)

Poisonous or noxious materials e.g. oil, bitumen, cement shall not be stored or discharged, and no concrete mixing shall take place within 10 metres of any tree shown on the approved

plan to be retained.

*Reason: In order to protect the future health of the trees to comply with Policy NE6 of the Nottingham Local Plan.*

### **Standard condition- scope of permission**

S1. The development shall be carried out in complete accordance with the details described in the following drawings/documents:

Location Plan reference D99 revision A, received 18 June 2013

Planning Layout reference D100 revision W, received 3 September 2013

General reference D01 revision E, received 3 September 2013

General reference D02 revision E, received 3 September 2013

General reference D101 revision C, received 3 September 2013

General reference D102 revision D, received 3 September 2013

General reference D103 revision D, received 3 September 2013

General reference D104 revision D, received 3 September 2013

General reference D105 revision D, received 3 September 2013

General reference D106 revision D, received 3 September 2013

General reference D108 revision D, received 3 September 2013

General reference D109 revision B, received 3 September 2013

General reference D110 revision C, received 3 September 2013

General reference D111 revision B, received 18 June 2013

General reference D112 revision A, received 18 June 2013

Elevations reference D150 revision C, received 3 September 2013

Elevations reference D151 revision B, received 3 September 2013

Elevations reference D152 revision B, received 3 September 2013

Other reference D200 revision A, received 3 September 2013

Other reference D201 revision B, received 3 September 2013

Other reference D202 revision B, received 3 September 2013

Other reference D204 revision A, received 3 September 2013

*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.



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

**DRAFT ONLY**  
**Not for issue**

Continued...

4. 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 gaseous emissions 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.

5. Arboricultural Method Statement (AMS)

It is important to make sure that all the measures set out in the approved AMS, and in particular the arrangements for the ongoing supervision of work on site, are followed. All contractors must be made aware of their responsibilities under the AMS.

You are advised that any failure to comply with the AMS could have significant implications for the development, including construction work having to stop until any outstanding issues are addressed.

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: 13/01367/PFUL3 (PP-02679111)

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.