

**REPORT OF CHIEF PLANNER**

**Springwood Centre, Ransom Drive**

**1 SUMMARY**

Application No: 17/01394/PFUL3 for planning permission

Application by: Gleeson Developments Ltd

Proposal: 50 new dwellings and associated development.

The application is brought to Committee because it is a major application that is recommended for approval, but where planning obligations are proposed to be substantially less than those required by adopted planning policies.

To meet the Council's Performance Targets this application should be determined by 11th September 2017.

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION** subject to:

- (a) prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a planning agreement under section 106 upon the subsequent disposal of the site to the developers, which shall include:
  - (i) A financial contribution of £118,970 contribution towards education uses, comprising £73,404 towards primary education provision at Walter Hills Primary School and £45,566 towards secondary education at Nottingham Academy's Ransom Road site.
  - (ii) The on-going access to and management and maintenance of areas of woodland and open space within the site.
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of the terms of the s111 agreement, the planning obligation and the final details of the conditions of the planning permission be delegated to the Chief Planner.

2.3 That Committee are 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 reasonably related in scale and kind to the development.

- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 The application site is currently a cleared vacant site, having formerly been the Springwood Centre (community day centre) prior to its closure and demolition. The site is currently owned by the City Council with a land sale having been agreed with the applicant that is conditional on the outcome of this planning application.
- 3.2 The application site has a long frontage onto Ransom Drive, which is a cul-de-sac road off Ransom Road and which terminates at the entrance to Hine Hall (flats) to the south. Whilst being relatively level along Ransom Road, the application site slopes to the rear with a significant difference in levels between the site and the residential properties that front onto Ransom Road to the west. There is an area of woodland between the majority of the application site and the properties on Ransom Road that would be part of the land sale to the applicant but does not form part of the proposals for the development of the site. Across Ransom Drive to the north and west is the Nottingham Academy secondary school and playing fields, including the Mapperley Sports Village Gym.
- 3.3 The surrounding area to the site is residential in character, having a mix of generally two storey house types. It is designated as a 'Primarily Residential Area' in the Local Plan, with the Nottingham Academy site to the north being 'Open Space'. Hine Hall (Coppice Hospital) Conservation Area is adjacent to the southern boundary of the application site.
- 3.4 The application is a resubmission of a similar proposed development which was refused planning permission under delegated powers on 31 March 2017 (16/01935/PFUL3). The reason for refusal related to the insufficient features within the site layout, including front boundary walls or railings, street trees, or other individual features; the dominance of the highway and driveway accesses in the street scene of the site layout; and the absence of proposals for refuse bin and cycle storage. An appeal has been lodged against this decision and is currently pending.

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

- 4.1 The application proposes the redevelopment of the site with 50 two storey detached and semi-detached dwellings, each having off-street car parking with driveways, integral or detached garages. The proposed development is arranged along the length of Ransom Drive, with two new roads providing access into the depth of the site and returning across the rear of the site. A further layer of dwellings is served off this access. The proposed layout is therefore in the form of a perimeter block, with dwellings facing onto Ransom Drive to the north and towards the retained woodland area to the south.
- 4.2 The proposed dwellings are in a range of eight different housetype combinations. The predominant proposed brick colour would be red, with all dwellings fronting onto Ransom Drive and the two new access roads being in this colour. The dwellings fronting onto the woodland area to the south are proposed in a buff brick.

All of the house types elevations include a contrasting buff or red brick ground floor window heads and a contrasting brick string course detail at first floor cill level.

- 4.3 Several existing trees are proposed to be felled to accommodate the proposed layout and a recently designated Tree Preservation Order tree on Ransom Drive is to be retained. The existing extensive woodland area to the rear of the site is to be reduced to provide sufficient garden areas for a number of proposed dwelling plots towards the tapering northern end of the application site, and also where the woodland adjoins the proposed rear access road. Otherwise this woodland area is unaffected by the proposed layout. New trees and hedges are to be provided within the proposed layout.
- 4.4 Sections of boundary walls with timber infill panels are to be provided on plots with garden side boundaries to Ransom Road. Hawthorn hedge planting is to be provided along the edge of Ransom Road between vehicle cross-overs, and further pockets of shrub planting at the access road junctions with Ransom Road are also included.

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

### **Adjoining occupiers consulted:**

Hine Hall, Ransom Drive (all flats)  
4 Ransom Drive  
Elliot Durham Swimming Pool, Ransom Drive  
166-222 Ransom Road  
232 Ransom Road  
Hughendon Lodge, Ransom Road  
36-50(e) Hazelbank Avenue

The application has also been advertised by press and site notices.

