
**ASHFIELD DISTRICT COUNCIL
MEMORANDUM**

TO: A.D.C LAND CHARGES
FROM: PLANNING TECHNICAL SUPPORT
SUBJECT: PHASE 3 PAPPLEWICK LANEHUCKNALL

DATE: 15/04/201
REF: V/2013/0070 & V/2013/0071
& V/2013/0072

Would you please register the above Section 106 Agreement (Town & Country Planning Act 1990) between:

BDW TRADING LIMITED

and

BELLWAY HOMES LIMITED

and

NOTTINGHAMSHIRE COUNTY COUNCIL

and

ASHFIELD DISTRICT COUNCIL

Planning Technical Support

- 1.1 "the Act" means Town and Country Planning Act 1990 (as amended) and terms not otherwise defined in this Agreement have the meaning ascribed to them in the Act unless a contrary intention appears
- 1.2 "the Barratt Permission" means the planning consent dated 21st March 2011 in respect of the Barratt Proposed Development with the Council's Planning Reference No. V/2010/0351
- 1.3 "the Barratt Previous Agreement" means an agreement made pursuant to Section 106 of the Act between Barratt (1) Bellway (2) the County (3) and the Council (4) dated 21 March 2011 which governs the Barratt Permission

IN THIS AGREEMENT the following words and phrases shall have the following meaning:-

1. Definitions
 - (1) **BDW TRADING LIMITED** (Company Registered Number: 03018173) whose registered office is at Barratt House, Cartwright Way, Forest Business Park, Bardon Hill, Coalville, Leicestershire, LE67 1UF ('BDW')
 - (2) **BELLWAY HOMES LIMITED** (Company Registered Number: 00670176) whose registered office is at Seaton Burn House Dudley Lane Seaton Burn Newcastle Upon Tyne NE13 6BE ('Bellway')
 - (3) **NOTTINGHAMSHIRE COUNTY COUNCIL** of County Hall West Bridgford, Nottinghamshire ('the County')
 - (4) **ASHFIELD DISTRICT COUNCIL** of Council Offices, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA ('the Council')

BETWEEN:

THIS AGREEMENT is made the 12th day of April 2013

- 1.4 "the Barratt Proposed Development" means the development of 77 dwellings with associated car parking and infrastructure permitted pursuant to the Barratt Permission
- 1.5 "the Barratt V/2013/0071 Application" means the planning application received by the Council on 6 February 2013 in respect of the Barratt V/2013/0071 Proposed Development which has been allocated the Council's planning application reference no. V/2013/0071
- 1.6 "the Barratt V/2013/0071 Planning Permission" means the grant of the planning permission pursuant to the Barratt V/2013/0071 Application in the form of the draft annexed to this Agreement in Schedule A
- 1.7 "the Barratt V/2013/0071 Proposed Development" means the substitution of house types to plots 18 to 65 inclusive plots 93 to 144 inclusive plot 151 and plots 165 to 167 inclusive (104 plots in total) to include 23 Affordable Dwellings as more particularly described in the Barratt V/2013/0071 Application
- 1.8 "the Barratt V/2013/0071 Application Site" means the land to which the Barratt V/2013/0071 Application relates shown for the purposes of identification only edged red on Plan C
- 1.9 "the Blue Land" means the land shaded blue on Plan A but excluding the plots of any individual dwelling house which has been conveyed to a purchaser for value prior to the date of this Agreement
- 1.10 "the Brown Land" means the land shaded brown on Plan A but excluding the plots of any individual dwelling house which has been conveyed to a purchaser for value prior to the date of this Agreement
- 1.11 "the Covenanted Owners" means the owners of the Blue Land, the Brown Land, the Green Land, the Light Brown Land, the Orange Land, the Pink Land, the Purple Land, the Red Land and the Yellow Land
- 1.12 "the DWH V/2013/0070 Application" means the planning application received by the Council on 6 February 2013 in respect of the DWH

V/2013/0070 Proposed Development which has been allocated the Council's planning application reference no. V/2013/0070

1.13 "the DWH V/2013/0070 Planning Permission" means the grant of the planning permission pursuant to the DWH V/2013/0070 Application in the form of the draft annexed to this Agreement in Schedule B

1.14 "the DWH V/2013/0070 Proposed Development" means the substitution of house types to plots 1 to 89 inclusive (89 plots in total) as more particularly described in the DWH V/2013/0070 Application

1.15 "the DWH V/2013/0070 Application Site" means the land to which the DWH V/2013/0070 Application relates shown for the purposes of identification only edged red on Plan D

1.16 "the Entire Site" means the land which was shown for the purposes of identification only edged red on the Site Plan attached to the Principal Agreement

1.17 "the Existing Obligations" means in respect of the s.73 Application Site the planning obligations contained or referred to in Clause 6 and the Schedules to the Principal Agreement and as amended by the further planning obligations contained or referred to in clause 6 of the Barratt Previous Agreement and in respect of the Barratt V/2013/0071 Application Site and the DWH V/2013/0070 Application Site the planning obligations contained or referred to in Clause 6 and the Schedules to the Principal Agreement as varied by this Agreement

1.18 "the Green Land" means the land shaded green on Plan A but excluding the plots of any individual dwelling house which has been conveyed to a purchaser for value prior to the date of this Agreement

1.19 "the Light Brown Land" means the land shaded light brown on Plan A but excluding the plots of any individual dwelling house which has been conveyed to a purchaser for value prior to the date of this Agreement

1.20 "the New Obligations" means the further planning obligations contained or referred to in clause 6 of this Agreement.

1.21 "the Orange Land" means the land shaded orange on Plan A but excluding the plots of any individual dwelling house which has been conveyed to a purchaser for value prior to the date of this Agreement

1.22 "the Original Consent" means the conditional outline planning permission which was granted by the Council under reference 2004/0356 on 21st December 2005 in respect of the Entire Site and to which the Principal Agreement as amended by this Agreement relates

1.23 "the Pink Land" means the land shaded pink on Plan A but excluding the plots of any individual dwelling house which has been conveyed to a purchaser for value prior to the date of this Agreement

1.24 "Plan A" means the plan attached to this Agreement and marked 'A'
1.25 "Plan B" means the plan attached to this Agreement showing the s.73 Application Site and marked 'B'

1.26 "Plan C" means the plan attached to this Agreement showing the Barratt V/2013/0071 Application Site and marked "C"

1.27 "Plan D" means the plan attached to this Agreement showing the DWH V/2013/0070 Application Site and marked "D"

1.28 "the Principal Agreement" means an agreement made pursuant to Section 106 of the Act between the County (1), the Cooperative Group (CWS) Limited (2) and the Council (3) dated 21st December 2005

1.29 "the Purple Land" means the land shaded purple on Plan A but excluding the plots of any individual dwelling house which has been conveyed to a purchaser for value prior to the date of this Agreement

1.30 "the Red Land" means the land shaded red on Plan A but excluding the plots of any individual dwelling house which has been conveyed to a purchaser for value prior to the date of this Agreement

2.2 BDW is registered at H.M. Land Registry as the proprietor of the Orange Land with title absolute under title number NT 419905, the

2.1 Bellway is registered at H.M. Land Registry as the proprietor of the Purple Land with title absolute under title number NT 420995

WHEREAS:

Recitals

2.

1.36 Any term not otherwise defined in this Agreement has the meaning ascribed to it in the Principal Agreement as varied by this Agreement or (where different or additional) in the Barratt Previous Agreement unless the context requires otherwise

1.35 "the Yellow Land" means the land shaded yellow on Plan A but excluding the plots of any individual dwelling house which has been conveyed to a purchaser for value prior to the date of this Agreement

1.34 "the s.73 Variation" means the development permitted by the Barratt Permission but as varied by the s.73 Permission

1.33 "the s.73 Permission" means the grant of Planning Permission pursuant to the s.73 Application in the form of the draft annexed to this Agreement in Schedule C

1.32 "the s.73 Application Site" means the land to which the s.73 Application relates and is the same land to which the Barratt Permission relates and shown for the purposes of identification only edged red on Plan B

1.31 "the s.73 Application" means the Planning Application pursuant to s.73 of the Act received by the Council on 6 February 2013 to carry out the development permitted by the Barratt Permission but subject to a variation of the land drain details required by condition 20 thereof to which has been allocated the Council's Planning Application number V/2013/0072

Pink Land with title absolute under title number NT 419545, the Red Land with title absolute under title number NT 419543 and the Light Brown Land with title absolute under title number NT 419544

2.3 Bellway and BDW are jointly registered at H.M. Land Registry as the proprietors of Blue Land with title absolute under title number NT 419488 and the Green Land being part of title number NT420550 having taken a transfer of that land from Cotton Limited (Company Registered No: 02064506, in administration) (acting by its administrators) which transfer is currently the subject of an application of registration with the Land Registry

2.4 The County is registered at H.M. Land Registry as the proprietor of the Brown Land with title absolute under title number NT 419951 and is seized in fee simple of the Yellow Land

2.5 The s.73 Application Site has the benefit of the Barratt Permission and Barratt Homes Limited trading as BDW has submitted the s.73 Application

2.6 Barratt Homes Limited trading as BDW has submitted the Barratt V/2013/0071 Application

2.7 David Wilson Homes East Midlands Limited trading as BDW has submitted the DWH V/2013/0070 Application

2.8 The Council is the Local Planning Authority for the purposes of the Act for the area in which the s.73 Application Site and the Barratt V/2013/0071 Application Site is situated

2.9 Subsequent Applications (as defined in the Principal Agreement) have been approved pursuant to the Original Consent by the Council under reference numbers

