

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

**Allotments Rear Of 108 To 150, Russell Drive**

**1 SUMMARY**

Application No: 15/03129/PVAR3

Application by: Freeths LLP on behalf of Commercial Estates Group

Proposal: Variation of conditions 1, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23 and 24 of outline planning permission reference 12/01583/POUT in order to facilitate the phased delivery of the development.

A decision following the recommendation set out in this report would result in the granting of a new planning permission for a scheme that had previously had been refused by Planning Committee, which was allowed at appeal.

To meet the Council's Performance Targets this application should be determined by 14th March 2016

**2 RECOMMENDATIONS**

**To GRANT PLANNING PERMISSION subject to:**

1. (a) Prior completion of a Deed of Variation applying to the Planning Obligation dated 27 November 2013, which shall include:
  - on site provision of affordable housing;
  - a contribution towards facilities at Fernwood Primary School and Fernwood Academy (Secondary School);
  - Provision of one free 12 months Kangaroo Travel Pass for each household;
  - £50,000 (indexed linked) for pedestrian crossing improvements on Russell Drive
  - £40,000 (indexed linked) for improvements to two bus stops adjacent the site access on Russell Drive;
  - construction of a footpath to Torvill Drive;
  - Payment of £10,000 to the Council should the development fail to achieve year 5 Travel Plan targets; and
  - £150,000 for enhancements to Martin's Pond and Harrison Plantation.
- (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

The power to determine the final details of both the terms of the Planning

Obligations and conditions of the planning permission to be delegated to the Head of Development Management.

2. Councillors being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonable related in scale and kind to the development.
3. Councillors being satisfied that the section 106 obligation sought in relation to education, promotion of sustainable travel, pedestrian crossing and bus stop improvements, and contribution to Martin's Pond and Harrison Plantation would not exceed the permissible number of obligations according to Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

#### Site and Surroundings

- 3.1 The application site relates to approximately 10.8 hectares of private allotments that are accessed off Russell Drive. To the immediate south east of the site is Martin's Pond and Harrison's Plantation both of which are Local Nature Reserves. To the north of the site is Torvill Drive, to the east are Reynolds Drive and Rudge Close and to the west are Ewell Road and Pembury Road. Russell Drive is situated to the south.

#### Planning History

- 3.2 An application was submitted in 2012 reference 12/01583/POUT seeking outline permission for residential development of up to 140 dwellings with all matters reserved except for access which was proposed off Russell Drive, following the demolition of 120 Russell Drive. In addition the application proposed the regeneration of the allotments, provision of new public open spaces and also enhancements to access, drainage infrastructure and ecology. As part of the application 164 replacement allotment plots were proposed to be located to the west and north of Martin's Pond. This outline planning application was refused by Planning Committee on the grounds that:
  - (1) the development would result in the unacceptable loss of allotments and part of the open space network;
  - (2) the absence of key ecological information results in the inability to undertake a comprehensive and robust assessment of ecological matters in relation to the development;
  - (3) the proposed access is inadequate to accommodate the level of traffic projected to be generated by the development;
  - (4) the Master Plan fails to demonstrate that the proposals will deliver a high quality development;
  - (5) the flood risk assessment fails to demonstrate that an acceptable assessment of flood risk has been undertaken; and

(6) the proposal failed to include a satisfactory financial contribution towards public open space.

- 3.3 This refusal was appealed and following a Public Inquiry the decision was overturned and planning permission was granted for the proposal subject to 25 conditions and a s106 agreement relating to affordable housing, education, sustainable travel, highway improvements and an open space contribution. During the Public Inquiry the scheme was altered to a maximum of 110 dwellings and the area of built development was reduced to approximately 0.6ha. There were also changes to the indicative Master Plan in regard to the location of the public open space and allotments, including an increase in the number of allotments proposed, and an alteration to the proposed footpath link to the northern boundary.
- 3.4 The main issues under consideration at the appeal were the effect of the development on the Open Space Network, ecology and on allotment provision in the area. The Inspector concluded that with appropriate compensatory and mitigation measures included within the proposals, secured by s106, and condition that the proposal was acceptable.
- 3.5 The principle of the proposed development is therefore not before Planning Committee for consideration.

