

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**13 Sherwood Rise, Nottingham**

**1 SUMMARY**

Application No: 14/01190/PFUL3 for planning permission

Application by: GraceMachin Planning & Property on behalf of Mr Andrew Muldoon

Proposal: 12 new apartments following demolition of existing property (revised scheme).

The application is brought to Committee because a number of local residents have submitted letters of objection and the site is prominent within the Sherwood Rise Conservation Area.

The application is being returned to Committee because additional representations that were received before the August committee were not reported when the application was considered at the August meeting. These have been incorporated into this report.

**2 RECOMMENDATIONS**

2.1 That the resolution of the Committee on 20 August 2014 (minute 20) to grant planning permission be rescinded following an omission in the update sheet, detailed further in this report;

2.2 Grant permission subject to the indicative conditions substantially in the form 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 and Regeneration.

**3 BACKGROUND**

3.1 The site is occupied by a two-storey building and large garden located on the corner of Sherwood Rise and 4th Avenue in the Sherwood Rise Conservation Area. The building has been substantially altered over a long period of time, including the application of a red render. The building is currently in very poor condition and the roof has been partly removed for safety reasons. The building sits close to the back edge of the Sherwood Rise (where a porch has been added) and 4th Avenue footways and to its south is a long garden, typical of this area, at the bottom of which is a car park accessed from Sherwood Rise.

3.2 The building's neighbours to the north and west are more elaborately designed three-storey dwellinghouses. Across Sherwood Rise to the east is a modern office building and to the south of the site accessed from Berridge Road are the Grade II

listed Norris Almshouses.

- 3.3 The building (which had previously been used as a social club and offices) was granted permission in 1984 for use as an elderly persons' rest home (restricted to seven people and that use in particular). It is not clear when that use ceased. Planning permission was granted in 2010 (10/03807/PFUL3) for the use of the building as a care home for people with learning difficulties. This permission was for up to six residents, three care staff on duty plus a manager and a cook/cleaner. It was also proposed to renovate the building, including repositioning of windows, changes to door locations, removal of an external fire escape, addition of two dormer windows on the south elevation and a rooflight on the north elevation, re-rendering (to be magnolia), reinstatement of the chimney and addition of a timber deck patio to the south elevation.
- 3.4 As noted above, the application was previously considered by the Planning Committee in August, when it was resolved to grant planning permission. However, additional representations from neighbours and from the Nottingham Civic Society were overlooked and not reported as part of the normal update procedure. Since these representations are material considerations that need to be taken into consideration, it is considered necessary to rescind the previous resolution and to reconsider the application in the light of the additional representations. The report has also been updated to reflect the current position in relation to the adoption of the Nottingham Aligned Core Strategy.

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

- 4.1 This application is seeking permission for the erection of 12 one and two bedroom apartments following demolition of the existing building. The proposed building would be 4 storeys with 3 apartments on each level.
- 4.2 The development would be located at the northern end of the site with access and car parking to the south, along with communal garden areas. The 3 ground floor apartments would have individual front doors, whilst the upper floor apartments would be accessed via a shared stair core from the rear of the building.
- 4.3 The site would be bounded with a Bulwell or similar stone wall with railings above. Vehicular access would be maintained to the south of the site where there would also be an 11 space car park. A covered cycle store would also be available close to the access to the upper floor apartments. A bin store would be provided within the car park area.
- 4.4 A number of mature trees would be retained on the site including 3 of the Limes that run parallel with Sherwood Rise and have in the past been pollarded. New trees are also proposed within the Sherwood Rise elevation to continue the line of trees but with species that are more appropriate in size for this location.
- 4.5 It is proposed to construct the building predominantly with red brick. There would be render panels to break up the mass of the building and create interest on the bays. The 3<sup>rd</sup> floor would be constructed with a cladding system. Window frames are proposed to be grey in colour to match with the cladding.