The following comments on the revised submission have been received:

Neighbour (Hine Hall): Objection. Astonishing that developer is still proposing such a large number of homes on a relatively small site in a conservation area, and the traffic implications do not seem to have been given any consideration whatsoever. This will lead to even greater traffic congestion along Ransom Drive, particularly on school mornings. As there is so much congestion already in that part of Mapperley these new homes will only make traffic conditions worse and pose an even greater danger to children crossing Ransom Drive to get to school.

Neighbour (Ransom Drive): Note that new position of house to the rear of property is less intrusive. Concern that access to maintain hedge to rear is ensured or that hedge is replaced with a wall. Some concern over traffic impact during construction works and car parking in particular.

(Note: Similar neighbour comments were received in relation to the previously refused planning application.)

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

**Highways:** No objection subject to conditions. The development will require a new access road to be built to adoptable standards with suitable use of materials,

lighting, 20mph speed limit, associated traffic regulation orders and drainage. The development will remove some of the available space for on street parking on Ransom Drive due to the number of proposed dropped crossings to dwellings and junction areas. This can be assessed through the investigation of the required traffic regulation orders. Residential travel packs should be provided to households to promote sustainable transport choices.

**Drainage:** No objection subject to condition requiring detailed design of surface water drainage, including peak flow attenuation measures and maintenance management. Attenuation will be essential and must include the use SUDS techniques. As a brown field site the surface water run off must be reduced by 30%.

**Regeneration:** The viability appraisal assessed by the District Valuer on behalf of the City Council has concluded that the scheme cannot afford full S106. Whilst it is not accepted that Gleesons own low cost ownership scheme meets the definition of affordable housing /low cost home ownership, these will be low cost houses and as such it is considered that the affordable housing element of the S106 may be waived in this instance.

**Environmental Health:** No objection subject to conditions relating to potential contamination remediation and provision of electric vehicle charging points.

**Biodiversity:** No objection subject to conditions. The submitted ecological reports identify mammal runs, which is confirmed as being used by passing badgers that may forage within the grassland area. Foraging areas for badgers must be retained or new ones created. The two areas of adjoining woodland (one protected by a TPO) have conservation value for a range of invertebrates, birds, and small mammals. The future management of the woodland needs to be secured.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

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

ST1 - Sustainable Communities.

BE12 - Development in Conservation Areas

H2 - Density.

H5 - Affordable Housing.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

### **Aligned Core Strategies (September 2014)**

Policy 1 - Climate Change

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

### **Other Planning Guidance**

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance

Planning Guidance for the Provision of Open Space Within Developments  
Supplementary Planning Guidance

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

### **Main Issues**

Whether:

- (i) The use, layout and design of the proposed development is appropriate to its location, providing a satisfactory living environment for future occupants and without significant impact upon the amenity of neighbouring occupants.
- (ii) The proposed development will impact upon highway safety in the area.
- (iii) The layout and design of the development is appropriate to the character or appearance of the adjacent Hine Hall (Coppice Hospital) Conservation Area.
- (iv) The S106 obligations that would normally be required should be reduced.

### **Issue (i) Use, layout and design (Policies H2, T3 and Policies 8 and 10)**

- 7.1 The site falls within a 'Primarily Residential Area' in the Local Plan and as such the principal of its redevelopment for residential use is to be supported. The proposed mix of predominantly two, three, and four bed family dwellings is considered to be compatible with the characteristics of the site and its surroundings, with the overall density equating to 35 dwellings per hectare. As the proposed housing would be on previously developed land and is in a sustainable location, being close to public transport routes, it is considered that the proposed development accords with Policies ST1, H2, Policy 8 and the National Planning Policy Framework, which encourages the effective use of land by reusing land that has been previously developed.
- 7.2 The proposed site layout arranges the dwellings in a good perimeter block structure with back-to-back gardens. Dwellings front onto Ransom Drive and towards the woodland area to the rear. There is also reasonable consistency to the structure of the layout, with a notional building line being counterbalanced by the range of house types being used. Boundary walls, hedges and other landscaping will provide further definition to the street scene whilst also softening the edges of the proposed development in character with the landscape qualities of the area. Vehicle access and car parking has been integrated within the proposed layout and with the majority of plots having driveways and garages to the side and rear, ensuring that car parking will not dominate the street scene of the development.
- 7.3 The resubmitted proposals provides for additional tree and hedge planting onto Ransom Drive, which will help to reinforce the street scene along Ransom Drive and will contribute to the visual interest of the development. The design of the access roads have also been revised to be less dominant in the street scene and to provide for greater pedestrian priority. Clarity on the location of bin and cycle storage facilities has now been provided.
- 7.4 An informal footpath connection is to be made between the residential site and the retained woodland area, providing local access to this area. The long term access arrangements, and management and maintenance of the woodland, are to be secured as part of the S106 planning obligation.

