

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

**Site Of Council Offices, Library, Sheltered Housing And Communal Rooms, Stepney Court**

**1 SUMMARY**

Application No: 15/02782/PFUL3 for planning permission

Application by: Arcus Consulting LLP on behalf of Nottingham City Homes

Proposal: Three storey building comprising Joint Service Centre to ground floor and 30 self-contained sheltered housing units to first and second floors.

The application is brought to Committee because it is major development located on a prominent site where there are important design considerations.

To meet the Council's Performance Targets this application should be determined by 7th March 2016

**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 the Head of Development Management.

**3 BACKGROUND**

The site is located on the corner of Strelley Road and Bradfield Road. It was formerly occupied by 28 sheltered housing units with a library and housing office to the main Strelley Road Frontage. These buildings were demolished in 2015; the site has been cleared although a number of trees still remain. Vehicular access to the site is to the rear off Bradfield Road. The site does slope down from Bradfield Road and the eastern corner of the site is set at a higher level than Strelley Road. To the north and south of the site are residential properties, whilst to the east are retail properties. Opposite the site to the west is the Broxtowe Children's Centre. There are two bus stops along Strelley Road and Bradfield Road that are in short walking distance of the site.

**4 DETAILS OF THE PROPOSAL**

- 4.1 Permission is sought for a three storey with Joint Service Centre to the ground floor and sheltered housing units to the first and second floors. The development would be jointly owned between Nottingham City Homes and the City Council. On the ground floor would be a large reception area, library, meeting rooms and office



accommodation for council staff. The main entrance to the Joint Services centre would be off Strelley Road.

- 4.2 On the first and second floors 15 residential units would be provided (a total provision of 30 units). Each unit would consist of a bathroom, kitchen/ living room and bedroom and would have a total floor area of 51sqm. An activity room, hobby room and hairdresser facilities would be provided along with a communal living room with kitchen facilities on the ground floor. There would be two entrances to the sheltered accommodation; one off the proposed communal garden area which would also provide access to car parking facilities, and one off Strelley Road. A ramp and stairway would be provided to assist access off Strelley Road. It has been indicated that the units would be for use by tenants of over 55 years of age.
- 4.3 To the rear of the building is proposed a car parking area, a communal garden and courtyard. Vehicular and pedestrian access to the building would be off Bradfield Road. The car park would be for use by residents of the sheltered accommodation; a total of 14 car parking spaces would be provided along with 1 disabled car parking space. The communal garden would also be for the residents use. The courtyard would be for the use of the Joint Service Centre (JSC) users and would be accessed from double doors leading out of the library area. Staff and residents cycle facilities would be provided to the rear of the site whilst cycle parking facilities for JSC users would be provided to the left of the main entrance. Deliveries to the building would be to the rear of the building.
- 4.4 2.4m high vehicle and pedestrian gates are proposed to the access way to the rear car park and communal garden areas. A gate is also proposed to the eastern side of the building where residents would gain access to the sheltered accommodation. A fob controlled door entry system would be utilised to manage access to different areas of the site. Around the Strelley Road and Bradfield Road front boundary a dwarf wall with railings is proposed.
- 4.5 The proposed building is L 'Shaped' with long frontages along Strelley Road and Bradfield Road. The building would be 8.2m wide by 24m on along the Strelley Road elevation and 8.1m wide by 21m along Bradfield Road. It would be 8m high
- 4.6 It is proposed to use a split face stone as the facing material where the building turns the corner of Strelley Road and Bradfield Road, and brick would be utilised along the rest of the road frontages. The windows to the south and west elevations would be recessed and set within stack bonded brick work panels. The rear elevation (north and east) would be rendered in white. An accent cladding system would be utilised on the south west corner above the entrance to the JSC, around the entrance to the sheltered accommodation off Strelley Road and as part of the signage on the eastern elevation. The windows to the building would be powder coated grey aluminium. There would be timber panelling to the proposed bin store area.