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

- 4.1 Permission is sought to vary conditions 1, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23 and 24 attached to planning permission 12/01583/POUT. The primary purpose of the application is to enable the discharge of pre-commencement conditions on a phase by phase basis. A plan has been submitted indicating which areas of the site would be developed under each phase. The reconfiguration of allotments and ecological enhancements would take place first followed by the housing development. In general terms the proposed changes are to facilitate the development being carried out in phases and to allow the submission of the various details required by conditions at trigger points relevant to the works in question, rather than all needing to be approved prior to the commencement of any development. During the assessment of the application further changes have been agreed to conditions 1, 2, 17, 18 and 20.
- 4.2 Giving approval for the conditions to be varied would result in the issuing of a new planning permission. Such a grant of planning permission would be a determination to which the Community Infrastructure Levy Regulations 2010, apply as a s106 planning obligation is necessary to mitigate the effects of the proposed development. In such circumstances a deed of variation is required to ensure that the obligations set out in the original agreement apply to the new permission.

#### **Condition Changes**

- 4.3 The variation to condition 1 would enable the reserved matter details (appearance, landscaping, layout and scale) to be submitted in phases. The alteration agreed to condition 2 would ensure that the submission of the reserved matters would still be within 2 years of the original planning permission being granted.
- 4.4 The alteration to condition 6 would link the junction design of the access from Russell Drive specifically to the housing development rather than the commencement of any development, and require its provision prior to any dwelling

being occupied. The change to condition 11 would require the submission of details for the public open space, also prior to the commencement of any dwelling.

- 4.5 The changes to conditions 12, 13, 14, 15, 16 and 17 relate to ecology, biodiversity and landscaping. The alterations to these conditions would require the submission of a detailed scheme for trees and hedgerows (12), an Arboricultural Method Statement (13), a bat survey (14), a survey and method statement together with a timetable for dealing with invasive plant species (15), a Construction Environmental Management Plan (16) and a habitat retention/creation plan and associated management plan (17), to be submitted prior to the commencement of each phase of development.
- 4.6 Condition 18 relates to external lighting and would require the submission of details prior to the commencement of the housing development.
- 4.7 Condition 19 would be varied to require the details of work related to the profiling and realignment of Bilborough Brook prior to the commencement of any housing development.
- 4.8 Condition 20 relates to the provision of precise details of a sustainable urban drainage scheme which would be required to be submitted prior to the commencement of the housing development.
- 4.9 The changes proposed to conditions 22 and 23 would require the provision of a remediation scheme and verification reports relating to ground contamination to be submitted prior to the commencement of each phase of development taking place (i.e. on a phase by phase basis). No dwelling or allotment would then be able to be occupied until the remediation measures had been completed and the necessary verification reports approved.
- 4.10 Condition 24 would link the requirement for at least 10% of the energy to be secured from renewable or low energy carbon sources to the housing development. The details would be required before any construction of these.

#### Proposed Phasing

- 4.11 Phase 1 relates to the most north east corner of the site. This phase of development would provide new allotments for those gardeners relocating from other plots on the development site, either temporarily whilst the development is completed or permanently.
- 4.12 Phase 2 relates to two areas of land; the first is located to the north of Martin's Pond and the second is located to the west of the pond and to the north of 108 to 118 Russell Drive. Allotments are proposed on both areas of land.
- 4.13 Phase 3 relates to the housing development and area of open space. The area of open space is indicated to be centrally located within the overall site, so that it bounds the residential development, the allotments and also the boundary to Martin's Pond.

## 5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

### Adjoining occupiers consulted:

Those neighbours who were notified of planning application 12/01583/POUT and who made a representation have been notified of the application to vary the conditions. A total of 434 letters have been sent. Two site notices have also been displayed, one at the entrance to the allotments off Russell Drive and one at the entrance to the Martin's Pond Nature Reserve. As the development relates to a major development a notice has also been made in the Press. The notification period for the application expires on the 3<sup>rd</sup> February 2016.

At the time of writing this Report, five letters of representation have been received.

Four letters object to the principle of the development, whilst 1 letter advises that the variations sought to the conditions assist in aiding understanding of how the development will take place. Comments have also been received objecting to changes to any conditions.

### Response to Representations Received

The principle of the development has been established previously through the appeal that was allowed in relation to planning application 12/01583/PFUL3. The issue to be considered in relation to this application is whether the proposed variations to the conditions of the permission are appropriate.

### Additional consultation letters sent to:

**Pollution Control:** Pollution Control raises no objections to the proposed variations to conditions.

**Drainage:** No objections to the alterations, but Drainage have advised that there is a medium risk of flooding from surface water to parts of the site. It may not be possible to use infiltration methods as the ground conditions are not suitable and that the flows from the site in this catchment should be limited to greenfield run off (5l/s/ha). Drainage have also advised that Martin's Pond should not be used as a sustainable urban drainage feature.