2.9.1 2007/0518 on 16th August 2007 in respect of part of Entire Site

- 2.9.2 2008/0166 on 26th June 2008 in respect of part of the Light Brown Land,
- 2.9.3 2008/0272 on 26th June 2008 in respect of part of the Orange Land,
- 2.9.4 2008/0557 on 11th November 2008 in respect of part of the Purple Land,
- 2.9.5 2009/0051 on 31st March 2009 in respect of part of the Purple Land,
- 2.9.6 2009/0153 on 18th June 2009 in respect of the substitution of house types on part of the Orange Land ,
- 2.9.7 2009/0154 on 22nd June 2009 in respect of the substitution of house types on part of the Orange Land, and
- 2.9.8 2009/0178 on 3rd July 2009 in respect of the substitution of house types on part of the Orange Land

2.10 Planning consents which are to be treated pursuant to Clause 7.5 below as if they were Subsequent Applications pursuant to the Original Consent have been approved by the Council under reference numbers

- 2.10.1 V/2006/0109 on 23rd March 2006 in respect of Entire Site
- 2.10.2 V/2006/0146 on 6th April 2006 in respect of Entire Site
- 2.10.3 V/2006/0373 on 8th June 2006 in respect of part of the Green Land, and
- 2.10.4 V/2007/0519 on 29th August 2007 in respect of the Red Land;
- 2.10.5 V/2010/0225 on 5th January 2011 in respect of part of the Purple Land
- 2.10.6 V/2010/0351 on 21st March 2011 in respect of part of the Red Land
- 2.10.7 V/2011/0011 on 15th August 2011 in respect of the substitution of house types on part of the Red Land,
- 2.10.8 V/2011/0418 on 5th December 2011 in respect of the substitution of house types on part of the Red Land,
- 2.10.9 V/2012/0125 on 3rd October 2012 in respect of the substitution of house types on part of the Purple Land.

2.15.2 ensure that any development built pursuant to the Barratt V/2013/0071 Planning Permission is governed by the Existing Obligations and the Covenanted Owners have agreed to enter

2.15.1 ensure that any development built pursuant to the s.73 Permission is governed by the Existing Obligations and the Covenanted Owners have agreed to enter into this Agreement for the purpose of securing the same and procuring the issue of the s.73 Permission

2.15 The purpose of the Deed is to: -

2.14 The Council acting through the delegated powers of its Head of Land and Property has resolved to grant the DWH V/2013/0070 Planning Permission in accordance with the DWH V/2013/0070 Application and subject to the terms of this Agreement without which the DWH V/2013/0070 Planning Permission would not be granted

2.13 The Council acting through the delegated powers of its Head of Land and Property has resolved to grant the Barratt V/2013/0071 Application and subject to the terms of this Agreement without which the Barratt V/2013/0071 Planning Permission would not be granted

2.12 The Council acting through the delegated powers of its Head of Land and Property has resolved to grant the s.73 Permission for the s.73 Variation in accordance with the s.73 Application and subject to the terms of this Agreement without which the s.73 Permission would not be granted

2.11 The purpose of this Deed is to ensure that any development built pursuant to the s.73 Permission and the Barratt V/2013/0071 Planning Permission and the DWH V/2013/0070 Planning Permission is governed by the Existing Obligations and the Covenanted Owners have agreed to enter into this Agreement for the purpose of securing the same and procuring the issue of the s.73 Permission and the Barratt V/2013/0071 Planning Permission and the DWH V/2013/0070 Planning Permission respectively

into this Agreement for the purpose of securing the same and procuring the issue of the Barratt V/2013/0071 Planning Permission

2.15.3 ensure that any development built pursuant to the DWH V/2013/0070 Planning Permission is governed by the Existing Obligations and the Covenantee Owners have agreed to enter into this Agreement for the purpose of securing the same and procuring the issue of the DWH V/2013/0070 Planning Permission

2.15.4 vary the provisions relating to the Education Contribution contained in the Principal Agreement such variations being contained in clause 7 of this Agreement

Enabling Powers

3.

The parties hereto enter into this Agreement under and pursuant to Sections 106 and 106A of the Act.

Planning Obligations

4.

4.1 The New Obligations herein are planning obligations for the purposes of Section 106 of the Act to the intent that the New Obligations shall be binding and enforceable without time limit against the Covenantee Owners and any persons deriving title from any of them in the manner specified in Section 106 of the Act.

Conditionality

5.

5.1 The New Obligations in respect of the s.73 Application Site are conditional upon the issue and implementation of the s.73 Planning Permission

6.2 Bellway in respect of the Purple Land and the Green Land, Barratt in respect of the Blue Land, the Orange Land, the Pink Land, Red Land (other than the s.73 Application Site and the Barratt V/2013/0071 Application Site), the Light Brown Land (other than the DWH V/2013/0070 Application Site) and the Green Land, and the County in respect of the Brown Land and the Yellow Land severally covenant with the Council that the Existing Obligations shall bind the Entire Site as provided in the Principal Agreement as varied by this Agreement if the s.73 Permission and the Barratt V/2013/0071 Planning Permission and the DWH V/2013/0070 Planning Permission respectively constituted an approval of a Subsequent Application as defined and referred to in the Principal Agreement as varied by this Agreement and Dwellings built pursuant to the s.73 Permission and the Barratt V/2013/0071 Planning Permission shall be counted accordingly for all V/2013/0070 Planning Permission

6.1 BDW hereby covenants with the Council pursuant to Section 106 of the Act that the s.73 Application Site and the Barratt V/2013/0071 Application Site and the DWH V/2013/0070 Application Site shall be subject to the Existing Obligations and that for the purposes of the Principal Agreement as varied by this Agreement the s.73 Application and the Barratt V/2013/0071 Application and the DWH V/2013/0070 Application shall be deemed to be a Subsequent Application as defined in the Principal Agreement as varied by this Agreement

The New Obligations

5.4 The variation to the Principal Agreement as set out in clause 7 to this Agreement shall take effect upon the completion of this Agreement

5.3 The New Obligations in respect of the DWH V/2013/0070 Application Site are conditional upon the issue and implementation of the DWH V/2013/0070 Planning Permission

5.2 The New Obligations in respect of the Barratt V/2013/0071 Application Site are conditional upon the issue and implementation of the Barratt V/2013/0071 Planning Permission

relevant purposes as they would have been counted under the Principal Agreement as varied by this Agreement

Variation to the Principal Agreement

7.

7.1 The parties agree that the Principal Agreement shall be amended on the date hereof as follows:

7.1.1 At Paragraph 2.1 of the First Schedule of the Principal Agreement at page 14 add the words "unless otherwise specified" after the existing words "adjusted for inflation" so that following the insertion that part of Paragraph 2.1 shall read "(adjusted for inflation unless otherwise specified in accordance with paragraph 6.2)"

7.1.2 Paragraph 5.2.1 of the First Schedule of the Principal Agreement at page 16 shall be deleted in its entirety and a new paragraph 5.2.1 as set out below shall be added:-

"5.2.1 £1,956,952 (which shall constitute a basic sum of £1,440,000 and an agreed inflation adjustment of £516,952 but shall not otherwise be subject to inflation in accordance with paragraph 6.2) which shall be payable in accordance with the following:-

5.2.1.1 £1,000,000 payable within 28 days of 12th April 2013 and

5.2.1.2 £956,952 payable on 30 October 2013"

7.1.3 At Paragraph 6.2 of the First Schedule of the Principal Agreement add the words "and inflation provisions are stated to apply" after the existing words "where any amount is payable pursuant to the provisions of Paragraph 2 of this First Schedule" so that following the insertion that part of Paragraph 6.2 shall read "where any amount is payable pursuant to the provisions of Paragraph 2 of this First Schedule and inflation provisions are

stated to apply the amount to be paid shall be adjusted for inflation in accordance with the following formula:-

At Paragraph 6 of Part Two of the Second Schedule of the Principal Agreement delete the words "the sum of £1,440,000 plus the pro rata interest accrued thereon" and replace with the words "such part of the sum as the Council has received under paragraph 5.2.1 of this First Schedule (as amended)"

Agreements and Declarations

It is agreed and declared as follows:

8.1 Any reference to a party to this Agreement shall where the context so admits (in the case of the Covenanted Owners) include their successors in title and assigns and (in the case of the Council) include its successors in function

8.2 Words importing one gender shall be construed as importing any gender, and words importing the singular shall be construed as importing the plural and vice versa

8.3 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually

8.4 Any reference to a numbered clause, schedule or plan is to one in or attached to this Agreement or the Principal Agreement as varied by this Agreement or the Barratt Previous Agreement as the context requires and any reference to a numbered paragraph occurring within a schedule is to one within that same schedule unless the contrary intention appears

8.5 The applications

8.5.1 for Variation of the Original Consent under s.73 of the Act which were approved by the Council on 23rd March 2006 under

Reference V/2006/0109 and on 6th April 2006 under Reference V/2006/0146 and

8.5.2 for Full Planning Consent which were approved by the Council on 8th June 2006 under Reference V/2006/0373 and on 29th August 2007 under Reference V/2007/0519

shall be treated for the purposes of the Principal Agreement as varied by this Agreement as if they had been Subsequent Applications

8.6 No person shall be liable for breach of covenant contained in this Deed after he shall have parted with all interest in the Entire Site or the part in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest

8.7 For the avoidance of doubt any steps taken pursuant to the Principal Agreement as varied by this Agreement or the Barratt Previous Agreement in respect of the Barratt Application Site which have satisfied or satisfied in part any of the obligations contained in the Principal Agreement as varied by this Agreement shall be deemed to have been taken also for the purposes of satisfying the obligations in this Agreement

8.8 Clauses 7.6, 7.7 and 7.10 of the Principal Agreement as varied by this Agreement shall apply to transfers of any land within the Entire Site which is affected by any provision of this Agreement mutatis mutandis

8.9 If the s.73 Permission having been granted shall expire before the s.73 Development is commenced, or shall at any time be quashed or revoked, this Agreement shall forthwith determine and cease to have effect insofar as it imposes the New Obligations on the s.73 Application Site but shall not operate to discharge the Existing Obligations which shall nevertheless continue to bind the Entire Site