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

### **Adjoining occupiers consulted:**

The following properties were notified in writing of the proposal:

1, 2 to 36 (Evens) Withern Road  
2, 4, 4a, 6, 6b, 3 to 21 (odds), 8 to 10, 8a, 10a, 18 Strelley Road



394,398, 396, 400, 408, 410, 412-414 (evens), 416a Broxtowe Lane  
7 to 21 (odds) Bradfield Road

A site notice was displayed and a press notice published.

The notification period expired on the 8<sup>th</sup> January 2016. No representations have been received as a result of this publicity.

**Additional consultation letters sent to:**

**Pollution Control:** No objections subject to conditions to deal with contamination.

**Drainage:** The development falls under the classification of major development and is within the catchment for the River Leen/Daybrook, as such surface water discharge should not exceed the green field run-off rate. A green field runoff rate of 5 litres per second per hectare should be achieved. The reason for this limitation is because the Daybrook/Leen catchment area is highly susceptible to flash flooding. It is recommended that the site is drained by sustainable drainage methods and that details of the proposed scheme, together with information on who will own and maintain them, should be provided.

Following the submission of further information from the applicant. The following advice has been provided by the Drainage Team:-

- Page 7 of the applicant's attached Flood Risk Assessment (FRA) suggests the applicant will reduce peak discharge rate by 50% relative to existing, such an amount would be acceptable.
- Page 8 of the FRA suggests the applicant will be providing storage of 24.32 cubic metres, to ensure no building flooding for a 1 in 100 year + 30% event. "Storage" will be considered as a SuDS solution. However, details of who will own and maintain this and proposed maintenance schedules, suitable for the lifetime of the development will be required.

**Highways:** No objections to the development subject to the imposition of conditions relating to alterations to the access way, provision of car parking and cycle parking facilities, provision of gates and residential Travel Packs.

**Tree Officer:** No objections to the proposed development subject to the development taking place in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection plan.

**Access Officer:** No objections to the proposed development but precise detailing of the proposed railings to the steps and ramp will need to be secured through condition.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

Policy CE1: Community Facilities



Policy NE5: Trees

Policy NE10: Water Quality and Flood Protection

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

Policy 10: Design and Enhancing the Local Identity

**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.

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

7.1 The main issues in relation to the proposed development are:

- (i) Whether the development is acceptable in principle
- (ii) Whether the design of the building is appropriate for the location;
- (iii) The impact of the proposal on neighbouring properties and quality of accommodation provided;
- (iv) The impact on trees proposed to be retained;
- (v) Whether the site would be drained appropriately; and
- (vi) Whether the proposal raises any highway safety issues.

**Issue (i) Principle of Development (Policy CE1)**

7.2 The proposed development is on the site of a previous Library and Housing Office; to the rear of the site were located sheltered accommodation units. The proposed use of the site is not dissimilar. The site is easily accessible by public transport, well located in relation to the community it would serve and would be compatible with adjoining uses. In principle the development is considered to be appropriate at this location and would comply with Policy CE1 of the Local Plan.

**Issue (ii) Design (Policy 10)**

7.3 The massing, scale and proportions of the building would sit well within the street scene. The proposed materials, architectural style and detailing are appropriate and assist in adding interest to the building. The building faces onto both streets so presents an active frontage. With the proposed gates and through controlling access to certain parts of the building and grounds, the proposal incorporates features that would reduce opportunities for crime and anti-social behaviour. Providing outdoor space to the rear of the building together with the retention of trees to the site frontage will assist in creating a pleasant environment for both residents and users of the JSC. Overall it is considered that the proposal makes a positive addition to the local area and would accord with Policy 10 of the Aligned Core Strategy.



### **Issue (iii) Impact on Neighbouring Properties and Quality of Accommodation (Policy 10)**

- 7.4 The proposed new building would be sited at distances ranging between approximately 25m to 38m to the nearest properties at the rear of the site and it would be set 26m from the properties on Strelley Road. At these distances the new building would not detrimentally impact neighbouring properties by affecting privacy, daylight, sunlight, immediate outlook and it would not have a dominating impact. The development would therefore accord with Policy 10 of the Aligned Core Strategy in this regard.
- 7.5 There is potential for compromised privacy for two of the proposed residential units, as they have bedrooms that are located across from a window that serves a stairwell. In order to overcome this issue a condition can be used so that these stairwell windows are fixed and obscurely glazed. The proposed development raises no other issues and the quality of accommodation provided for future occupants is considered to be of a good standard, given the size and outlook that would be provided for each unit.