**Highways:** No Objections.

### **Parks and Leisure (responsible for allotments and ecological matters):**

Concerns have been raised over the wording of conditions relating to allotment provision and ecology. In particular there is a need to ensure that there is a comprehensive approach to nature conservation, the provision/retention of habitat and that allotments are managed appropriately, and also let on a reasonable basis.

## 6 RELEVANT POLICIES AND GUIDANCE

### **National Planning Policy Framework**

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong and responsive economy, supporting strong, vibrant and healthy communities and

by protecting and enhancing the environment. Paragraph 14 states that development should be approved, without delay, where it accords with the development plan.

Paragraph 109 explains that the planning system should contribute to and enhance the natural and local environment by protecting landscapes, recognising the wider benefits of the ecosystem and remediating contaminated land.

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

Policy ST1: Sustainable Communities

Policy R6: Allotments

Policy R2: Open Space in New Development

Policy NE2: Nature Conservation

Policy NE3: Conservation of Species

Policy NE5: Trees

Policy NE10: Water Quality and Flood Protection

Policy NE12: Derelict and Contaminated Land

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

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

Policy 16: Green Infrastructure, Parks and Open Space

Policy 17: Biodiversity

Policy 19: Developer Contributions

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

### **Main Issues**

- 7.1 The main issues in relation to the proposed variation of the conditions is whether they would adversely affect the timely provision of details required by the conditions (reserved matters, access, replacement/enhanced allotments, public open space, ecology/biodiversity/landscaping, external lighting, flooding/drainage, land contamination and energy) and whether the overall quality of development and required mitigation measures would be diminished as a result.

### **Reserved Matters**

- 7.2 The alterations proposed to condition 1 would provide certainty in relation to when different elements of the development will be brought forward and relevant details submitted. The proposed alteration to condition 2 would ensure that the submission

of reserved matters remains within the time limits set by the original permission granted 8<sup>th</sup> May 2014.

#### **Access (Policy 10)**

- 7.3 The alteration proposed to Condition 6 (Access) would still ensure the submission of the detailed junction design prior to the residential phase taking place. The use of the access in relation to the allotments would not exacerbate the existing situation regarding traffic and therefore it would be unreasonable to require the detailed junction design to be required prior to the residential phase taking place.

#### **Replacement/Enhanced Allotments (Policy R6)**

- 7.4 Conditions 9 and 10 of the planning permission remain unaltered. Condition 9 requires the provision of replacement/enhanced plots in accordance with the Allotment Delivery Strategy submitted as part of the 2012 planning application. Condition 10 requires the submission of a plan for the management of the allotments, which would need to set out day to day management practices and letting policies. Through condition 9 and 10 the issues raised by Parks and Leisure will be addressed and the proposal would still accord with Policy R6 of the Local Plan.

#### **Public Open Space (Policy R2 and Policy 16)**

- 7.5 Public Open Space would still be provided within the development, but the submission of details relating to its provision would be required before commencement of the residential phase. This would ensure that it would be provided to meet the needs of future occupants, but would enable other infrastructure works relating to the replacement/enhanced allotments to be carried out beforehand. It is therefore considered that the variations to conditions would not affect the aims and objectives of either policy R2 or policy 16.

#### **Ecology/Biodiversity/Landscaping (Policies NE2, NE3, NE5, Policy 16 and 17 and NPPF paragraph 109)**

- 7.6 Phasing the delivery of the development would not compromise the ecological/biodiversity or landscaping enhancements and mitigation measures that were originally proposed as part of the development. A phasing plan would need to be agreed under the revision to condition 1 which together with the details required as part of the conditions relating to ecology, biodiversity and landscaping, will ensure that such infrastructure is provided in a manner acceptable to the Council's Biodiversity and Green Space Officer. The alteration proposed to condition 17 would also ensure that details of surface water drainage associated with habitat creation/retention are provided. The proposal would therefore accord with policies NE2, NE3 and NE5 of the Local Plan and policies 16 and 17 of the Aligned Core Strategy and paragraph 109 of the NPPF.
- 7.7 The proposed variation to condition 14 has not been agreed to, as the change proposed would only have required the provision of a bat survey in relation to the demolition of 120 Russell Drive, whereas originally a bat survey was required for the whole of the site. It is considered that in the interests of biodiversity that the condition should remain unchanged.

### **Lighting** (Policies NE2, NE3, NE5, 10 and 17)

- 7.8 Provision of external lighting for both the allotment and housing phases is provided for as part of the alterations to the wording of condition 10. This will still enable consideration to be given to the impact of any lighting scheme proposed in the allotment area on nature conservation.

