

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

**Land Bounded By Beacon Hill Rise, Limmen Gardens, Dennett Close And Flewitt Gardens, Nottingham**

**1 SUMMARY**

Application No: 15/02191/PFUL3 for planning permission

Application by: BM3 Architecture Ltd on behalf of Keepmoat Homes Ltd

Proposal: 42 new dwellings and associated works.

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 13th November 2015

**2 RECOMMENDATIONS**

**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 Head of Development Management and Regeneration.

**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 Four 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 Stonebridge fronting Beacon Hill Rise and Limmen Gardens.
- iv) Phase 3 and 6 was approved in March 2013 (planning ref: 12/03501/PFUL3) for 111 new dwellings in the northern and central part of the estate.

3.3 This application is for Phase 5 of the regeneration project. Phase 5 relates to the eastern and central areas of the Stonebridge Estate. It forms a cleared site, which was previously occupied by 6 blocks of three storey deck access maisonettes and a small garage block to the east of the community centre.

3.4 The site is bordered by existing and newly constructed (approved as Phase 4) two storey dwellings fronting Limmen Gardens to the north. To its southern boundary are newly constructed two storey dwellings on Dennett Close (approved as Phase 1). Existing properties on Beacon Hill Rise and the Blue Bell Hill Community centre are located to the east and Rocket Park, Pym Walk and existing properties on Flewitt Gardens to the west and north west.

3.5 Whilst all existing buildings have been demolished, the existing road layout remains to serve retained properties. Dennett Close, leading to Flewitt Gardens and Limmen Gardens provides vehicular access to the site from Beacon Hill Rise. A series of connecting public footpaths run across the site, with the most notable linking Limmen Gardens with Pym Walk to the south.

3.6 There are significant level changes across the site, with levels rising from Flewitt Gardens to the south west to Limmen Gardens to the north east.

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

4.1 This is a full planning application submitted by Keepmoat Housing for phase 5, the final phase of the regeneration project. It seeks permission for 42 dwellings which would comprise of 9 x 2 bedroom and 33 x 3 bedroom dwellings. All 42 units would be private dwellings for sale on the open market.

4.2 The development proposes to use the existing vehicular access roads along Dennett Close and Limmen Gardens. Two new shared surface roads would be created to serve the new dwellings. The first would be along the line of the existing pedestrian route of Pym Walk from the rear of properties on Beacon Hill Rise to the eastern edge of Rocket Park. This would be accessed from Dennett Close via the short access road serving the community centre and the existing properties on Beacon Hill Rise. The second new access road would create a short cul de sac, with turning head from Dennett Close. The existing access road to Flewitt Gardens

from Dennett Close is proposed to be closed. Access to Flewitt Gardens would solely be from St Matthias Road, via the new access road that was created as part of Phase 3 and 6. The proposal would involve the overall reduction of pedestrian footpaths crossing the site. The main east to west pedestrian route which links Beacon Hill Rise to Stonebridge Road is proposed to be retained and strengthened.

- 4.3 The dwellings would all be two storeys in height and would form a mixture of semi-detached, terraced and detached dwellings. They are proposed to be traditionally proportioned, with contemporary detailing and constructed within a restricted palette of materials consisting of a red/ buff brick, render, and some accent timber effect cladding, with grey tiled roofs and 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, which will be 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 80 neighbours have been consulted (overall expiry date 07.10.15):

2-12 (even), 1-7 (odd) 31- 35, 49, 51, 53, 71- 81 (odd), 98 -104 (even) Limmen Gardens  
16,18, 19,31-33 (odd) Flewitt Gardens  
10-16 Pym Walk  
41-45 (odd) Selborne Gardens Nottingham  
61-70, Flats 1-23 Beacon Hill House, Blue Bell Hill Community Centre, Dennett Close  
1-6 Beacon Hill Rise Nottingham

Two letters of objection have been received from local residents. Their main comments are summarised below:

- One resident of Beacon Hill Rise applauds the earlier phases of the project and supports the provision of affordable family housing for sale.
- Concern that an additional dwelling and its parking is proposed to the rear of properties on Beacon Hill Rise and opposite the community centre. There is concern that this will block/prevent a safe access to and remove on street parking for these existing properties. The elevation facing onto the existing road and turning area is seen as the front elevation of Beacon Hill Rise properties. The residents states that it provides essential access and parking to her front door, which is crucial due to her serious health issues.
- Objection to Pym Walk being turned into a shared surface access road.
- Concern that the off street parking spaces proposed to serve the new properties fronting Rocket Park and positioned opposite 71 Limmen Gardens will be dangerous to access due to the narrowness of Limmen Gardens at this point. Existing properties of Limmen Gardens have no off street parking and as a result have to park on the street. This makes the road very narrow and congested. There is concern that the proposed new parking spaces will

- exacerbate this problem and parked cars will be damaged and accidents will happen.
- Disappointment at the length of time it has taken to redevelop the cleared sites of Phase 5. This has led to issues with lack of maintenance of trees, rubbish not being cleared, vermin, becoming overgrown and neglected and incidents of anti-social behaviour, all of which affected the health of one local resident.