8.10 Nothing in this Agreement shall prohibit or limit the right to develop any part of the s.73 Application Site in accordance with a planning

permission (other than the s.73 Permission) granted after the date of this Agreement

8.11 If the Barratt V/2013/0071 Planning Permission having been granted shall expire before the Barratt V/2013/0071 Proposed Development is commenced, or shall at any time be quashed or revoked, this Agreement shall forthwith determine and cease to have effect insofar as it imposes the New Obligations on the Barratt V/2013/0071 Application Site but shall not operate to discharge the Existing Obligations which shall nevertheless continue to bind the Entire Site

8.12 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Barratt V/2013/0071 Application Site in accordance with a planning permission (other than the Barratt V/2013/0071 Permission) granted after the date of this Agreement

8.13 If the DWH V/2013/0070 Planning Permission having been granted shall expire before the DWH V/2013/0070 Proposed Development is commenced, or shall at any time be quashed or revoked, this Agreement shall forthwith determine and cease to have effect insofar as it imposes the New Obligations on the DWH V/2013/0070 Application Site but shall not operate to discharge the Existing Obligations which shall nevertheless continue to bind the Entire Site

8.14 Nothing in this Agreement shall prohibit or limit the right to develop any part of the DWH V/2013/0070 Application Site in accordance with a planning permission (other than the DWH V/2013/0070 Planning Permission) granted after the date of this Agreement

8.15 The parties to this Agreement do not intend that any of its terms shall be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it

8.16 The Agreement is a Local Land Charge and shall be registered as such

- 8.17 For the avoidance of doubt it is hereby agreed and declared that any land which is subject to the obligations contained in the Principal Agreement as varied by this Agreement but is not subject to the New Obligations shall remain subject to the obligation contained in the Principal Agreement as varied by this Agreement and is not released from those obligations by operation of the Deed
- 8.18 The Restriction referred to in Paragraph 8.4.4 of the Third Schedule to the Principal Agreement shall be amended to include a reference also to this Agreement
9. Costs
- 9.1 BDW shall on the execution of this Agreement pay the Council's costs incurred in the preparation and settlement of this Agreement in the sum of £5,512.60.
- 9.2 BDW shall on the execution of this Agreement pay the County's costs incurred in the preparation and settlement of this Agreement in the sum of £3,500.00

BDW TRADING LIMITED	[Pattern]
BELWAY HOMES LIMITED	[Pattern]
BDW TRADING LIMITED	[Pattern]
BDW TRADING LIMITED	[Pattern]
BDW TRADING LIMITED & BELWAY HOMES LIMITED	[Pattern]
BELWAY HOMES LIMITED	[Pattern]
NOTTINGHAMSHIRE COUNTY COUNCIL	[Pattern]



PLAN B

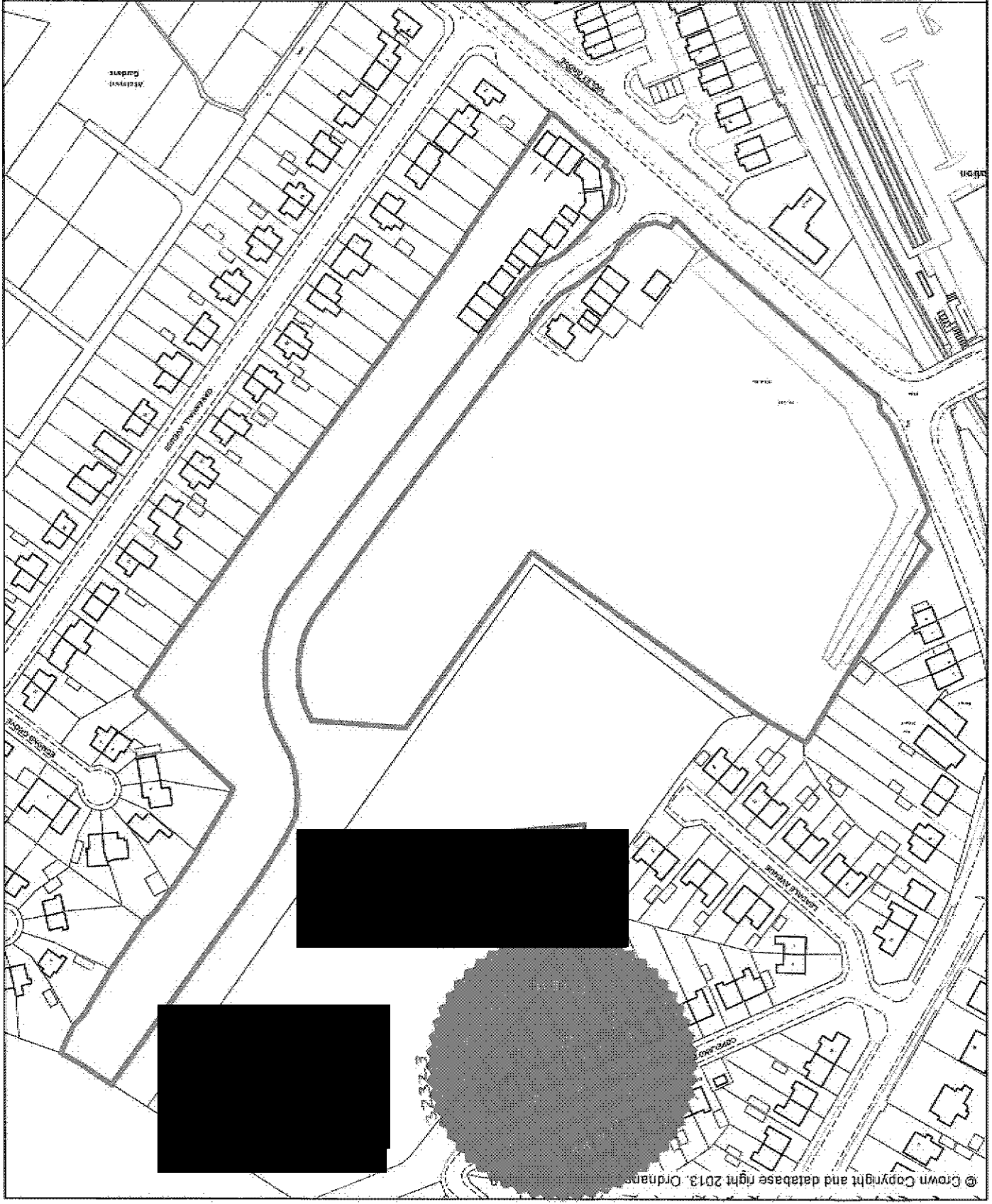
Date: 7 March 2013

Scale: 1 to 1750

Section 106 Plan
Land off Papplewick Lane, Hucknall
V/2013/0072

Ashfield

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Ordnance Survey 100024849

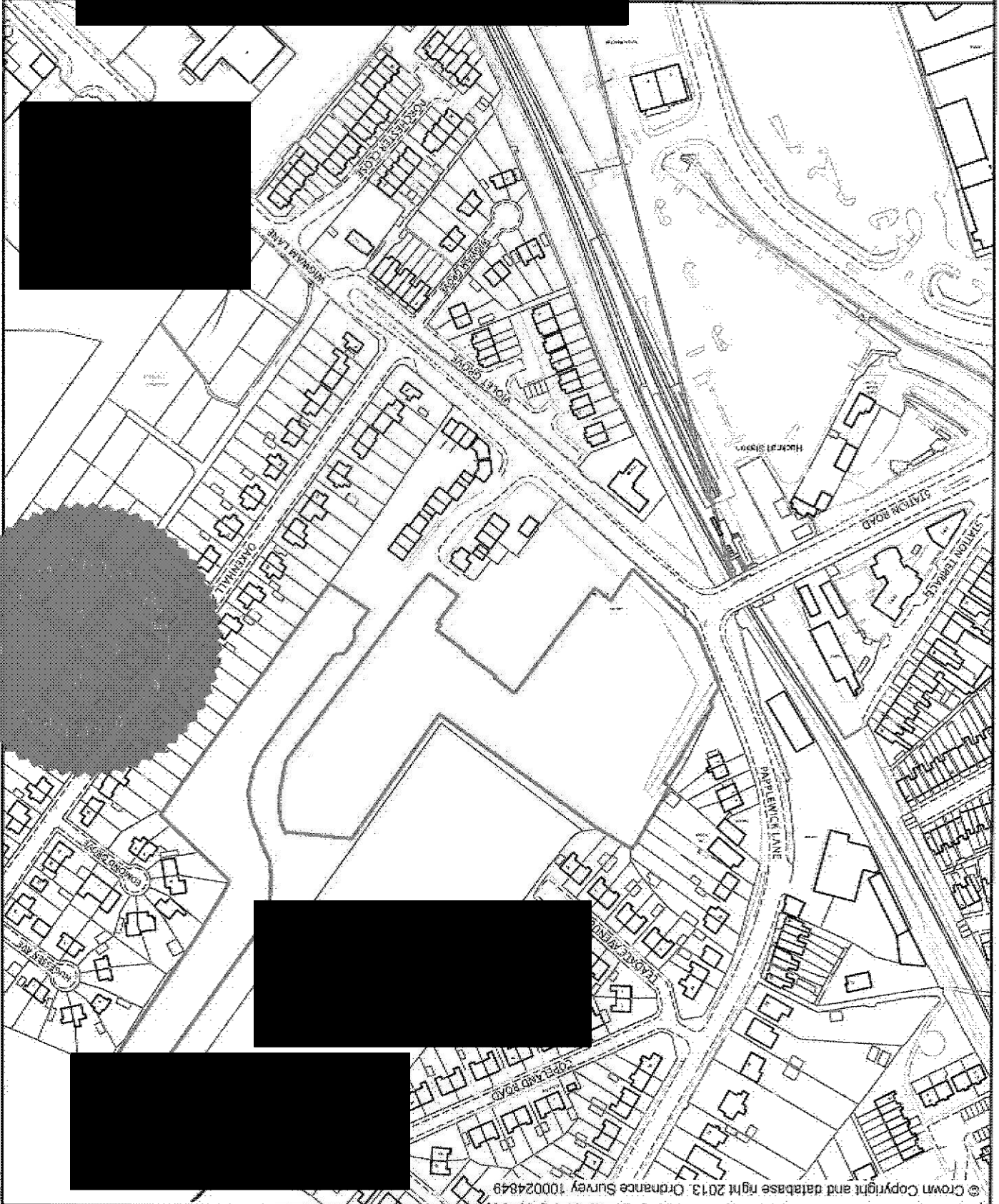




V/2013/0071

Section 106 Plan
Land At Phase 2, Papplewick Lane,

id



Plan D

Date: 07 March 2013



Scale: 1 to 2500

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V/2013/0070

Land Off Papplewick Lane, Hucknall

Section 106 Plan



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SCHEDULE A

Date:

Applicant Name:

Mrs H Broadhurst
Barratt Homes North Midlands
23 Affordable Dwellings

Description of Development:

Residential Development of 104 Dwellings including

NG15 7TN

Nottinghamshire

Hucknall

Location of Development:

Land At Phase 2 Papplewick Lane

Planning Reference Number:

V/2013/0071

Application Details

Approval has been granted by Ashfield District Council for the development referred to below providing it is carried out in accordance with the application and plans submitted. The approval is subject to the conditions set out on the attached sheet.

Major Full Application

Approval Notice

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Town and Country Planning (Tree Preservation) (England) Regulations 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Hazardous Substances) Act 1990
Planning and Compensation Act 1991

Ashfield



ASHFIELD DISTRICT COUNCIL

Urban Road,
Kirby-in-Ashfield,
Nottingham,
NG17 8DA

Tel: 01623 450000
Fax: 01623 457033

www.ashfield-dc.gov.uk/planning

CONDITIONS:

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall only be carried out in accordance with the details and specifications shown on the following plans:

Drawing Nos:
 2010/BAR/A/02 Rev A received 06 February 2013, 2010/BAR/A/01 Rev A received 06 February 2013, 2010/LIN/A/01 Rev B received 06 February 2013, 2010/FAR/A/01 Rev B received 06 February 2013, 2010/LAU/C/01 Rev 101 received 06 February 2013, 2010/MOR/A/01 Rev D received 06 February 2013, 2010/ASH/A/01 Rev B received 06 February 2013, 2010/ROC/A/01 Rev C received 06 February 2013, 2010/KNG/A/00 received 06 February 2013, 2010/KN/D/A/01 received 06 February 2013, 2010/FIN/C/02 received 06 February 2013, 2010/DET/A/135 received 06 February 2013, 2010/DET/A/136 received 06 February 2013, 2010/DET/A/139 received 06 February 2013, 2010/DET/200 received 06 February 2013, 150 received 06 February 2013, 624/HV-AS/01 received 06 February 2013, H3436:305 received 06 February 2013, H3436:305-1 Rev C received 06 February 2013, H3436/301 Rev D received 06 February 2013, H3436/PAH1 Rev E received 06 February 2013, H3436/306 Rev C received 06 February 2013.

3. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
4. Prior to being discharged in to any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
5. Prior to the occupation of the dwellings, a masonry barrier between the development and the properties on Oakenhall Avenue shall be erected in accordance with full details to be submitted to and approved in writing by the Local Planning Authority prior to erection.
6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development are removed or become seriously damaged or diseased, 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.
7. The area shown for car parking on the approved site layout plan shall be hard surfaced and the car parking spaces delineated, in a manner previously agreed in writing by the Local Planning Authority, before the development hereby permitted is first occupied. The area shall not thereafter be used for any purpose other than the parking of vehicles.

REASONS:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To define the terms of this permission and for the avoidance of doubt.

3. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating, or exacerbating a flooding problem, and to minimise the risk of pollution.
4. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
5. To ensure that the development does not give rise to the flooding of adjacent properties/land.
6. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
7. To ensure adequate off-street car parking, in the interests of highway safety.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The applicant's attention is drawn to the planning conditions attached to this permission that require you to resolve certain matters BEFORE work commences. If work commences without first complying with the terms of the conditions then any work undertaken will be UNAUTHORISED and may be the subject of future Enforcement Action.
3. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990 and dated <<...>>.
4. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If you require further information, Severn Trent Water can be contacted on 0116 2343834.

For further detail on the decision please see the application report by contacting the Development Section on 01623 457388.

REASONS FOR APPROVAL

The decision to grant permission has been taken having regard to the policies and proposals in the Ashfield Local Plan Review (2002) set out below and all relevant material considerations, including Supplementary Planning Guidance:

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

National Planning Policy Framework

Paragraph 14 Presumption in favour of sustainable development
 Part 1; Building a Strong and Competitive Economy – Para's.19, 20 & 21
 Part 7; Requiring Good Design – Para's. 56 & 57
 Part 10; Meeting the challenge of climate change, flooding and coastal change
 Paragraph 215 due weight to existing plans

Ashfield Adopted Local Plan Review 2002

- ST1: Development
- ST2: Main Urban Areas
- HG1: Housing Land Allocations
- HG3: Housing Density
- HG4: Affordable Housing
- HG4: Affordable Housing Supplementary Planning Document, 2009
- HG5: New Residential Development
- HG6: Public Open Space in New Residential Development

The proposal aligns with the vision in the 2012-2015 Corporate Strategy of delivering 'stronger and more resilient communities where people want to live, work, play and be involved', which is a priority in the emerging Local Plan.

PROACTIVE WORKING

The processing of this application has been undertaken in accordance with the requirements of the National Planning Policy Framework (Core Planning Principles):

Trevor Watson
SERVICE DIRECTOR – ECONOMY

Telephone: 0117 372 6372
 Email: enquiries.plins@gtnet.gov.uk
 Website: www.planning-inspectorate.gov.uk

*Planning Inspectorate
 Temple Quay House
 2 The Square
 Temple Quay
 Bristol
 BS1 6PN

lodge an appeal.

In respect of householder applications you have 12 weeks from the date of decision to

You have 6 months from the date of the decision to appeal.

- Planning Permission
- Details pursuant to an outline planning permission
- Removal or variation of a condition
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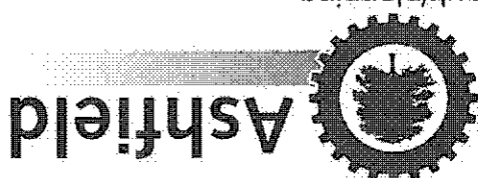
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it is your responsibility to make sure that where necessary approval under Building Regulations has been obtained before you start work. The approved plans for both Building Regulations and Planning Permission must be for the same development. You must make sure that any changes made to meet Building Regulations are sent to the Planning Department as well. In some cases you may need further planning approval.

IMPORTANT NOTES



ASHFIELD DISTRICT COUNCIL

Urban Road,
 Kirby-in-Ashfield,
 Nottingham,
 NG17 8DA

Tel: 01623 450000

Fax: 01623 457033

www.ashfield-dc.gov.uk/planning

Confirmation of Compliance with Planning Conditions

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The fee is payable for each separate occasion on which application is made to confirm compliance for any conditions.

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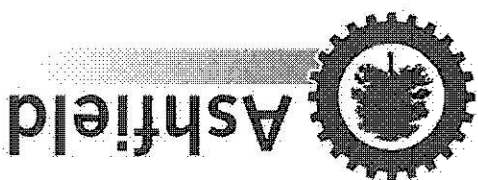
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Contact Details

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Nottingham,
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Telephone: 01623 457388
Email: planning.admin@ashtfield-dc.gov.uk
Website: www.ashtfield-dc.gov.uk/planning



CONDITION DISCHARGE

This portion to be filled in and retained with sample / plan

One sheet for each item

Date Submitted

Contact Name

Contact Number

Application Reference Number

V/2013/0071

Condition Number

Site Address

Land At Phase 2
Papplewick Lane Hucknall
Nottinghamshire

Plan/Report - Type

Brick Sample (Name)

Tile Sample (Name)

Householder applications £28.00 per request
D05112/J202

Receipt Number

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CONFIRMATION OF DETAILS SUBMITTED

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Date Submitted

Application Number
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Details submitted

Notes for applicants who intend to carry out works that affect new or existing Highway and Public Open space:

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Correspondence with the Council should be addressed to:-

**Nottinghamshire County Council
Highways Management (North)
Fountain Court
Bevercotes House
Sherwood Energy Village
Ollerton
Nottinghamshire
NG22 9FF**

Telephone contact - 01623-520021

Email contact - hdc.north@nottscc.gov.uk

Section 38 Agreement (Highways Act 1980)

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Council, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

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Telephone contact 01623-457277

And for future maintenance-

**Service Lead – Waste & Environment
Telephone contact 01623-457873**

Notes for applicants who intend to carry out work which will include the demolition of a building of more than 50 cubic metres:

You will be required to serve a notice on the Authority under Section 80 of the Building Act 1984. The notice should be accompanied by a location plan. Upon receipt of the notice we will consult with the necessary bodies and, where appropriate, a consent to demolish will be issued (under Section 81 of the Act) together with conditions, which must be complied with when demolition is carried out. An application form for demolitions can be obtained on our website under Building Control www.ashtfield-dc.gov.uk/buildingcontrol.

Notes for applicants who intend to carry out work to which the Building Regulations apply:

Now that your Planning permission has been granted, you will also need to consider applying for Building Regulation approval. The process should be straight-forward and is in simple terms a technical exercise to ensure that your project will comply with current national building standards. These are minimum standards that aim to ensure your health and safety (and other members of your household) is not compromised.