### **Flooding and Drainage** (NE10)

- 7.9 Bilborough Brook currently runs through the part of the application site identified for residential development and where public open space is to be laid out. The details relating to the profiling and re-alignment of the Brook would therefore not be necessary to start development in relation to the replaced/enhanced allotments. The alterations proposed to condition 19 require the submission of details prior to commencement of the residential element.
- 7.10 Alterations have been made to conditions 17 and 20 regarding the provision of drainage details associated with habitat creation/retention. The changes have been made to ensure that the details for the sustainable urban drainage network envisaged for the whole of the site are provided prior to the commencement of development to bring forward a particular phase of development.
- 7.11 The changes to conditions associated with flooding and drainage would ensure that the aims of policy NE10 are met. The wording of condition 20 would also require the design of any sustainable urban drainage scheme to consider the hydrological and hydrogeological context of the development and for details of run off to be provided; as a result the issues raised by Drainage can be considered.

### **Contamination** (NE12)

- 7.12 The phases of development indicated on the submitted phasing plan are of sufficient size to enable appropriate assessment of each parcel of land to be carried out and for a remediation strategy to be prepared. As such it is considered that it is reasonable for the details required in relation to contamination to be submitted and approved prior to each phase of development taking place. It is also considered reasonable to prevent the use of any dwelling or allotment until the verification requirements have been submitted and agreed by the local planning authority. The changes in wording would not affect the ability to deal effectively with contamination at the application site.

### **Energy** (Policy 1)

- 7.13 It is considered reasonable to alter the wording of condition 24 to link it to the residential element of the scheme, rather than requiring the details to be submitted on commencement of the replacement/enhanced allotments.

### **Quality of Development** (Policy 10)

- 7.14 Overall it is considered that proposed variations to the conditions would not alter the quality of the development proposed, but would merely assist the implementation of the permission by allowing the development to take place in phases. The variations sought also indicate the intention of the developer to make provision for the replacement allotments on site first. However, to ensure that the



phasing of development does take place in the manner suggested, the wording of Condition 1 has been altered so that it makes reference to the phasing plan submitted. This will ensure that the development takes place as currently envisaged.

### **Other Matters - Planning Obligations (Policy ST1 and Policy 19)**

7.15 Policy ST1 of the Local Plan and policy 19 of the Aligned Core Strategy set out the broad policy basis for section 106 obligations. The obligation secures: on-site provision of affordable housing; a contribution towards primary and secondary school provision; provision of a 12 month bus pass for each dwelling; a contribution of £50,000 and £40,000 respectively for pedestrian crossing and bus stop improvements on Russell Drive; construction of a footpath to Torvill Drive; provision of a payment of £10,000 to the Council should Travel Plan targets fail to be met; and a contribution of £150,000 for Martin's Pond and Harrison's Plantation. It is still considered that the obligation meets the following tests: they are necessary to make the development acceptable in planning terms; are directly related to the development and are reasonably related in scale and kind to it.

7.16 Checks have been made to ensure that the individual contributions sought would not exceed 4, which is the permissible number of obligations sought that can be pooled together for any one project/scheme. The checks made indicate the following schemes/projects have not benefited or will not benefit from other planning obligations and as such would accord with Regulation 123 (3) of the Community Infrastructure Levy Regulations 2015;

- Contribution of £50,000 and £40,000 towards pedestrian and bus stop improvements on Russell Drive;
- Contribution towards primary and secondary school education for Fernwood Primary School and Fernwood Academy;
- Potential Travel Plan contribution of £10,000 towards any one or combination of the following in relation to the housing development proposed: (1) administration and provision of a free 1 month travel pass for each dwelling; (2) administration and delivery of promotional packs suggesting transport journey plans; (3) arranging cycle maintenance classes for residents of the development, and (4) marketing campaign on sustainable transport focused on the housing development;
- Contribution of £150,000 for Martin's Pond and Harrison's Plantation

## **8. SUSTAINABILITY / BIODIVERSITY**

The variations sought to the conditions would still achieve the sustainability and biodiversity aims and objectives that were envisaged when the application was assessed during the appeal process.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham – Providing a high quality and sustainable development

**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: 15/03129/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZ8JQMLYCB000>

2. Appeal Decision APP/Q360/A/13/2200191 (12/01583/POUT) - link to online case file:

[http://publicaccess.nottinghamcity.gov.uk/online-applications/files/99BDA96BE74CDF12E9EDC17BA2BBE0F6/pdf/12\\_01583\\_POUT-APPEAL\\_DECISION-1018723.pdf](http://publicaccess.nottinghamcity.gov.uk/online-applications/files/99BDA96BE74CDF12E9EDC17BA2BBE0F6/pdf/12_01583_POUT-APPEAL_DECISION-1018723.pdf)