Nottingham Local Access Forum have commented that it is important to ensure good pedestrian and cycle links whilst taking into account concerns relating to community safety and anti-social behaviour. The outline application (09/01723/POUT) for the whole site had the objective of rationalising existing footpaths and making the remainder more secure through overlooking and natural surveillance. The current application site includes part of the main east west pedestrian link through Stonebridge Park. Its design as a shared surface for part of its length, with dwellings overlooking the route meets this requirement and is supported. They consider it important to ensure that this development links smoothly with the rest of the path network, including the link to Beacon Hill Rise.

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

**Regeneration:** Fully support the development.

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

**Highways:** Additional information has been requested regarding road levels, manoeuvring for refuse vehicles, the treatment of the new shared surface access roads and the incorporation of traffic calming measures along their extent. All new properties will benefit from off street parking. Some amendments have been requested to some parking arrangements. The provision of off street parking is welcomed for properties along Pym Walk which currently park on the section of Flewitt Gardens to rear which is to be stopped up. Concern is expressed on how resident only parking in these areas will be enforced.

**Drainage Team (Lead Flood Authority):** No objections. Conditions reducing the surface water run off by a minimum of 30%, using sustainable drainage systems is recommended.

**Biodiversity Officer:** No objections subject to the development being carried in line with the recommendations of the ecology survey i.e. the use of native species of planting, the inclusion of bat and bird boxes and hedgehog friendly boundary treatments. 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**

### **National Planning Policy Framework**

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.

**Aligned Core Strategy (September 2014):**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 16: Green Infrastructure, Parks and Open Space

Policy 17: Biodiversity

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

ST1 - Sustainable Communities.

H2 – Density

H5 - Affordable Housing

R2 - Open Space in New Development

NE5 – Trees

NE3 – Conservation of Species

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land

NE14 – Renewable Energy

T3 - Car, Cycle and Servicing Parking

**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 (ACS Policies A and 8, Local Plan Policies ST1, H2, 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. The development of the remaining phase of the regeneration project is welcomed. It would provide 42 dwellings (9x2 bedroom and 33x3 bedroom dwellings) all of which are proposed to be for private sale, and as such would provide a balanced mix of house types and sizes to meet the needs of local people. Earlier phases of the regeneration project have secured the 20% affordable housing requirement for the overall regeneration project. This would accord Policy H2 of the Local Plan.
- 7.2 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.
- 7.3 The NPPF and ACS Policy 8 and Local Plan Policy ST1 support 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. The NPPF 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 ACS Policies A and 8, Local Plan Policies ST1, H2, H5).

**ii) Design Considerations (ACS Policy 10, Local Plan Policies NE5 and T3)**

- 7.4 The ACS, 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.
- 7.5 The proposed layout reflects the approved master plan layout for Phase 5. Revisions have been made to improve the overall design of the housing layout, make greater use of existing access roads, retain existing trees 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.
- 7.6 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.

- 7.7 The new dwellings would be two storeys in height and comprise a mixture of semi-detached, short terraces, and detached properties that reflect their context. The proposed layout would greatly improve community safety due to the removal of unobserved footways, the creation of in curtilage parking to the front and sides of the dwellings where possible, and the creation of secure rear gardens. 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 contemporary architectural language that would be consistent with the simple façade and boundary treatments proposed of 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. 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).
- 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 ACS Policy 10 and Policy NE5 and T3 of the Local Plan.

**iii) Highway considerations (Local Plan Policy T3)**

- 7.11 As a redevelopment of an existing residential area, the proposed development, which as family housing would be at a lower density, would not have a significant impact upon the surrounding highway network in terms of traffic generation and access.
- 7.12 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".
- 7.13 The total parking provision for development is at the ratio of 2 spaces per dwelling which will largely be provided on plot. This equates to the maximum provision as detailed in the Local Plan and is acceptable. Two of the properties fronting Rocket Park cannot be provided with on plot parking due to the level differences, therefore 4 parking spaces are proposed to be provided on Limmen Gardens. The concerns of the Limmen Gardens local resident are currently being reviewed by the Highways team and comments will be reported to the meeting.
- 7.14 All existing properties fronting Beacon Hill Rise have the benefit of existing vehicular access and off street parking. The proposal will involve the development of the cleared garage site to the rear of existing properties on Beacon Hill Rise and opposite the community centre for one new dwelling. The applicant has been requested to consider additional visitor parking spaces in this area which could be used by existing residents on Beacon Hill Rise. A response on this matter will be

reported to committee. The proposed layout would retain the existing access path to the rear of these existing properties for servicing and refuse collection.