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

### **Adjoining occupiers consulted:**

Neighbour notification letters were sent to 1 – 2 and 4 Fourth Avenue; 1 – 8 Norris Homes and 8 Berridge Road East; 6 and 15 Sherwood Rise and 33 Mansfield Court. The application has also been advertised by site and press notices.

Responses have been received from 6 local residents.

2 neighbouring residents are objecting as the proposal will seriously affect their quality of life due to loss of light, loss of privacy and loss of view.

Another resident objects as the development of a 4-storey building will not cause anything other than significant overshadowing and overlooking. The position of the building will seriously and negatively impact on the privacy of the people living in the neighbouring property. Does not see how a modern 4-storey block of flats can be sympathetic to the Norris Almshouses. To build adjacent to the Sherwood Rise boundary would destroy the character of 4<sup>th</sup> Avenue which is a unique row of historic cottages in the Sherwood Rise Conservation Area. Would be supportive of alternative plans which do not extend significantly beyond the footprint of the existing building, do not extend above the height of the adjacent buildings and is of a design in keeping with those surrounding buildings.

A resident of the Norris Homes objects that the building is too high; the tree plan is incorrect; car access on Sherwood Rise will cause noise/pollution at the back of the Norris Homes and the access point will be a blind spot.

A resident of Fourth Avenue is objecting a number of grounds as follows; impact upon the character of the area, stating that Fourth Avenue has retained its character over the years and residents enjoy living there because of the long gardens. Light would also be lost in the morning and early afternoon, there are already houses on Alberta Terrace towering over Fourth Avenue, this development will box the houses in. The submitted plan has windows overlooking the gardens of Fourth Avenue which would affect privacy. Trees would be destroyed unnecessarily. Car park access would not be safe. Site plan does not show the height of the proposed building against the adjacent house. Up until 4 years ago there were tenants in the property and the garden was beautifully maintained, would support a development within the boundaries of the existing house. This proposal would destroy part of the Conservation Area that has existed for hundreds of years and would set an unwelcome precedent.

A resident in the neighbouring property objects on the grounds that the development would be totally incongruous with other buildings in the area as it is not in line with the other buildings on Fourth Avenue. There would be loss of light and privacy and the new flats would contribute to increased issues with the flow of traffic.

Five further objections have been received from residents, to amended plans:

The minor revisions to the site plans do not address any of the comments made previously.

CGI illustrations serve very well to demonstrate how completely out of character

with surrounding area the proposal is. Particularly the one from Hamilton Road which shows how it would dwarf the buildings on Fourth Avenue and block out all the morning light from the gardens.

Thought the whole point of a Conservation Area was to ensure that the character of the area is maintained. The Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 69 and 70) defines the quality of a Conservation Area as being “the character or appearance of which it is desirable to preserve or enhance”. This proposal is neither in the character or the appearance of the area and can only ruin and decrease the quality of the area.

The new proposal would still result in loss of light and privacy. It is still outside of the building lines and out of keeping with property in the area.

The new proposal is even more offensive. Loss of light to 1 – 3 Fourth Avenue will be tremendous, as will the loss of privacy.

**Nottingham Civic Society** objects on the following grounds:

The design and layout of the building adversely impacts upon the character of the Sherwood Rise Conservation Area. The submitted Design and Access Statement does not acknowledge the existence of the Conservation Area or analyse its character to inform the design process. The proposed building is too bulky, its large mass overwhelming the character of the Fourth Avenue dwellings, and obliterating the characteristic relationship between the original houses and their gardens.

The architecture of the building does not appear to draw inspiration from the Sherwood Rise Conservation Area, by contrast to the articulated, lively and undulating elevations of the Victorian dwellings, the proposed building does little to disguise its bulk. The amount of development on the site should be scaled down and its layout and architecture informed by the Conservation Area setting.

**Additional consultation letters sent to:**

**Pollution Control:** No objection subject to the imposition of conditions relating to noise assessment and sound insulation.