### **Issue (iv) Trees (Policy NE5)**

- 7.6 Six trees are proposed to be retained as part of the development, which would consist of two Lime trees to the Strelley Road frontage, 2 Sycamores located on the corner of Strelley Road/ Bradfield Road and 2 Sycamores to the rear of the site positioned to the rear of 410 to 416 Broxtowe Lane. An Arboricultural Method Statement has been submitted which demonstrates that the development can take place without adversely affecting these trees. The layout of the development also means that additional planting can take place which will enhance the site setting. The proposal would comply with Policy NE5 of the Local Plan.

### **Issue (v) Drainage (Policy NE10)**

- 7.7 A condition can be used to require the site to achieve a greenfield runoff rate which will assist in reducing the risk of flooding elsewhere within the Daybrook/Leen catchment area.

### **Issue (vi) Highway Safety (Policy 10)**

- 7.8 The proposed development will make use of the existing vehicular access, which would need some minor alterations which could be secured through condition. The number of car parking spaces provided for residents to the rear of the site is considered to be acceptable given the proximity to public transport. Overall it is not considered that the development would give rise to any highway safety issues.

## **8. SUSTAINABILITY / BIODIVERSITY**

The proposal would enable community facilities and sheltered accommodation to be provided which would assist in the delivery of sustainable development. The retention of trees on the site will assist biodiversity.

## **9 FINANCIAL IMPLICATIONS**

None.



**10     LEGAL IMPLICATIONS**

None.

**11     EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12     RISK MANAGEMENT ISSUES**

None.

**13     STRATEGIC PRIORITIES**

Neighbourhood Nottingham – Providing a high quality and sustainable development

Safer Nottingham – Providing a mixed development with secure property boundaries and well surveilled streets, routes and open spaces.

**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: 15/02782/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NX6S3PLYCB000>

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

Nottingham Local Plan (November 2005)

**Contact Officer:**

Miss Jennifer Cole, Case Officer, Development Management.

Email: [jenny.cole@nottinghamcity.gov.uk](mailto:jenny.cole@nottinghamcity.gov.uk).     Telephone: 0115 8764027







**My Ref:** 15/02782/PFUL3 (PP-04518670)

**Your Ref:**

**Contact:** Miss Jennifer Cole

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Date of decision:

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

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Application No: 15/02782/PFUL3 (PP-04518670)  
Application by: Nottingham City Homes  
Location: Site Of Council Offices, Library, Sheltered Housing And Communal Rooms,  
Stepney Court, Nottingham  
Proposal: Three storey building comprising Joint Service Centre to ground floor and 30  
self-contained sheltered housing units to first and second floors.

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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.  <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. Prior to the commencement of work on the vehicular access, details related to the layout geometry (with tracking), signing, lining alterations, swept path analysis, visibility splays and stage I/II and III safety audits of the access way proposed off Bradfield Road shall be submitted to and approved in writing by the Local Planning Authority. The access way shall be provided in accordance with the approved details prior to the development being first brought into use.  <i>Reason: In the interests of highway safety in order to ensure that there is safe access and egress of the site and to accord with Policy 10 of the Aligned Core Strategy.</i>



3. Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Management Plan shall include details of provision to be made for site operatives, visitors and construction vehicles off-loading, parking and turning within the site and the measures that will be taken to prevent the deposit of mud and other debris on the public highway during the construction phase. The Construction Traffic Management Plan shall be implemented in accordance with the approved details whilst construction is taking place.

*Reason: In the interests of highway safety in order to prevent construction vehicles waiting /parking and depositing of debris on the highway and to accord with Policy 10 of the Aligned Core Strategy.*

4. Prior to the commencement of development precise details of the surfacing of footways, access ways and turning/car parking areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details prior to the development being first brought into use.