- 7.15 Subject to no materials issues arising from discussions with the Highway team, it is considered that the development satisfies the requirements of ACS Policy 14 and Local Plan Policy T3.
- 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 (ACS Policy 10)**

- 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 ACS Policy 10.

**v) Flood Protection and Drainage (ACS Policy 1 and Local Plan Policy NE10)**

- 7.18 The submitted Flood Risk Assessment (FRA) states that the site is located as within Flood Zone 1 i.e., having less than 1 in 1000 year flood risk - a low probability of flooding. The Drainage team as Lead Flood Authority has raised no objections to FRA subject to the agreement of a surface water drainage strategy which would enhance water quality of surface water run-off and incorporate the use of sustainable drainage techniques. This will be dealt with by condition.

**Other Matters (ACS Policy 16 and Local Plan Policies R2 and NE12)**

- 7.19 Public Open Space and Education Contribution (Local Plan Policy R2): The provision of financial contribution towards public open space and education on previous phases has been secured through the development licence. Previous phases of the Regeneration project has been brought forward only as a result of significant government funding. Whilst additional funding has not been required for Phase 5 as a result of constraints in developing this phase of the development, such as the severe level changes, the applicant has submitted an appraisal as part of the land negotiations, which shows that additional contributions will not be possible due to viability issues. Property have reviewed the appraisal and concur that contributions towards both public open space and education will not be possible for this phase.
- 7.20 Contamination (Local Plan Policy NE12): Pollution Control recommend conditions relating to ground contamination and gaseous emissions in accordance with Local Plan 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 ( ACS Policy 1, 10 and 17 and Local Plan Policies NE3, NE5 and NE14.**

- 8.1 An energy report submitted in support of the application proposes that the development meets its 10% renewable energy requirement through the fabric first approach to thermal insulation. The provision of 25 photovoltaic panels will also increase the energy efficiency of the development.
- 8.2 The ecological survey 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 front Beacon Hill Rise adjoining the pedestrian route and that are proposed to be retained. To compensate for tree loss further trees are proposed as part of the layout.
- 8.4 It is considered that the development accords with the requirements of ACS Policy 1, 10 and 17 and Local Plan Policies NE3, NE5 and NE14.

**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**

Ensuring Nottingham's workforce is skilled.

**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**

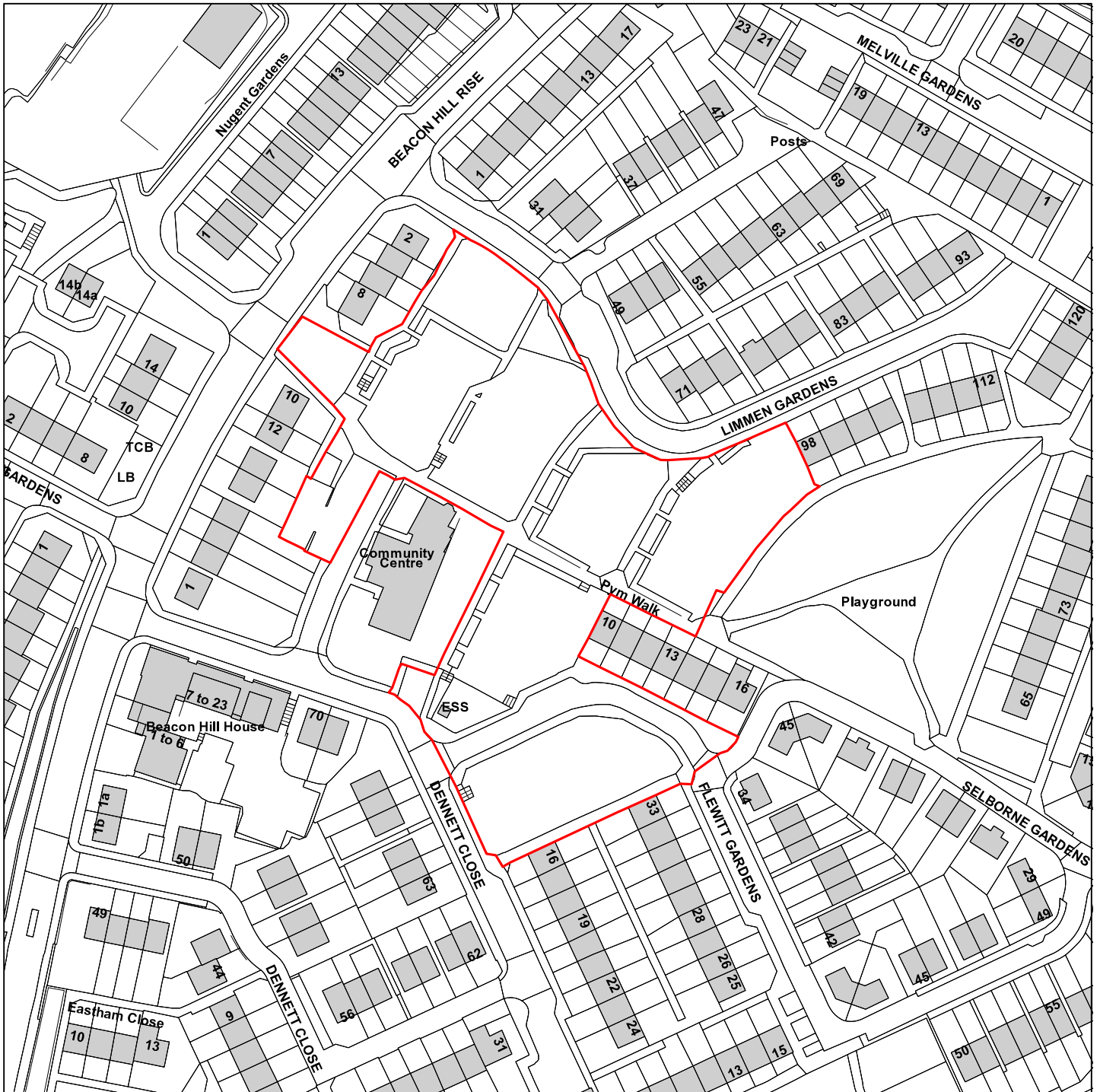
1. Application No: 15/02191/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NT9UI7LY00L00>
2. Pollution Control comments
3. Drainage comments 15.09.15.
4. Letter dated 14.09.15 from the occupier of 10 Limmen Gardens.
5. Highways comments 11.09.15 .
6. Housing Strategy comments.
7. Letter dated 15.09.15 from the occupier of 71 Limmen Gardens.
8. Comments from Nottingham Local Access Forum 17.09.15.
9. Biodiversity Officer comments 14.09.15.