**Highways:** No objection subject to the imposition of conditions relating to drainage; construction management plan; revised parking layout and details of vehicular footway crossing.

**Tree Officer:** Concern about the loss of the Lime trees to the site frontage. Other trees within the site could host roosting bats.

**Biodiversity & Green Space:** Support recommendation of Ecology Report.

**Urban Design:** The key to this site is the quality of the materials and the detailing and attention to detail in the construction.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

### **Nottingham Aligned Core Strategy (2014): (ACS)**

- 6.5 The Nottingham City Core Strategy was formally adopted by the council on 8 September 2014. The following policies are considered relevant:

Policy 7 – Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

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

The following Policies have been saved and are considered to be relevant to assessment of the application. The Policies are considered to be consistent with the NPPF and therefore should be accorded full weight in the decision making process.

ST1 - Sustainable Communities.

H2 - Density.

BE2 - Layout and Community Safety.

BE12 - Development in Conservation Areas.

NE3 - Conservation of Species.

NE5 - Trees.

NE9 - Pollution.

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

### **Main Issues**

- (i) Principle of the development
- (ii) Layout and design and impact on the conservation area
- (iii) Impact on residential amenity

### **(i) Principle of the development (LP Policies ST1, H2, ACS Policies 7, 8 and 10)**

- 7.1 The site is located within a Primarily Residential Area and surrounded by other residential dwellings on the west side of Sherwood Rise. The last known use of the now vacant and derelict property was as an elderly person's residential home, a complementary residential use. The current building on the site is beyond viable repair and is not considered to be of significant historic value for its retention on the site to be justified. The site has a large front garden which was typical of this part of the Sherwood Rise Conservation Area, as the Forest Recreation Ground was originally a racecourse and this layout enabled residents a view. Whilst some properties have retained these long narrow gardens, many have been developed, particularly those on corner plots.
- 7.2 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, including affordable housing if required. It is considered that this housing scheme 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. Additionally, the development site is in a sustainable location, close to local facilities and a range of transport options.
- 7.3 It is considered that the principle of this residential development is acceptable and the proposal therefore accords with the above policies.

### **(ii) Layout and design and impact on the conservation area (LP Policies BE12 and NE5, ACS Policy 10)**

- 7.4 The development of this prominent site within the Sherwood Rise Conservation Area with the proposed development of 12 apartments is considered to be of an appropriate size and scale to complement the surrounding buildings, and of a high quality design. The submission of amended plans showing the re-positioning of the building and changes to the elevations, along with details of the proposed materials have achieved this.
- 7.5 The form of the building is simple to prevent it competing with the Grade II listed Norris Homes that sit to the south of the site. The detailing to the bays are a

modern interpretation of the stone bays on the neighbouring Victorian properties. The design of the roof and upper floor has ensured that this appears subordinate but also provides an interesting design feature.

- 7.6 The ground apartments would all have individual access points, providing more presence within the streetscene, along with giving ownership to small front garden areas. The boundary wall would be constructed of Bulwell stone with railings above which is in keeping with other boundaries in the area.
- 7.7 The proposed materials are considered to be of a high quality and the detailing to the brickwork panels has been given much thought to ensure that this building is of a sufficiently high quality for this prominent location in the Conservation Area. The windows would have reveals of 100 mm and would be finished in a contemporary grey colour to match the horizontal cladding of the upper floor.
- 7.8 The retention of some of the mature trees within the site maintains another important characteristic of the Sherwood Rise Conservation Area. Whilst it is unfortunate that not all of the Lime trees to the boundary of the site with Sherwood Rise can be retained, the proposal to provide replacement trees along the street elevation is considered to be appropriate in order to achieve an acceptable positioning of the building.
- 7.9 Whilst the views expressed in response to publicity are noted, and in particular the comments of the Civic Society, it is considered that the proposed development is of a high quality and of a form and scale that is appropriate to the surroundings. It replaces an existing building of limited architectural or historic significance and it is considered that the development will enhance the character and appearance of the conservation area.
- 7.10 The development would therefore accord with the above policies.