*Reason: In the interests of highway safety to ensure that access ways and car parking areas are surfaced appropriately and to ensure that surfacing materials used within the development create a pleasant setting in order to accord with Policy 10 of the Aligned Core Strategy.*

5. Prior to the commencement of development precise details of the timber panel to be used to the north elevation of the building and PV panels to be used on the roof shall be submitted to and approved in writing by the Local Planning Authority. The approved timber and PV panels shall be used in accordance with drawing 2691 007 Rev S.

*Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

6. Prior to the commencement of development a surface water drainage scheme together with details relating to maintenance responsibilities and schedules shall be submitted and approved in writing to the Local Planning Authority. The surface water drainage scheme shall be designed to achieve a Greenfield run off rate of 5 litres per second per hectare or to reduce the peak discharge rate by 50% relative to the existing and shall be designed to ensure no building flooding for a 1 in 100 year + 30% storm event. The surface water drainage scheme shall be implemented in accordance with the approved details prior to the development being first brought into use.

*Reason: To assist in reducing flood risk elsewhere in the River Leen/Daybrook catchment area and to accord with Policy NE 10 of the Local Plan.*

7. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Preliminary Risk Assessment which has identified:
  - i) all previous site uses
  - ii) the nature and extent of potential contaminants associated with those uses
  - iii) the underlying geology of the site
  - iv) a conceptual model of the site indicating sources, pathways and receptors
  - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.

- b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all



receptors that may be affected, including those off site.

c) A Remediation Plan, based on a) and b) 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).

d) 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 varied with the express written approval of the Local Planning Authority.

*Reason: To safeguard the health and residential amenity of the occupants of the proposed development and to comply with Policy NE9 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 the development being first brought into use details of the cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the dimensions of cycle shelters, the number of stands to be provided and details of external lighting. Cycle parking facilities shall be provided in accordance with the approved details prior to the development being first brought into use.

*Reason: To encourage an alternative mode of transport in order to facilitate the delivery of a sustainable development and to accord with Policy 14 of the Aligned Core Strategy.*

9. Prior to the development being first brought into use, car parking, disabled car parking provision and vehicular turning facilities shall be provided and laid out in accordance with drawing 2691 017 Rev U. The car parking provision shall be retained thereafter and used for no other purpose for the lifetime of the development.

*Reason: To ensure that an appropriate level of car parking is provided for the residential element of the proposal and in the interests of highway safety in order to accord with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.*

10. Prior to the development being first brought into use, details of the vehicular and pedestrian gates to be provided to the access way off Bradfield Road and the pedestrian gates to be provided off Strelley Road shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include scaled elevation drawings of the proposed gates together with their colour/finish. The proposed gates must open inwards and the vehicular gates must have a minimum set back of 5m from the highway or a minimum of 11m if large delivery vehicles will use the access point. The gates shall be provided in accordance with the approved details prior to the development being first brought into use.

*Reason: In the interest of highway safety and to assist the security of the site in order to accord with Policy 10 of the Aligned Core Strategy.*



11. Prior to the development being first brought into use, precise details of the boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include scaled elevation drawings of the boundary treatment together with details of their colour/finish. The boundary treatment shall be provided in accordance with the approved details prior to the development being first brought into use.

*Reason: To assist the security of the site and to ensure an appropriate form of development in order to accord with Policy 10 of the Aligned Core Strategy.*

12. Prior to the development being first brought into use, details of Residential Travel Packs together with details of how they shall be provided to occupants of the residential accommodation shall be submitted and approved in writing by the Local Planning Authority. The Residential Travel Packs shall be provided in accordance with the approved details.

*Reason: To encourage an alternative mode of transport in order to facilitate the delivery of a sustainable development and to accord with Policy 14 of the Aligned Core Strategy.*

13. Prior to the development being first brought into use, precise details of the handrails to the access ramp and steps, and the step nosings shall be submitted to and approved in writing to the Local Planning Authority. The details submitted shall include scaled elevation drawings of the railings together with details of their colour/finish. The railings to the ramp shall be provided in accordance with the approved details prior to the development being first brought into use and shall be retained thereafter.