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategies (September 2014)

**Contact Officer:**

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**My Ref:** 15/02191/PFUL3

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Date of decision:

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

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Application No: 15/02191/PFUL3  
Application by: Keepmoat Homes Ltd  
Location: Land Bounded By Beacon Hill Rise, Limmen Gardens, Dennett Close And  
Flewitt Gardens, Nottingham,  
Proposal: 42 new 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:-

**Time limit**

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

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

**Pre-commencement conditions**

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



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**Not for issue**

Continued...

2. 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 commence, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- a. The parking of vehicles of site operatives and visitors;
  - b. Loading and unloading of plant and materials, including haul routes and expected operation times;
  - 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;
  - f. A scheme for recycling/disposing of waste resulting from demolition and construction works and
  - g) A timetable for implementation.

*Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies 10 and 14 of the Aligned Core Strategies and Policy T3 of the Nottingham Local Plan.*

4. Notwithstanding the submitted plans, the development shall not be commenced until, details of proposed ground levels of the development, with particular reference to their relationship with existing residential properties surrounding the site, have been submitted to and agreed in writing with the Local Planning Authority.

*Reason: To safeguard the amenities of the occupiers of neighbouring properties and to ensure that the appearance of the development is satisfactory in accordance with ACS Policy 10.*

5. The development shall not be commenced until details of 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 scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The reduction of surface water drainage by a minimum of 30% relative to the site's previous impermeable area's piped run off rate (= approx 49 litres per second);
- Responsibility for the future maintenance of drainage features, together with details of the sustainable drainage maintenance schedules.

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 prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Nottingham Local Plan*

6. The development shall not be commenced until a detailed remediation strategy to deal with the risks associated with ground gas contamination of the site and having regard to the Phase 2 Site Appraisal by GRM dated June 2015 (ref GRM/P7008/F.1) has been submitted to and be approved in writing by the Local Planning Authority:

In particular the remediation strategy shall include:

a) Completion of the ground gas monitoring on site and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless agreed in writing with 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.*

#### **Pre-occupation conditions**

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

8. Prior to first occupation of the development, a verification report, which shall include the data referred to in the verification plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site, has been fully implemented and completed shall be submitted to and approved in writing with 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.*



9. 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 Policy 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.*

10. No part of the development 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 10 of the Aligned Core Strategy.*

11. No part of the development shall be occupied 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 Nottingham Local Plan.*

12. No part of the development 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 Policy 1 of the Aligned Core Strategy and Policy NE14 of the Nottingham Local Plan.*

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

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

13. The proposed dwelling shall be constructed using the approved materials of construction, unless otherwise approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with policy BE3 of the Local Plan.*

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

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 14 August 2015.

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

## **Informatives**

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: 15/02191/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.