**(iii) Impact on residential amenity (LP Policy NE9, ACS Policy 10)**

- 7.11 It is considered that there would be no significant adverse impact upon the amenities of the neighbouring residents or future occupants of the development in terms of light and privacy.
- 7.12 The repositioning of the building to line up the northern most build with the principal elevations of the immediate neighbouring building on Fourth Avenue would prevent direct overshadowing of habitable rooms.
- 7.13 The orientation of habitable room windows within the proposed development would prevent any direct overlooking. There would be a distance in excess of 25 metres between the side elevation of the new development and the rear elevations of the Norris Homes. As such it is not considered that their privacy would be adversely affected.
- 7.14 The proposed car parking area would be created from an area that has historically been used for access and parking for the existing property on the site. Highways are satisfied that safe access could be achieved at this point. There would be an increase in the number of residential units on the site; however, the previous use as a residential care home could have resulted in many vehicular movements due to shift changes, deliveries and visitors. The actual parking spaces would not be adjacent to the boundary wall of the Norris Homes and therefore it is not considered

that significant loss of amenity through noise and disturbance would result.

- 7.15 A condition is recommended to ensure that appropriate sound insulation is provided within the dwellings to address traffic noise from Sherwood Rise. The apartments are all considered to be of a generous size and benefit from front gardens on the ground floor, balconies on the top floor and Juliet balconies on the 1<sup>st</sup> and 2<sup>nd</sup> floors.
- 7.16 Overall it is considered that the proposal would comply with the above policies.

## **8. SUSTAINABILITY / BIODIVERSITY (LP Policies NE3 and NE5)**

- 8.1 An Energy Statement has been submitted with the application and states that the proposed development would make use of a highly energy efficient fabric and services specification, which would enable the apartments to comply with Code for Sustainable Homes Level 3 requirements, and 2010 Building Regulations without the need for photovoltaics or any other renewable technology. The building would also include features to encourage the end users of the dwellings to think about the way they use the building and will help the development to reduce carbon emissions even after construction and all works by the developer have been completed. These include energy display devices; low energy lighting; advice on white goods; energy efficient boilers and provision of waste storage.
- 8.2 A bat survey has been submitted with the application which found no evidence of bats on the site.
- 8.3 It is considered that the development satisfies the requirements of the above policies.

## **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: the development would provide high quality and sustainable residential development.

Safer Nottingham: the development would help provide a safer and more attractive neighbourhood.



**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: 14/01190/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N5V8YGLYCB000>

2. Highway comments – 13<sup>th</sup> June 2014

3. Biodiversity Officer comments – 5<sup>th</sup> June 2014 and 30<sup>th</sup> June 2014

4. Pollution Control comments – 13<sup>th</sup> June 2014

5. Third party comments (6) – 5<sup>th</sup>/6<sup>th</sup>/10<sup>th</sup>/15<sup>th</sup>/17<sup>th</sup>/17<sup>th</sup> June 2014