*Reason: To ensure that the ramps and steps provided are fit for purpose and will aid access to and from the site in order to accord with Policy 10 of the Aligned Core Strategy.*

14. Prior to the development being first brought into use details, of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be provided in accordance with the approved details in the first planting season following completion of the development.

*Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

15. Prior to the development being first brought into use, details of the degree of obscurity and glazing design of the windows to the first and second floor staircase windows (located adjacent to the hobby room and hairdresser room as shown on drawing 2691-012 Rev J) shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be provided in accordance with the approved details prior to the residential element of the scheme being first occupied.

*Reason: To protect the amenities of the occupants of the units opposite the staircase window in order to accord with Policy 10 of the Aligned Core Strategy.*

16. Prior to the development being first brought into use, the following shall be submitted to and be approved in writing by the Local Planning Authority:

- a) 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.
- b) 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 and groundwater



contamination of the site has been fully implemented and completed.

*Reason: In the interests of public health and safety 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)

17. Any trees or plants provided as part of the approved landscape scheme 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 10 of the Aligned Core Strategy.*

18. The development shall be constructed using the materials specified on drawings 2691- 007 Rev S, 2691- 008 Rev S and 2691- 032, unless otherwise agreed in writing by the Local Planning Authority.

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

19. The windows of the development hereby approved shall have reveals of at least 75mm as shown on drawing 2691-032.

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

20. The development shall be carried out in accordance with the details set out within the Arboricultural Impact Assessment Rev A dated 11th January 2016, Arboricultural Method Statement Rev A dated 11th January 2016, Arboricultural Impact Assessment Tree Protection Plan Rev A dated 11th January 2016 and Arboricultural Method Statement Tree Protection Plan Rev A dated 11th January 2016.

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

21. Ramp and steps shall be provided in accordance with drawings 2691-017 Rev U and 2691-033 and condition 13 above prior to the residential element being first brought into use.

*Reason: To ensure that the appearance of the development is satisfactory and that appropriate access is provided that complies with Policy 10 of the Aligned Core Strategy.*

### **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:  
Drawing reference 2691-007 revision Rev S, received 19 January 2016  
Drawing reference 2691-008 revision Rev S, received 19 January 2016  
Drawing reference 2691-017 revision Rev U, received 19 January 2016  
Drawing reference 2691-032, received 19 January 2016  
Drawing reference 2691-033, received 19 January 2016  
Drawing reference 2691-3A 017 revision Highway details only, received 5 January 2016  
General reference AIA R revision Rev A, received 11 January 2016



General reference AMS R revision Rev A, received 11 January 2016  
General reference AIA TPP revision Rev A, received 11 January 2016  
General reference AMS TPP revision Rev A, received 11 January 2016  
Drawing reference 2691 -011 revision Rev K  
Drawing reference 2691-012 revision Rev J  
Drawing reference 2691-010 revision Rev M

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

## **Informatives**

### **1. Highways**

- 1) It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.
- 2) The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.
- 3) Planning consent is not consent to work on the highway. To carry out 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 8765293 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. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd).
- 4) The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree which is in line with the 6Cs Regional Design Guide. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.
- 5) The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.
- 6) To progress the drainage submission in support of this application the applicant is advised to contact Paul Daniels Senior Drainage Engineer 0115 8765275 or Nick Raycraft Senior Drainage Engineer 0115 8765279.
- 7) For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.



8) Residential travel plan packs are to be prepared for each household and all costs borne by the applicant. The packs should be prepared in consultation with Kerry Perruzza Senior Transport Planner 01158763947.

## **2. Contaminated Land, Ground Gas and Groundwater**

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

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 required 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 shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

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<sup>8</sup> ONLY**  
**Not for issue**

Continued...



## **RIGHTS OF APPEAL**

Application No: 15/02782/PFUL3 (PP-04518670)

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/pcs](http://www.planningportal.gov.uk/pcs).

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.