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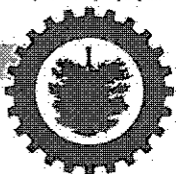
Application forms together with useful information can be found on our web site: www.ashtfield-dc.gov.uk/buildingcontrol.

Or you can make an **e-mail enquiry** by contacting bcadmin@ashtfield-dc.gov.uk or telephone 01623 457387

What Building Control will do for you

- ✓ Our qualified team of building control officers will assess applications submitted for compliance with the Building Regulations and provide a constructive response to you or your agent
- ✓ In order to help ensure that your building work meets the minimum safety standards our Surveyors will carry out all necessary site inspections. There is no imposed limit on the number of inspections we carry out and we will provide you and your contractor with on-site advice throughout the duration of the project.
- ✓ We offer a same day inspection service (for all inspections booked before 10.00am) and will tailor our inspections to suit your requirements. Both early and late inspections can be accommodated by agreement with the officer dealing with your application.
- ✓ As a Local Authority Building Control Service – you can be assured of an impartial and independent service. Building Control aim to be a self-financing service, not driven by profit and therefore our primary concern is that your project meets current construction standards and that your health and safety (and other members of your household) is given the highest priority.

Ashfield



ASHFIELD DISTRICT COUNCIL

Urban Road,
Kirkby-in-Ashfield,
Nottingham,
NG17 8DA

Tel: 01623 450000
Fax: 01623 457033

www.ashfield-dc.gov.uk/planning

Mrs H Broadhurst
Barratt Homes North Midlands
2 Orchard Place
Nottingham Business Park
Nottingham
Nottinghamshire
NG8 6PX

Contact: Beverley Alderton-Sambrook
Direct Line: 01623 457377
Email: b.alerton-sambrook@ashfield-dc.gov.uk
Your Ref: -
Our Ref: V/2013/0071
Date: 27/03/2013

Dear Sir/Madam

PLANNING DECISION OF THE LOCAL PLANNING AUTHORITY
Major Full Application

APP NO: V/2013/0071
SITE: Land At Phase 2 Papplewick Lane Hucknall Nottinghamshire
PROPOSAL: Residential Development of 104 Dwellings including 23 Affordable Dwellings

I refer to your planning application for the above and I enclose a copy of the Decision Notice together with the relevant notes. Should you wish to discuss any aspect of the Decision then do not hesitate to contact the case officer, Beverley Alderton-Sambrook

The applicant/developer is strongly advised to ensure compliance with all planning conditions if any, attached to the decision notice. Failure to do so could result in LEGAL action being taken by the Council to ensure full compliance. This planning permission does not constitute an approval under the Building Regulations and the applicant/developer is advised to acquire any necessary permission under such before commencing work.

I trust that you have been satisfied with the service provided by my Development and Building Control Section. If this has fallen short of your expectations then please contact me at your earliest convenience, as I am eager to improve the service wherever possible.

Yours faithfully

Trevor Watson

SERVICE DIRECTOR - ECONOMY

SCHEDULE B

Date:

Applicant Name:

David Wilson Homes East Midlands
Mr J Deakin

Description of Development:

Erection of 89 Dwellings (HouseType Substitution of
Previous Approved Scheme)

Location of Development:

Hucknall
Nottinghamshire
Phase 3 Papplewick Lane
NG15 7TN

Planning Reference Number:

V/2013/0070

Application Details

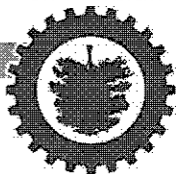
Approval has been granted by Ashfield District Council for the development referred to below providing it is carried out in accordance with the application and plans submitted. The approval is subject to the conditions set out on the attached sheet.

Major Full Application

Approval Notice

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Town and Country Planning (Tree Preservation) (England) Regulations 2012
Planning (Listed Buildings and Conservation Areas Act 1990
Planning (Hazardous Substances) Act 1990
Planning and Compensation Act 1991

Ashfield



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CONDITIONS:

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby approved shall only be carried out in accordance with the details and specifications shown on the following plans:

Drawing Nos:

S2116/PH3/Loc, received 06 February 2013; S6195/100/01 Rev H, received 06 February 2013; S6195/500/01 Rev C, received 06 February 2013; S6195/100/03 Rev C, received 06 February 2013; SD/600/11, received 06 February 2013; SD/600/31, received 06 February 2013; SD/600/13, received 06 February 2013; S2116/PH3/500/01, received 06 February 2013; G1B, received 06 February 2013; G2A, received 06 February 2013; G2C, received 06 February 2013; G3C, received 06 February 2013; SD/600/02, received 06 February 2013; H421.01, received 06 February 2013; H421.02, received 06 February 2013; P206.01, received 06 February 2013; H421.03, received 06 February 2013; P206.04, received 06 February 2013; P206.03, received 06 February 2013; P206.02, received 06 February 2013; P206.04, received 06 February 2013; P231.13, received 06 February 2013; P231.14, received 06 February 2013; P231.15, received 06 February 2013; P231.16, received 06 February 2013; P206.B1.01, received 06 February 2013; P206.B1.02, received 06 February 2013; P206.B1.03, received 06 February 2013; P206.B1.04, received 06 February 2013; T307.01, received 06 February 2013; T307.02, received 06 February 2013; T307.03, received 06 February 2013; T307.04, received 06 February 2013; H597.01, received 06 February 2013; H597.02, received 06 February 2013; H597.03, received 06 February 2013; H597.04, received 06 February 2013; H536.01, received 06 February 2013; H536.02, received 06 February 2013; H536.03, received 06 February 2013; H536.04, received 06 February 2013; H533.01, received 06 February 2013; H533.02, received 06 February 2013; H533.03, received 06 February 2013; H533.04, received 06 February 2013; H455.02, received 06 February 2013; H455.03, received 06 February 2013; H455.04, received 06 February 2013; H469.01, received 06 February 2013; H469.02, received 06 February 2013; H469.03, received 06 February 2013; H469.04, received 06 February 2013; H452.01, received 06 February 2013; H452.02, received 06 February 2013; H452.03, received 06 February 2013; H451.01, received 06 February 2013; H451.02, received 06 February 2013; H451.03, received 06 February 2013; H451.04, received 06 February 2013; H408.01, received 06 February 2013; H408.02, received 06 February 2013; H433.01, received 06 February 2013; H433.02, received 06 February 2013; H433.03, received 06 February 2013; H433.04, received 06 February 2013; H436.01, received 06 February 2013; H436.02, received 06 February 2013; H436.03, received 06 February 2013; H436.04, received 06 February 2013; H408.03, received 06 February 2013; H408.04, received 06 February 2013; H406.01, received 06 February 2013; H406.02, received 06 February 2013; H406.03, received 06 February 2013; H406.04, received 06 February 2013; H406.05, received 06 February 2013; H406.06, received 06 February 2013; P383.01, received 06 February 2013; P383.02, received 06 February 2013; P383.03, received 06 February 2013; P383.04, received 06 February 2013; P383.05, received 06 February 2013; P383.06, received 06 February 2013; P383.07, received 06 February 2013; P383.08, received 06 February 2013; P341.07, received 06 February 2013; P341.08, received 06 February 2013; P341.09, received 06 February 2013; P341.10, received 06 February 2013; P341.11, received 06 February 2013; P341.12, received 06 February 2013; R332.R.01, received 06 February 2013; R332.R.02, received 06 February 2013; R332.R.03, received 06 February 2013; R332.R.04, received 06 February 2013.

3. Prior to the commencement of development details of flood flow routes shall be submitted to the Local Planning Authority for approval and such approved details shall be implemented.
4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
5. The ecological mitigation measures set out in the FPCR 'Phase 1 Habitat Survey' report dated 13 August 2012 shall be implemented, with particular regard to paragraph 4.2 relating to the protection of nesting birds and paragraphs 4.3 and 4.4 relating to the protection of the watercourse beyond the construction area.
6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, 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.
7. Prior to the occupation of the properties, a 1.8m high personnel gate (as detailed elsewhere on the site on drawing ref: S2116/PH3/500/02 Rev B) shall be erected between plots 55 & 56.
8. The area shown for car parking on the approved site layout plan shall be hard surfaced and the car parking spaces delineated, in a manner previously agreed in writing by the Local Planning Authority, before the development hereby permitted is first occupied. The area shall not thereafter be used for any purpose other than the parking of vehicles.

REASONS:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To satisfy the Environment Agency in the interests of flood risk management that the proposed development will not detrimentally interfere with existing flood flow routes.
4. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating, or exacerbating a flooding problem, and to minimise the risk of pollution.
5. In the interests of protecting the biodiversity interests across the site.
6. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
7. To secure the rear of the properties in the interests of residential amenity.
8. To ensure adequate off-street car parking, in the interests of highway safety.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).

2. The applicant's attention is drawn to the planning conditions attached to this permission that require you to resolve certain matters BEFORE work commences. If work commences without first complying with the terms of the conditions then any work undertaken will be UNAUTHORISED and may be the subject of future Enforcement Action.
3. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990 and dated <<...>>.
4. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If you require further information, Severn Trent Water can be contacted on 0116 2343834.

For further detail on the decision please see the application report by contacting the Development Section on 01623 457388.

REASONS FOR APPROVAL

The decision to grant permission has been taken having regard to the policies and proposals in the Ashfield Local Plan Review (2002) set out below and all relevant material considerations, including Supplementary Planning Guidance:

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

National Planning Policy Framework
 Paragraph 14 Presumption in favour of sustainable development
 Part 1; Building a Strong and Competitive Economy – Para's.19, 20 & 21
 Part 7; Requiring Good Design – Para's. 56 & 57
 Part 10; Meeting the challenge of climate change, flooding and coastal change
 Paragraph 215 due weight to existing plans

Ashfield Adopted Local Plan Review 2002

ST1; Development
 ST2; Main Urban Areas
 HG1; Housing Land Allocations
 HG3; Housing Density
 HG4; Affordable Housing
 ADC Affordable Housing Supplementary Planning Document, 2009
 HG5; New Residential Development
 HG6; Public Open Space in New Residential Development
 EV7; Sites/Buildings Supporting Species Protected by Law

The proposal aligns with the vision in the 2012-2015 Corporate Strategy of delivering 'stronger and more resilient communities where people want to live, work, play and be involved', which is a priority in the emerging Local Plan.