6. Tree Officer comments – 11<sup>th</sup> June 2014

7. Nottingham Civic Society – 31<sup>st</sup> July 2014

8. Third Party comments – 1<sup>st</sup>, 8<sup>th</sup> and 10<sup>th</sup> August 2014

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

National Planning Policy Framework

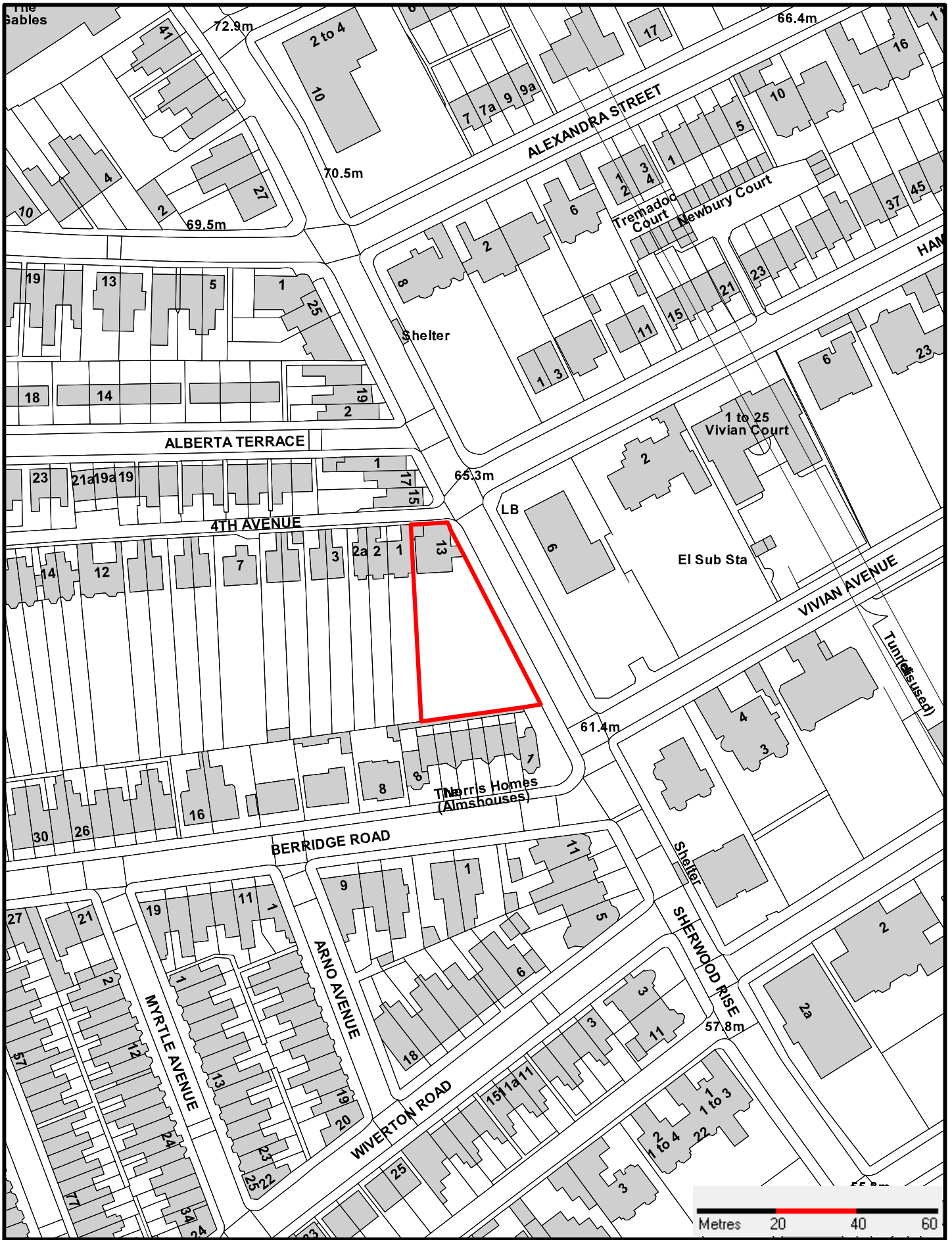
The Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies (September 2014)

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Rachel Gaskell (Mon, Tue And Fri), Case Officer, Development Management.