- 7.5 The design of the proposed dwellings is to the applicant's range of house types, but with their appearance having been modified use of a red brick with buff brick string course detailing and window heads. Whilst every effort has been made to encourage the applicant to provide further elements of interest to the elevations of the proposed development, including elements that have been previously used on their other developments (bay windows, stone cills/heads, flat canopies) the scope to include these features within the scheme has been unsuccessful and is therefore disappointing. However, taking into account the revised layout and appearance of the proposed development, it is considered that the design of the dwellings is sufficient to recommend approval.
- 7.6 It is considered that the proposed development accords with Policies H2, T3 and Policies 8 and 10.

**Issue (ii) Highway safety (Policy H2 and Policy 10)**

- 7.7 The proposed development is to be accessed off Ransom Drive, which also serves as the access road to Hine Hall, Nottingham Academy and the Mapperley Sports Village Gym. Off-street car parking on driveways and integral or detached garages are being provided for all dwellings and additional on-street car parking spaces will remain available. Whilst a resident's response to the application refers to concerns relating to an increase in traffic and car parking on Ransom Drive, Highways have no objection to the proposed increase in use of this road subject to the investigation and implementation of appropriate traffic regulation orders (TROs) and other details that would be required to be provided under the necessary S38 adoption and S278 highway alteration agreements. TROs are subject to a separate legislative procedure which cannot be guaranteed through the planning process. However, as part of the planning permission a requirement can be made for the investigation of whether any TROs are deemed necessary and if so, the carrying out of the process for their implementation, accepting that this would then be determined under a separate approvals process. Details of how this will be secured will be provided on the update sheet. It is therefore considered that the proposed development accords with Policy H2 and Policy 10.

**Issue (iii) Character or appearance of the Conservation Area (Policy BE12)**

- 7.8 The boundary of the Hine Hall (Coppice Hospital) Conservation Area is adjacent to the southern boundary of the application site, with Ransom Drive being the vehicular access to Hine Hall. The Hine Hall building sits within the centre of the site and has a principal elevation that faces south away from the proposed development. The rear area of Hine Hall is laid out as car parking with significant trees and landscaped grounds also surrounding the building. To this extent, whilst the adjacency of the application site to the Conservation Area is noted, it is considered that a clear distinction can be made between the application site and the Conservation Area to the extent that it can be concluded that the proposed development would not impact significantly upon the character and appearance of the Conservation Area in accordance with Policy BE12.

The proposed development includes the predominant use of red brick with contrasting buff brick detailing along the full length of Ransom Drive, which is intended as a material reference to the Hine Hall building.

**Issue (iv) S111/S106 Planning Obligations: (Policies ST1, H5, R2 and Policy 8)**

- 7.9 The City Council is the current landowner of the application site, including the woodland area. In order to secure the appropriate s106 planning obligation, an agreement under section 111 of the Local Government Act 1972 is needed, which will require the developer to enter into a subsequent s106 planning obligation at such time as it acquires an interest in the site.
- 7.10 The applicant has submitted a viability appraisal in support of their assertion that the proposed development would not be viable based upon the provision of the full range of planning obligations that the scheme would otherwise require. The policy compliant planning obligations are (i) Affordable housing - 20% of the total number of dwelling units (10 units) or commuted sum of £338,500; (ii) Open space - £99,617.82; and (iii) Education (primary £73,404 and secondary £45,566) - £118,970. Total financial contributions £557,087.82.
- 7.11 The viability appraisal has been independently reviewed by the District Valuer. The District Valuer has advised that a developer's reasonable target return for a scheme of this nature is 17.5%. At this level of return the District Valuer advises that the proposed development would not be viable at the full level of S106 contributions. The District Valuer's report concludes that the proposed development could deliver a reduced level of S106 contributions amounting to £122,341.
- 7.12 In response to the District Valuer's conclusions, it is proposed that a contribution of £118,970 be required for education purposes. This would be comprised of £73,404 towards additional pupil places at Walter Hills Primary School and £45,566 towards additional pupil places at Nottingham Academy's Ransom Road site. The applicant has also offered to promote local employment and training opportunities during the construction and operation of the development in conjunction with the Employer Hub and to pay a financial contribution of £6,336 in connection with those benefits.
- 7.13 The Council's Regeneration team has advised that whilst the applicant's own low cost ownership scheme does not meet the definition of affordable housing/low cost home ownership, these will nevertheless be low cost houses. As such, whilst the proposal does not accord with the full requirements of Policy H5 of the Local Plan requiring the provision of affordable housing, the proposed waiver of the S106 requirement for affordable housing is considered to be justified in this instance, given the viability issues and the other demands on available S106 monies. It is considered that the proposed development accords with Policies ST1, R2 and Policy 8.
- 7.14 The requirement for the applicant to prepare a management plan covering access, management and maintenance for the retained woodland areas is to be covered as an appropriate S106 obligation. This is necessary for the benefit of residents both within the development and beyond, and to ensure this 'public open space' facility is appropriately cared for in the long term.
- 7.15 The S106 planning obligation sought for educational purposes (detailed at paragraph 7.12 above), and on-site open space, would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