PROACTIVE WORKING

The processing of this application has been undertaken in accordance with the requirements of the National Planning Policy Framework (Core Planning Principles).

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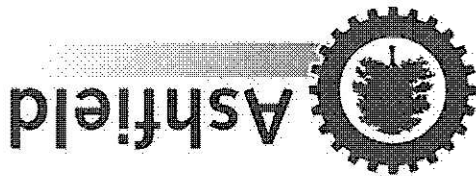
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V/2013/0070

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Now that your Planning permission has been granted, you will also need to consider applying for Building Regulation approval. The process should be straight-forward and is in simple terms a technical exercise to ensure that your project will comply with current national building standards. These are minimum standards that aim to ensure your health and safety (and other members of your household) is not compromised.

Ashtfield District Council's Land & Property Division provides a customer focussed Building Control Service, delivered by a team of staff who have excellent local knowledge of the area and who are more than willing to help and guide you through the construction process. If you wish to discuss our service further, please contact the **Building Control Section on 01623 457387.**

Application forms together with useful information can be found on our web site: www.ashtfield-dc.gov.uk/buildingcontrol.

Or you can make an **e-mail enquiry** by contacting bcadmin@ashtfield-dc.gov.uk or telephone 01623 457387

What Building Control will do for you

- ✓ Our qualified team of building control officers will assess applications submitted for compliance with the Building Regulations and provide a constructive response to you or your agent.
- ✓ In order to help ensure that your building work meets the minimum safety standards our Surveyors will carry out all necessary site inspections. There is no imposed limit on the number of inspections we carry out and we will provide you and your contractor with on-site advice throughout the duration of the project.
- ✓ We offer a same day inspection service (for all inspections booked before 10.00am) and will tailor our inspections to suit your requirements. Both early and late inspections can be accommodated by agreement with the officer dealing with your application.
- ✓ As a Local Authority Building Control Service – you can be assured of an impartial and independent service. Building Control aim to be a self-financing service, not driven by profit and therefore our primary concern is that your project meets current construction standards and that your health and safety (and other members of your household) is given the highest priority.

Ashfield



ASHFIELD DISTRICT COUNCIL

Urban Road,
Kirby-in-Ashfield,
Nottingham,
NG17 8DA

Tel: 01623 450000
Fax: 01623 457033

www.ashfield-dc.gov.uk/planning

Mr J Deakin
David Wilson Homes East Midlands
Forest Business Park Cartwright Way
Bardon Hill
Coalville
Leicestershire
LE67 1GL

Contact: Beverley Alderton-Sambrook
Direct Line: 01623 457377
Email: b.alderton-sambrook@ashfield-dc.gov.uk
Your Ref:
Our Ref: V/2013/0070
Date: 27/03/2013

Dear Sir/Madam

PLANNING DECISION OF THE LOCAL PLANNING AUTHORITY
Major Full Application

APP NO: V/2013/0070
SITE: Phase 3 Papplewick Lane Hucknall Nottinghamshire
PROPOSAL: Erection of 89 Dwellings (HouseType Substitution of Previous Approved Scheme)

I refer to your planning application for the above and I enclose a copy of the Decision Notice together with the relevant notes. Should you wish to discuss any aspect of the Decision then do not hesitate to contact the case officer, Beverley Alderton-Sambrook

The applicant/developer is strongly advised to ensure compliance with all planning conditions if any, attached to the decision notice. Failure to do so could result in LEGAL action being taken by the Council to ensure full compliance. This planning permission does not constitute an approval under the Building Regulations and the applicant/developer is advised to acquire any necessary permission under such before commencing work.

I trust that you have been satisfied with the service provided by my Development and Building Control Section. If this has fallen short of your expectations then please contact me at your earliest convenience, as I am eager to improve the service wherever possible.

Yours faithfully

Trevor Watson

SERVICE DIRECTOR - ECONOMY

SCHEDULE C

Date:

Applicant Name:

Mrs H Guy
Barratt Homes East Midlands

Description of Development:

Drain Details
Planning Permission 2010/0351 to Amend the Land
Section 73 Application to Vary Condition 20 of

Location of Development:

NG15 7TN
Nottinghamshire
Land Off Papplewick Lane Hucknall

Planning Reference Number:

V/2013/0072

Application Details

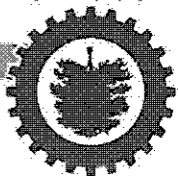
Approval has been granted by Ashfield District Council for the development referred to below providing it is carried out in accordance with the application and plans submitted. The approval is subject to the conditions set out on the attached sheet.

Application submitted under Section 73 of the Act

Approval Notice

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Town and Country Planning (Tree Preservation) (England) Regulations 2012
Planning (Listed Buildings and Conservation Areas Act 1990
Planning (Hazardous Substances) Act 1990
Planning and Compensation Act 1991

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CONDITIONS:

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.

2. The development hereby approved shall only be carried out in accordance with the details and specifications shown on the following plans:

- SMA100E/SMA10016-01 - Maidstone dwelling type 626/PL-SAW/01
- Severn and Washington dwelling type 2006/M10/01
- Milton dwelling type 2006/WOO/11C
- Woodcote dwelling type 626/PEM/01
- Pembroke dwelling type 2006/WOO/01C
- Woodcote dwelling type 2006/MAS/01B
- Washington dwelling type 626/HUN/01
- Huntsman dwelling type 801/AS/01B
- Ash dwelling type 2089/ESK
- Esksdale dwelling type 2006/ALD/02B
- Alderney dwelling type 2006/NOR/01B
- Norbury dwelling type H3436/205
- Street Scenes H3436/201L Rev A
- Proposed Levels H3436/201S
- Sections H3436/202
- Layout Plan 629/160-01A
- Single Garage Type 1 629/160-04A
- Twin Garage Type 1 629/160-05A
- Twin Garage Type 2 629/160-06A
- Twin Garage Pyramid Roof 629/160-08A
- Triple Garage H3436/201SLOC
- Location of Sections H3436/201S01
- Section through plots 160-164 H3436/201S02
- Section through plot 159 H3436/201S03
- Section through plot 157 H3436/201S04
- Section through plot 155 H3436/201S05
- Section through plot 152 H3436/201S06
- Section through plot 151 H3436/06
- Materials Layout Drawing no. 150
- Wall/Fence and Gate Details BMH/006M/200 P1
- Land Drainage H3436/444 Rev A received 06 February 2013
- Site Location Plan H3436/102

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, 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.

4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

5. Notwithstanding the submitted details and in association with condition 5 above, no development shall begin until a surface water drainage scheme for the site based

6. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
7. Before any access serving an individual plot is first brought into use visibility splays of 2.0 metres x 2.0 metres shall be provided at the highway boundary. The areas forward of the visibility splays shall be kept free of any obstruction over 0.6 metre in height above the carriage way level at all times.
8. Before any dwelling is first occupied all associated vehicle manoeuvring areas, parking areas and any footpaths shall be surfaced in solid bound materials in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
9. Unless otherwise agreed in writing with the Local Planning Authority only materials arising from the Papplewick Lane site shall be used to raise ground levels associated with this permission.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be inserted in the side elevation of the dwelling on plot 164 of the development hereby permitted, facing the rear gardens of the properties fronting Oakenhall Avenue, without the prior consent in writing of the Local Planning Authority.
11. The first floor window in the side elevation of the dwelling on plot 164 of the development hereby permitted, facing the rear of 1A Oakenhall Avenue, shall be obscure glazed and remain so glazed at all times.
12. A priority site access junction shall be provided onto Wigwam Lane during Phase 2 of the housing development as detailed in Plan 3 - General Phasing attached to the adopted Development Brief.
13. Unless otherwise agreed in writing by the Local Planning Authority before the completion of the 150th dwelling on Phase 2 (defined on Plan 3 - General Phasing of the adopted Development Brief), the mini roundabout at the junction of Papplewick Lane/Wigwam Lane shall be re-located and a pedestrian refuge provided on the Papplewick Lane arm as shown for indicative purposes on drawing number TRT02011/05 Rev.P3.
14. Before development is commenced an environmental assessment against the Building Research Establishment's Environmental Assessment Method (BREEAM), or equivalent, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the development will achieve a very

good rating and shall be implemented in accordance with the approved assessment.

15. All rooflights facing the rear gardens of the dwellings fronting Oakenhall Avenue shall be obscure glazed and remain so glazed at all times.

16. Unless otherwise agreed in writing by the Local Planning Authority before the completion of the 150th dwelling on Phase 2 (defined on Plan 3 - General Phasing of the adopted Development Brief) two pedestrian/cycle links shall be provided between the application site and Station Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

17. Unless otherwise agreed in writing by the Local Planning Authority before the completion of the 301st dwelling on the site (defined in red on the attached Site Layout plan forming part of the adopted Development Brief) the following works shall be completed:- 1. The junction of Moor Road and Papplewick Lane shall be upgraded from a priority junction to a three armed roundabout junction in accordance with details to be submitted to and approved in writing by the Local Planning Authority. 2. Off-site traffic management works shall be implemented comprising of a Traffic Regulation Order restricting speed of traffic on Papplewick Lane to 30mph, and 3. Two pedestrian refuges shall be installed at locations on Linby Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

18. Before development is commenced on site, details of a wheel wash facility for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details at all times unless otherwise agreed in writing by the Local Planning Authority.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no rooflights or dormer windows shall be inserted in the rear plane of the roofs of the dwellings hereby permitted, facing the rear boundaries of the properties fronting Oakenhall Avenue, without the prior written consent of the Local Planning Authority.