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

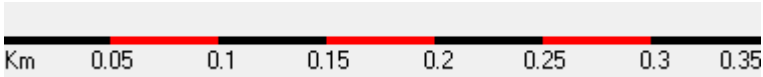
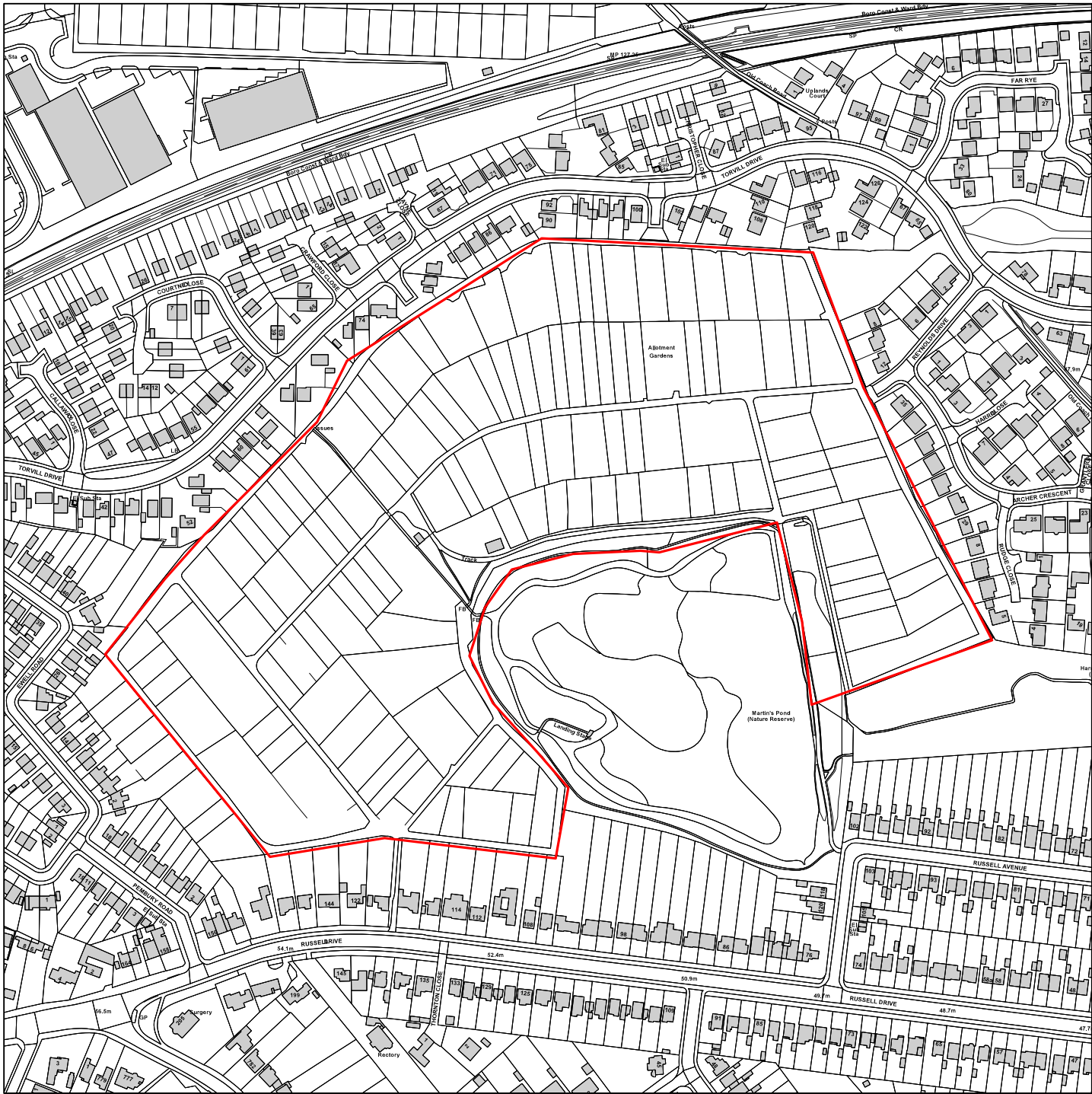
Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

**Contact Officer:**

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Date of decision:

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

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Application No: 15/03129/PVAR3 (PP-04694487)  
Application by: Commercial Estates Group  
Location: Allotments Rear Of 108 To 150, Russell Drive, Nottingham  
Proposal: Residential development, regeneration of allotments, incorporating new public open, access, drainage infrastructure and ecological enhancement (variation of conditions 1, 2, 6, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23 and 24 of outline planning permission reference 12/01583/POUT in order to facilitate the phased delivery of the development)

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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. Details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') for each phase of the development shall be submitted to and approved in writing by the local planning authority before the development in any phase begins and the development of each phase shall be carried out in accordance with the approved details. A phasing plan for the development shall first be submitted to and agreed in writing by the local planning authority before any development, including site clearance or ground preparation commences. The phasing plan shall indicate in which phases of development the replacement/enhanced allotments, public open space, the new nature Reserve, and works to the Bilborough Brook will be carried out.

*Reason: To define the scope of the reserved matters applications and the phasing of the development, and also to accord with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*



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**Not for issue**

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2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from 8th May 2014.

*Reason: To ensure that the timeframe for the submission of reserved matters accords with planning permission 12/01583/POUT and to comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

*Reason: to accord with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

4. The reserved matters details to be submitted shall be in broad accordance with plan No INCLA\_N107.102B (Illustrative Landscape Masterplan).

*Reason: To ensure that the reserved matters details are in broad accordance with the illustrative landscape masterplan submitted and to establish the scope of the permission in order to secure a satisfactory development that accords with Policy 10 of the Aligned Core Strategy.*

5. The reserved matters submissions required by condition 1 above shall include:
- a) Details of the boundary treatment of the site, and for individual dwelling plots, together with a timetable for implementation;
  - b) Finished floor levels, including cross sections;
  - c) Finished road levels, including cross sections;
  - d) All hard surface treatments, including roads, allotment avenues, footpaths/cycle ways, driveways and private parking areas.

*Reason: In the interests of visual amenity, of providing acceptable living conditions for existing and future occupiers, surface water drainage and highway safety it is necessary to ensure that the reserved matters details include boundary treatments, finished floor levels, road levels and hard surface treatments in order to comply with Policy 10 of the Aligned Core Strategy and Policy NE10 of the Local Plan.*

#### **Access/Parking**

6. Development of the residential area identified on the INCLA\_N107.102B (Illustrative Landscape Masterplan) shall not commence until a fully detailed junction design, including a raised plateau, as shown on plan No 012 Rev D, has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the access has been constructed in accordance with the approved details.

*Reason: To ensure that the design of the junction is appropriate and that it is provided before any dwellings are occupied to ensure highway safety and to comply with Policy 10 of the Aligned Core Strategy.*

7. No dwelling hereby permitted shall be occupied until the associated parking/garaging for that property has been provided in accordance with details that have previously been submitted to and approved by the local planning authority. The parking/ garaging spaces provided pursuant to this condition shall be retained for that purpose thereafter.

*Reason: To secure appropriate garaging and parking for each property in the interests of highway safety and to comply with Policy 10 of the Aligned Core Strategy.*

#### **Number of Dwellings**

8. The development hereby permitted shall be limited to a maximum of 110 dwellings.

*Reason: A restriction is required on the number of dwellings permitted by this permission in the interests of highway safety and to accord with Policy 10 of the Aligned Core Strategy.*

#### **Replacement/Enhanced Allotments**

9. Development shall not commence, including any works of site clearance or ground preparation, until detailed drawings and particulars of the replacement/enhanced allotments, in accordance with the Allotment Delivery Strategy (October 2013) (INCLA\_N107R103) and the Council's Food Growing Framework 2012-2015, have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include, but are not restricted to the number, size and position of the proposed allotments, which shall be to Silver Gilt standard, and a timetable/programme for delivery. Development shall be carried out in accordance with the approved details and timetable/programme.

*Reason: To ensure that the development proposed includes the necessary provision of compensatory allotments and to secure provision in accordance with the Allotment Delivery Strategy (October 2013) (INCLA\_N107R103) and the Council's Food Growing Framework 2012-2015, in order to comply with Policy R6 of the Local Plan.*

10. Prior to commencement of development, a management plan for the replacement/enhanced allotments shall be submitted to and approved in writing by the local planning authority. The allotments shall be managed only in accordance with the approved plan.

*Reason: To ensure that the replaced/enhanced allotments are managed in an appropriate manner that accords with the principles outlined within the Allotment Delivery Strategy (October 2013) (INCLA\_N107R103) and in order to accord with Policy R6 of the Local Plan.*

#### **Public Open Space**

11. Prior to commencement of development of any dwelling, details for the public open space shown on plan No INCLA\_N107.102B shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include, but are not restricted to: children's play equipment and associated safety surfacing; means of enclosure for the playground area; seating; bins; and a maintenance and management scheme. Development shall be carried out in accordance with the approved details prior to occupation of the 55th dwelling and shall be maintained and managed thereafter in accordance with the approved scheme.