## **Pollution and Contamination (Policy NE9)**

- 7.16 Environmental Health has no objection to the proposed development subject to planning conditions relating to contamination remediation and verification, which are included in the draft decision notice appended to this report. It is therefore considered that the proposed development accords with Policy NE9.

## **Flood Risk and Drainage (Policy NE10, Policy 1)**

- 7.17 The Drainage team notes that the applicant's submitted Flood Risk Assessment recommends that flood risk management measures should be implemented and recommends a planning condition to require the detailed design of surface water drainage, including peak flow attenuation measures and maintenance management. A planning condition has been included on the attached draft planning permission and it is therefore considered that the approach to flood risk and drainage accords with Policies NE10 and 1.

## **8. SUSTAINABILITY / BIODIVERSITY (Policy NE5 and Policies 1 and 17)**

The applicant advises that they take a 'fabric first' approach towards sustainable construction. It is also noted that the site has good access to public transport, including school bus routes and access to local shops and services on Woodborough Road (Local Centre). The applicant has agreed to provide electric vehicle charging points within the development.

## **9 FINANCIAL IMPLICATIONS**

A contribution of £118,970 for education provision is to be secured through the S106. A further contribution of £6,336 towards local employment and training is to be provided.

## **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: 16/01935/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCBFV4LY01B00>

2. Environmental Health, 6.7.17

3. Drainage Team, 7.7.17

4. Neighbour, 10.7.17

5. Neighbour, 12.7.17

6. Biodiversity, 18.7.17

7. Highways, 26.7.17

8. Regeneration, 28.2.17

**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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# NOMAD printed map



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Key  
City Boundary

Description  
No description provided

**My Ref:** 17/01394/PFUL3

**Your Ref:**

**Contact:** Mr Jim Rae

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Date of decision:

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

Application No: 17/01394/PFUL3  
Application by: Gleeson Developments Ltd  
Location: Springwood Centre, Ransom Drive, Nottingham  
Proposal: 50 new dwellings and associated development.

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)

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

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policies BE2 and NE9 of the Local Plan.*

3. No development shall commence until the detailed design of surface water drainage, including peak flow attenuation measures and maintenance management, has been submitted to and approved in writing by the Local Planning Authority.  
  
*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Nottingham Local Plan.*
4. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.  
  
*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*
5. 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 Remediation Plan, based on the Phase 2 Geotechnical and Geo-Environmental Site Investigation, Ransom Drive, Nottingham Carried out by Eastwood & Partners on behalf of Gleeson Developments Ltd (Issue 2 Ref 39765, 12 May 2016) and additional post demolition sampling and ground gas monitoring, 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).  
  
b) 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 ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.*
6. The development shall not be commenced until details of an electric vehicle charging scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
  
*Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.*
7. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, no above ground development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

*Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy and NE5 of the Nottingham Local Plan.*

**Pre-occupation conditions**

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

8. No individual dwelling shall be occupied until the boundary enclosure associated with that individual dwelling has been completed in accordance with the approved details.

*Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategies.*

9. No individual dwelling shall be occupied until the access road and car parking provision to serve that individual dwelling have been completed in accordance with the approved plans and are available for use.

*Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*

10. No individual dwelling shall be occupied until an appropriate dropped vehicular footway crossing for that individual dwelling has been constructed and is available for use in accordance with the Local Highway Authority's specification.

*Reason: To enable a vehicle to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.*

11. Prior to first occupation of the development, 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: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.*

**Regulatory/ongoing conditions**

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

12. The approved landscaping scheme for the approved development shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, 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 Strategies.*



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**DRAFT<sup>3</sup> ONLY**  
**Not for issue**

Continued...

## 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 19 June 2017.

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

### Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Contaminated Land, Ground Gas & 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 including any radon 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.



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

Continued...

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.

#### 4. Surface Water Drainage

The council expects the drainage details submitted pursuant to condition 3 to show how surface water run-off rates will be reduced by at least 30% through the use of SuDS techniques where possible.

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: 17/01394/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/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.