20. Prior to the occupation of the dwellings, the gravel boards detailed on plan H3436/444 Rev A received 06 February 2013 shall be sealed at all joints to the satisfaction in writing of the Local Planning Authority.

21. No development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:

i. Full details of the proposed boundary treatments.

ii. A phasing scheme for the implementation of the agreed boundary treatments. The boundary treatment shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASONS:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To define the terms of this permission and for the avoidance of doubt.
3. To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
4. To ensure that the development provides a satisfactory means of drainage, in order to reduce the risk of creating, or exacerbating a flooding problem, and to minimise the risk of pollution.
5. To prevent the increased risk of flooding and to improve and protect water quality.
6. To protect ground and surface water quality.
7. In the interests of highway safety.

In order to ensure the unobstructed flow of surface water runoff in excess of the critical 1 in 30 year event to the attenuation pond, and avoid any possible flooding to properties, site drainage must be considered in a holistic manner by the developers of this site, all other developers with an interest in the overall development site and the LPA. We would be willing to participate in a meeting to discuss this issue for the entirety of the proposed development. Please contact Daniel Widdowson the Development and Flood Risk Officer for the area on 0115 846 2642. This would aid in ensuring that overland flood flow routes from one individual development does not adversely impact any of the downstream development sites.

The PPS25 Practice Guide states that 'for events with return periods in excess of 30 years, surface flooding of open spaces such as landscaped areas or car parks is acceptable for short periods, but the layout and landscaping of the site should aim to route water away from any vulnerable property and avoid creating hazards to access and egress routes,' i.e. public highways. Therefore at the discharge of condition stage, a drainage plan must be submitted which demonstrates the pluvial flood flow routes for storms in excess of the 1 in 30 year, illustrating that there will be no obstruction to flows and that flood flow routes are not routed down access and egress routes. We would recommend that the adopting highways authority is made aware of any proposals to route or store excess surface water along adopted carriageways, in order that they can confirm their acceptance of any such proposals.

The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).

INFORMATIVE

- 1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
- 2. The applicant's attention is drawn to the planning conditions attached to this permission that require you to resolve certain matters BEFORE work commences. If work commences without first complying with the terms of the conditions then any work undertaken will be UNAUTHORISED and may be the subject of future Enforcement Action.
- 3. The PPS25 Practice Guide states that 'for events with return periods in excess of 30 years, surface flooding of open spaces such as landscaped areas or car parks is acceptable for short periods, but the layout and landscaping of the site should aim to route water away from any vulnerable property and avoid creating hazards to access and egress routes,' i.e. public highways. Therefore at the discharge of condition stage, a drainage plan must be submitted which demonstrates the pluvial flood flow routes for storms in excess of the 1 in 30 year, illustrating that there will be no obstruction to flows and that flood flow routes are not routed down access and egress routes. We would recommend that the adopting highways authority is made aware of any proposals to route or store excess surface water along adopted carriageways, in order that they can confirm their acceptance of any such proposals.
- 8. To ensure the satisfactory appearance and performance of the development and to reduce the possibility of extraneous material being deposited on the highway.
- 9. To ensure the development is carried out in accordance with the highest sustainable principles.
- 10. In the interests of residential amenity.
- 11. In the interests of residential amenity.
- 12. In the interests of highway safety.
- 13. In the interests of highway safety.
- 14. To ensure that the development is carried out in accordance with the highest sustainable principles.
- 15. In the interests of residential amenity.
- 16. In the interests of pedestrian safety and to promote sustainable travel.
- 17. In the interests of highway safety.
- 18. To reduce the possibility of deleterious material being deposited on the highway.
- 19. In the interests of the amenity of adjacent residents.
- 20. To prevent the increased risk of flooding.
- 21. To safeguard the visual and residential amenities of residents living in the vicinity of the application site.

It is also stated within the FRA that the proposed balancing pond does not offer sufficient freeboard to contain the 1 in 100 year event with an allowance for climate change. The proposed drainage scheme should therefore investigate the possibility of increasing the freeboard of the attenuation pond to ensure that the 1 in 100 year storm event with an allowance for climate change can be attenuated on site as required by PPS25.

4. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990 and dated <<...>>.

5. The Highway Authority considers it prudent that as part of the proposed off-site highway works referred to above, a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact Nottinghamshire County Council Highways, Tel 01623 520 711.

6. The applicant is advised that The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete and therefore it is recommended that the developer contact the Highway Authority as early as possible.

7. The developer is advised to contact the Highway Authority at an early stage to clarify the codes etc, with which compliance will be required in the particular circumstances, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved in writing by the County Council before any work commences on site.

8. The applicant is advised that the development will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an agreement pursuant to Section 38 of the Highways Act 1980 will be required. Nottinghamshire County Council Highway Engineers should be contacted to ensure that the appropriate approvals and agreements are obtained before commencement of works.

For further detail on the decision please see the application report by contacting the Development Section on 01623 457388.

REASONS FOR APPROVAL

The decision to grant permission has been taken having regard to the policies and proposals in the Ashfield Local Plan Review (2002) set out below and all relevant material considerations, including Supplementary Planning Guidance:

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

National Planning Policy Framework

Part 10; Meeting the challenge of climate change, flooding and coastal change

PROACTIVE WORKING

The application as submitted is acceptable. In granting planning permission the District Planning Authority is implicitly working positively and proactively with the applicant.

Trevor Watson
SERVICE DIRECTOR – ECONOMY

Telephone: 0117 372 6372
 Email: enquires.pins@gtnet.gov.uk
 Website: www.planning-inspectorate.gov.uk

*Planning Inspectorate
 Temple Quay House
 2 The Square
 Temple Quay
 Bristol
 BS1 6PN

You have 6 months from the date of the decision to appeal.
 In respect of householder applications you have 12 weeks from the date of decision to lodge an appeal.

- Planning Permission
- Details pursuant to an outline planning permission
- Removal or variation of a condition
- Discharge of condition
- Listed building consent
- Conservation area consent and
- Applications for the determination of prior approval of details.

You can appeal against this decision within the time given below. Appeals should be made to the *Planning Inspectorate in all cases. In respect of applications for:

Appeals to the Planning Inspectorate

Details of how to appeal against the conditions on this decision are given on the attached sheet.

Where residential layouts are involved, a favourable planning decision does not necessarily imply that the infrastructure will be suitable for an adoption agreement under the Highways Act 1980.

It is your responsibility to make sure that where necessary approval under Building Regulations has been obtained before you start work. The approved plans for both Building Regulations and Planning Permission must be for the same development. You must make sure that any changes made to meet Building Regulations are sent to the Planning Department as well. In some cases you may need further planning approval.

IMPORTANT NOTES



ASHFIELD DISTRICT COUNCIL

Urban Road,
 Kirby-in-Ashfield,
 Nottingham,
 NG17 8DA

Tel: 01623 450000

Fax: 01623 457033

www.ashfield-dc.gov.uk/planning

Confirmation of Compliance with Planning Conditions

A fee is now payable for the confirmation of compliance with planning conditions at the following rates:

Householder applications	£28.00 per request
Other applications	£97.00 per request

The fee is payable for each separate occasion on which application is made to confirm compliance for any conditions.

The authority has a period of up to 12 weeks to consider such information. Planning your building programme to allow a reasonable time for this confirmation to be issued – particularly the choice of materials is therefore advised.

Forms for applications for approval of details reserved by condition are available from the Planning Portal www.planningportal.gov.uk the Council officers or on the Council's website www.ashtfield-dc.gov.uk/planning.

Compliance with plans and conditions.

We expect strict compliance with all conditions. Failure to do so may result in issuing a Breach of Condition Notice and prosecution.

You are reminded that the development must be carried out strictly in accordance with the details shown on the approved drawings. Failure to do so may result in enforcement proceedings.

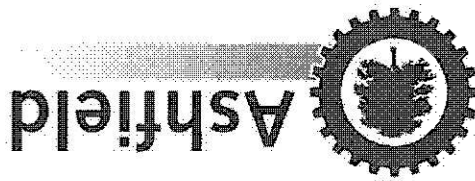
If you need to vary any details from those submitted with your application, we would be pleased to advise you whether or not a further planning application is required. Please send copies of any amended plans to both the Development Advice and Building Control Section.

For any further correspondence regarding this application contact the Development Advice and Control section quoting the reference number on the decision notice.

Contact Details

Development Advice & Control
Ashtfield District Council
Urban Road,
Kirky-in-Ashtfield,
Nottingham,
NG17 8DA

Telephone: 01623 457388
Email: planning.admin@ashtfield-dc.gov.uk
Website: www.ashtfield-dc.gov.uk/planning



CONDITION DISCHARGE

This portion to be filled in and retained with sample / plan

One sheet for each item

Date Submitted

Contact Name

Contact Number

Application Reference Number

V/2013/0072

Condition Number

Land Off

Site Address

Hucknall Nottinghamshire

Plan/Report - Type

Brick Sample (Name)

Tile Sample (Name)

Householder applications £28.00 per request

Receipt Number

D05112/J202

Other applications £97.00 per request

Receipt Number

D05112/J202

CONFIRMATION OF DETAILS SUBMITTED

This portion to be filled in and retained by the Customer

Date Submitted

Application Number

V/2013/0072

Details submitted

Notes for applicants who intend to carry out works that affect new or existing Highway and Public Open space:

It is strongly recommended that the applicant contact the Council at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Council should be addressed to:-

Nottinghamshire County Council
Highways Management (North)
Fountain Court
Bevercotes House
Sherwood Energy Village
Ollerton
Nottinghamshire
NG22 9FF

Telephone contact - 01623-520021

Email contact - hdc.north@nottscc.gov.uk

Section 38 Agreement (Highways Act 1980)

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Council, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

www.leics.gov.uk/htd

Advanced Payments Code (Highways Act 1980)

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The code applies both to roads/streets that are to remain private and those that are to be adopted. The developer should contact the Council with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the applicant contact the Council as early as possible to discuss this.