Email: [rachel.gaskell@nottinghamcity.gov.uk](mailto:rachel.gaskell@nottinghamcity.gov.uk). Telephone: 0115 8764052



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**Nottingham**  
City Council

**My Ref:** 14/01190/PFUL3 (PP-03393920)  
**Your Ref:**  
**Contact:** Mrs Rachel Gaskell (Mon,Tue And Fri)  
**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

GraceMachin Planning & Property  
FAO: Mr George Machin  
5 Malin Hill  
Plumtre Square  
Lace Market  
Nottingham  
NG1 1JK

Date of decision:

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

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Application No: 14/01190/PFUL3 (PP-03393920)  
Application by: Mr Andrew Muldoon  
Location: 13 Sherwood Rise, Nottingham, NG7 6JD  
Proposal: 12 new apartments following demolition of existing property (revised scheme).

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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.<br><br><i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i> |
| <b>Pre-commencement conditions</b><br>(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)  |



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**Not for issue**

2. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the LPA.

The environmental noise assessment 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. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

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

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

All sound insulation measures included within the scheme shall be incorporated into the development prior to the first occupation of any residential unit.

*Reason: In the interests of residential amenity in accordance with Policy 10 of the Aligned Core Strategy.*

3. The development shall not be commenced (including demolition works) until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction work shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.*

4. No part of the development hereby permitted shall commence on site until such time that the means of disposal of surface water, incorporating Sustainable Drainage Systems (SUDS), have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To reduce flood risk to third party properties downstream of the development and to reduce the risk of overloading the sewerage system in accordance with Policy 10 of the Aligned Core Strategy.*

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**Not for issue**

5. The development hereby permitted shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify the detail of trees proposed to be removed, measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans and a schedule of tree work for the retained trees.

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

6. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

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

7. The development shall not be commenced until details of areas to be hard landscaped, including the proposed parking areas and driveways which should be of permeable materials, 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 10 of the Aligned Core Strategy.*

**Pre-occupation conditions**

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

8. The development shall not be occupied until such time that revised details of the 11 space car park layout have been submitted and approved in writing by the Local Planning Authority. All parking spaces shall have minimum dimensions of 4.8m by 2.4m and the car park shall be surfaced in a bound material with spaces clearly delineated. Thereafter the development shall only be constructed in complete accordance with the approved details.

*Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area, to enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

9. No part of the development hereby permitted shall be occupied until the modified vehicular access and footway crossing has been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of pedestrian priority, to enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway Safety in accordance with Policy Policy 10 of the Aligned Core Strategy.*

10. The development shall not be occupied until details of a landscaping scheme with proposals for management and maintenance, including the type, height, species and location of the proposed trees and shrubs, have 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

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shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

**Regulatory/ongoing conditions**

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

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Planning Layout reference 2739 - 04 revision B dated 1 June 2014, received 14 July 2014  
Planning Layout reference 2739 - 02 revision G dated 1 March 2014, received 28 July 2014  
Elevations reference 2739 - 03 revision D dated 1 March 2014, received 28 July 2014  
Drawing reference SR-02 dated 1 June 2013, received 20 May 2014  
Location Plan reference SR-01 dated 1 June 2013, received 20 May 2014

*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. The Local Planning Authority considers that the quality of the finished development depends upon strict compliance with the fine details shown on the approved drawings. You are therefore asked to ensure that all contractors are fully aware of the specific details relevant to their trades, and in particular the proposed pointing and brick course variations, and the depths of the window reveals.**

3. 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.

4. Planning consent is not consent to work on the highway. To carry out the off site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 876 5293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

5. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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**Not for issue**

6. The Arboricultural Method Statement to be submitted shall be prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations'. It may include the following elements as appropriate:

- Protective fencing for retained trees
- Schedule of tree work
- Method of working within identified root protection areas
- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

7. Please contact the Tree Officer, Edmund Hopkins, for advice regarding tree protection. (0115 8764054, email [edmund.hopkins@nottinghamcity.gov.uk](mailto:edmund.hopkins@nottinghamcity.gov.uk)).

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.

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

## **RIGHTS OF APPEAL**

Application No: 14/01190/PFUL3 (PP-03393920)

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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