*Reason: To the secure the provision of an area of open space, including a children's play area, in order to provide a necessary community facility for future occupiers and to accord with Policy R2 of the Local Plan.*

#### **Ecology/Biodiversity/Landscaping**

12. Prior to the commencement of development in any Phase of the development, including any works of site clearance or ground preparation, details of a scheme for the retention and enhancement of existing trees and hedgerows within and around the perimeter of the site, within that Phase, shall be submitted to and approved in writing by the local planning authority. The scheme to be submitted shall include, but is not restricted to: a survey of existing trees and hedgerows and an indication of those to be retained and enhanced; a timetable for implementation of the scheme to be approved. Development and the agreed scheme for retained/enhanced trees and hedgerows shall be carried out in accordance with the approved details and timetable.

*Reason: To ensure that the landscaping details to be submitted include a scheme for the retention and enhancement of existing trees and hedgerows to ensure that the landscaping associated with the development is acceptable in visual and ecological terms and is an integral part of the proposal in order to accord with Policies NE2, NE3, NE5 of the Local Plan and Policies 10, 16 and 17 of the Aligned Core Strategy.*

13. Prior to the commencement of development in any Phase of the development, including any works of site clearance or ground preparation, an Arboricultural Method Statement (AMS) specifying the measures to be put in place for the protection of those trees and hedgerows shown as being retained pursuant to condition 12 above, shall be submitted to and approved in writing by the local planning authority. The AMS shall be prepared in accordance with the principles set out in BS 5837:2012 - Trees in relation to design, demolition and construction: Recommendations. Development shall be carried out in accordance with the approved AMS.

*Reason: To ensure that the trees to be retained pursuant to condition 12 above are appropriately protected during the construction of the development to ensure that the landscaping associated with the development is acceptable in visual and ecological terms and is an integral part of the proposal in order to accord with Policies NE2, NE3, NE5 of the Local Plan and Policies 10, 16 and 17 of the Aligned Core Strategy.*



14. No works of site clearance shall take place, nor shall any development commence, including demolition of 120 Russell Drive, until a precautionary survey for the presence of bats has been secured in accordance with a written scheme that shall have previously been submitted to and approved in writing by the local planning authority. The survey shall be undertaken in full accordance with the approved written scheme. If the survey identifies the presence of bats, a scheme of mitigation measures shall be undertaken in accordance with details and a timescale that shall previously have been submitted to and approved in writing by the local planning authority prior to the commencement of development.

*Reason: In the interests of nature conservation to ensure that a precautionary survey for bats is undertaken in order to accord with Policies NE2 and NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.*

15. Prior to commencement of development in any Phase of the development, including any works of site clearance or ground preparation, a survey shall be undertaken to identify and map any invasive plant species present within that Phase of development. In the event that any invasive species are found, a method statement detailing how they will be dealt with, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. Any mitigation measures required shall be implemented in accordance with the approved details and timetable.

*Reason: In the interests of nature conservation to ensure that a survey for invasive plant species and a scheme of mitigation should any be encountered is provided so that invasive plant species are appropriately handled in order to accord with Policy NE2 of the Local Plan and Policy 17 of the Aligned Core Strategy.*

16. No development within any Phase of the development shall take place, including any works of ground clearance and site preparation, until a Construction Environmental Management Plan (CEMP) to safeguard the water environment of Martin's Pond in relation to works within that Phase of development has been submitted to and approved in writing by the local planning authority. The CEMP shall address, but is not restricted to, the following matters:

(i) measures to safeguard water quality;

(ii) a specification and method statement silt removal/disposal along Bilborough Brook;

(iii) a timetable for implementation

The approved CEMP shall be implemented in accordance with the approved details and timetable.

*Reason: In order to safeguard the water environment of Martin's Pond and in order to accord with Policies NE2 and NE10 of the Local Plan and Policy 17 of the Aligned Core Strategy.*





17. No development within any Phase of the development shall take place, including any works of ground clearance or site preparation, until a fully detailed habitat retention/creation plan and associated management plan for that Phase has been submitted to and approved in writing by the local planning authority. The details to be submitted shall include, but are not limited to, measures for the protection of agreed habitat areas during the construction period, a five year establishment and maintenance plan for all habitat areas, and a timetable for implementation. The habitat management plan shall cover all retained and created grassland areas, hedgerows, woodland scrub and wetland habitats (including any related surface water drainage system) for that Phase, including the new nature reserve in the southeast part of the site, management of public access arrangements for the new nature reserve where it falls within that Phase, and monitoring requirements. Development and the agreed habitat retention/creation works and associated management plan shall be carried out in accordance with approved details and timetable.