Diversions, 'stopping up' of public rights of way or highway (Section 247 & 257 of the Town & Country Planning Act 1990)

The proposed development may affect a public right of way. Following a grant of planning permission, the local planning authority may make an order to stop up or divert a footpath or bridleway if they are satisfied that it is necessary to enable development to be carried out in accordance with Planning Permission.

The granting of planning permission does not mean that public rights of way will automatically be diverted or stopped up. A separate application must be made to stop up

or divert a footpath or bridleway following the granting of planning permission. The applicant will need to contact **Legal Services 01623-457323** to ascertain the legal steps required to be undertaken.

Any preliminary obstruction of or interference with the public rights of way concerned is not only an offence but may make it impossible for the local planning authority to proceed with the making of the Order.

Green Space & Sustainable Urban Drainage Systems (SUDS) schemes

It is important that the applicant contact the Council at an early stage when looking to introduce any Green Space areas and features or SUDS proposals into any future development sites, to agree long term maintenance issues and help eliminate future land ownership problems and concerns including boundaries, perimeters and public access points.

Correspondence with the Council for Green Space and SUDS enquiries should be addressed to:-

For public open/green space land transfer-

Estates Manager

Telephone contact 01623-457277

And for future maintenance-

Service Lead – Waste & Environment

Telephone contact 01623-457873

Notes for applicants who intend to carry out work which will include the demolition of a building of more than 50 cubic metres:

You will be required to serve a notice on the Authority under Section 80 of the Building Act 1984. The notice should be accompanied by a location plan. Upon receipt of the notice we will consult with the necessary bodies and, where appropriate, a consent to demolish will be issued (under Section 81 of the Act) together with conditions, which must be complied with when demolition is carried out. An application form for demolitions can be obtained on our website under Building Control www.ashtfield-dc.gov.uk/buildingcontrol.

Notes for applicants who intend to carry out work to which the Building Regulations apply:

Now that your Planning permission has been granted, you will also need to consider applying for Building Regulation approval. The process should be straight-forward and is in simple terms a technical exercise to ensure that your project will comply with current national building standards. These are minimum standards that aim to ensure your health and safety (and other members of your household) is not compromised.

Ashtfield District Council's Land & Property Division provides a customer focussed Building Control Service, delivered by a team of staff who have excellent local knowledge of the area and who are more than willing to help and guide you through the construction process. If you wish to discuss our service further, please contact the **Building Control Section on 01623 457387**.

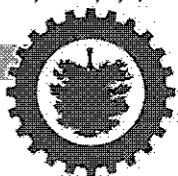
Application forms together with useful information can be found on our web site: www.ashtfield-dc.gov.uk/buildingcontrol.

Or you can make an **e-mail enquiry** by contacting bcadmin@ashtfield-dc.gov.uk or telephone 01623 457387

What Building Control will do for you

- ✓ Our qualified team of building control officers will assess applications submitted for compliance with the Building Regulations and provide a constructive response to you or your agent.
- ✓ In order to help ensure that your building work meets the minimum safety standards our Surveyors will carry out all necessary site inspections. There is no imposed limit on the number of inspections we carry out and we will provide you and your contractor with on-site advice throughout the duration of the project.
- ✓ We offer a same day inspection service (for all inspections booked before 10.00am) and will tailor our inspections to suit your requirements. Both early and late inspections can be accommodated by agreement with the officer dealing with your application.
- ✓ As a Local Authority Building Control Service – you can be assured of an impartial and independent service. Building Control aim to be a self-financing service, not driven by profit and therefore our primary concern is that your project meets current construction standards and that your health and safety (and other members of your household) is given the highest priority.

Ashfield



ASHFIELD DISTRICT COUNCIL

Urban Road,
Kirkby-in-Ashfield,
Nottingham,
NG17 8DA

Tel: 01623 450000
Fax: 01623 457033

www.ashfield-dc.gov.uk/planning

Mrs H Guy

Barratt Homes East Midlands
Wilson House 2 Orchard Place
Nottingham Business Park
Nottingham
NG8 6PX

Contact:	Beverley Alderton-Sambrook	Your Ref:	-
Direct Line:	01623 457377	Our Ref:	V/2013/0072
Email:	b.alderon-sambrook@ashfield-dc.gov.uk	Date:	28/03/2013

Dear Sir/Madam

PLANNING DECISION OF THE LOCAL PLANNING AUTHORITY
Application submitted under Section 73 of the Act

APP NO: V/2013/0072
SITE: Land Off Papplewick Lane Hucknall Nottinghamshire
PROPOSAL: Section 73 Application to Vary Condition 20 of Planning Permission 2010/0351 to Amend the Land Drain Details

I refer to your planning application for the above and I enclose a copy of the Decision Notice together with the relevant notes. Should you wish to discuss any aspect of the Decision then do not hesitate to contact the case officer, Beverley Alderton-Sambrook

The applicant/developer is strongly advised to ensure compliance with all planning conditions if any, attached to the decision notice. Failure to do so could result in LEGAL action being taken by the Council to ensure full compliance. This planning permission does not constitute an approval under the Building Regulations and the applicant/developer is advised to acquire any necessary permission under such before commencing work.

I trust that you have been satisfied with the service provided by my Development and Building Control Section. If this has fallen short of your expectations then please contact me at your earliest convenience, as I am eager to improve the service wherever possible.

Yours faithfully

Trevor Watson

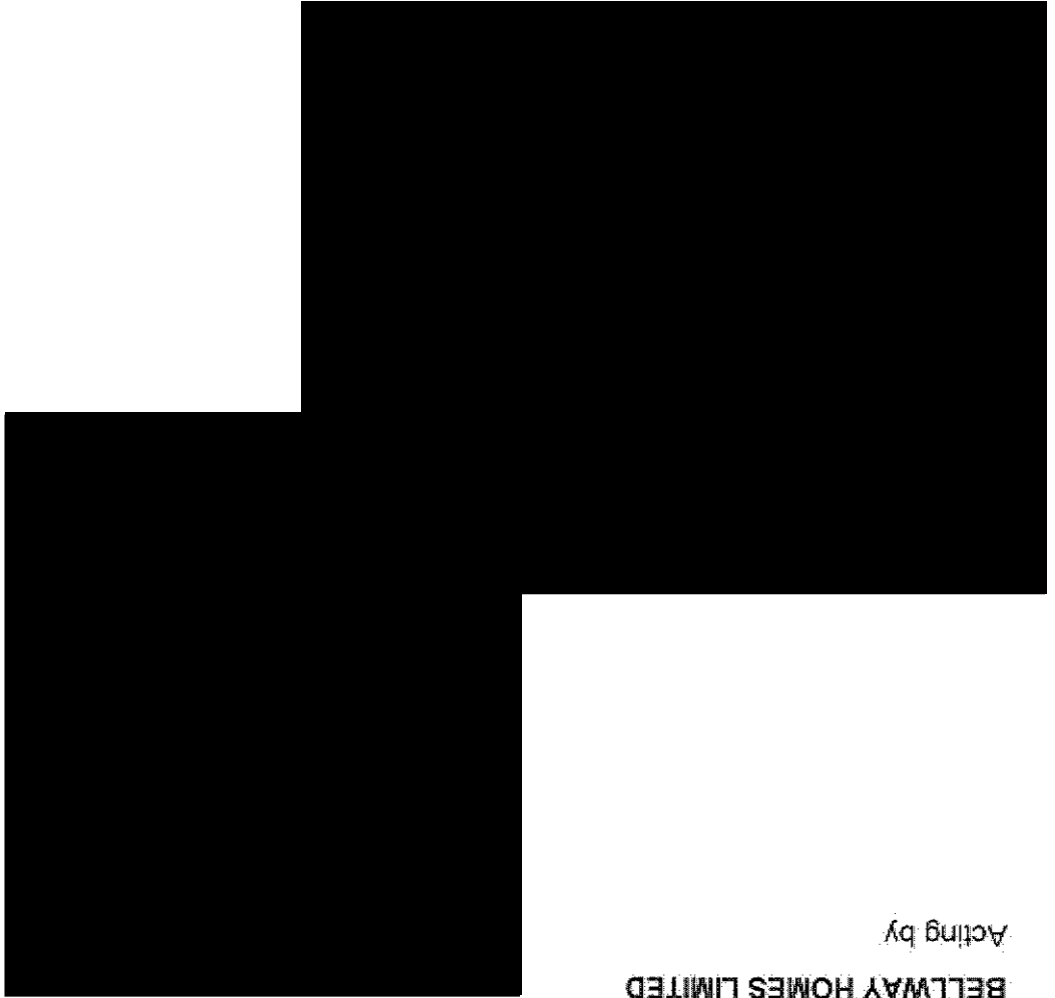
SERVICE DIRECTOR - ECONOMY

IN WITNESS whereof the parties have executed this Agreement as a Deed the day

and year first before written

SIGNED AS A DEED by the said
BELLWAY HOMES LIMITED

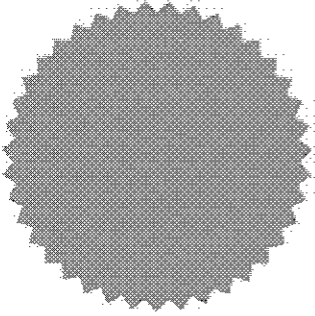
Acting by



EXECUTED AS A DEED by

NOTTINGHAMSHIRE COUNTY COUNCIL
having affixed its COMMON SEAL

to this deed in the presence of



EXECUTED AS A DEED by
ASHFIELD DISTRICT COUNCIL
having affixed its COMMON SEAL
to this deed in the presence of