*Reason: To ensure that appropriate habitat is created/retained within the proposed landscaping and that it is appropriately managed, in the interests of Nature Conservation and in order to comply with Policies NE2 and NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.*

### **External Lighting**

18. Prior to commencement of any residential development, details of a wildlife sensitive lighting scheme for roads and footpaths within the site, and for the public open space, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details. Prior to its installation, details of any external lighting proposed within the allotment phase/s of the development shall be submitted to and approved in writing by the local planning authority. The external lighting for the allotments shall be provided in accordance with the approved details.

*Reason: In the interests of nature conservation details of lighting schemes for both the residential and allotment parts of the development are required in order to comply with Policies NE2 and NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.*

### **Flooding/Drainage**

19. Prior to commencement of any residential development, including any groundworks or engineering operations within the residential area or open space shown on the plan No INCLA\_N107.102B or any works related to the profiling and realignment of Bilborough Brook, details of the works to Bilborough Brook and any associated groundworks (as set out in the WYG Flood Risk Assessment and Drainage Strategy (April 2012), the WYG Hydraulic Modelling, the WYG Flood Risk Assessment addendum, and the WYG Flood Risk Assessment and Drainage Strategy (November 2013)) including a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details and timetable.

*Reason: In order to avoid pollution and to prevent increased risk from flooding in order to accord with Policy NE10 of the Local Plan.*

20. Prior to the commencement of any residential development, details of a sustainable urban drainage scheme shall be submitted to and approved in writing by the local planning authority. The submitted details, which shall be based on an assessment of the hydrological and hydrogeological context of the development shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation in relation to each phase of the development; and,
  - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be implemented in accordance with the approved details and timetable.

*Reason: In order to avoid pollution and to prevent increased risk from flooding in order to accord with Policy NE10 of the Local Plan.*

21. None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

*Reason: In order to avoid pollution and to prevent increased risk from flooding in order to accord with Policy NE10 of the Local Plan.*

### **Contaminated Land**

22. Other than as may be required by an approved scheme of remediation, no development within a Phase of the development, including works of ground clearance and site preparation, shall take place until a full contaminated land assessment has been carried out, and a remediation strategy to deal with any contamination within that Phase has been submitted to and approved in writing by the local planning authority. In particular, the information to be submitted shall include:

- a) Details of how the site investigation and the analysis of contaminants would be carried out;
- b) Details of the results of the site investigation, including the results of all sampling/site testing and an assessment of the conditions found;
- c) Proposals, including timescales for implementation, for dealing with any conditions or contamination which might be present on the site and details of the proof testing regimes to be used to ensure that the remedial measures will be effective; and,
- d) A contingency plan for dealing with unexpected contamination not previously identified, that may be encountered during development.

*Reason: To ensure that the contamination of the site is appropriately dealt with in order to accord with Policy NE12 of the Local Plan.*

23. No dwelling or allotment plot within a Phase of the development shall be occupied or brought into use until all remedial or precautionary measures required to deal with ground contamination in that Phase have been completed and the approved regime of testing has been implemented to demonstrate the effectiveness of the remediation work and the results have been submitted to and agreed in writing by the local planning authority.

*Reason: To ensure that the site is remediated appropriately prior to being brought into use for residential or allotment use with in order to accord with Policy NE12 of the Local Plan.*

### **Energy**

24. At least 10% of the energy supply of the development hereby permitted (interpreted through carbon emissions) shall be secured from renewable or low carbon energy sources. No residential development shall take place until details of how this is to be achieved, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details and timetable and shall be retained as operational for the lifetime of the development thereafter.

*Reason: In the interests of sustainable development and to accord with Policy 1 of the Aligned Core Strategy.*

### **Travel Plan**

25. No dwelling hereby permitted shall be occupied until a detailed Travel Plan, including a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be developed in accordance with the principles set out in the WYG Framework Travel Plan dated 2 May 2012, submitted with the planning application. It shall be implemented in accordance with the agreed timetable and details and shall remain operative as long as the development is occupied.

*Reason: In order to promote more sustainable modes of transport and to accord with Policy 14 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 forms, drawings and other documents comprising the application 12/01583/POUT approved 8<sup>th</sup> May 2014.

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