

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Minerva House, Spaniel Row

1 SUMMARY

Application No: 12/03487/PFUL3
Application by: Fortis Developments Ltd/DMS 3 (Group 1) Ltd.
Proposal: Proposed Conversion to Student Accommodation and External Alterations.

The application is brought to Committee because it is for a major student development and involves a Section 106 Agreement.

To meet the Council's Performance Targets this application should be determined by 12 April 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
- (i) A financial contribution for the provision or improvement of open space or public realm;
 - (ii) A student management agreement including a restriction on car ownership.
 - (iii) Restriction on occupation of development until cessation of use of nightclub.

(b) the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions of the planning permission be delegated to the Head of Development Management.

That Councillors 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.

3 BACKGROUND

- 3.1 The site comprises Minerva House, which is a largely vacant part five, part six storey office building with frontages onto both Spaniel Row and Hounds Gate. The building has three principal elements with the southern block facing onto Hounds

Gate of 18th century origin, the central block comprising a former warehouse erected in the mid 19th century and the west elevation facing onto Spaniel Row dating from the 1960's. Vehicular access is achieved off Spaniel Row at the north end of the building and leads to an underground car park. The more historic elements of the building are constructed in red brick and stonework with the Spaniel Row elevation finished in a metal cladding. Within the building envelope at the basement and ground floor level there is an operating nightclub which occupies the part of the building adjacent to the corner of Spaniel Row and Hounds Gate.

- 3.2 The surrounding area is mixed in character. There is a hotel on the opposite side of Spaniel Row, which addresses Maid Marian Way, whilst to the north is Friar Lane with a mix of shops, offices, café and bars. To the south on Hounds Gate are office buildings which are currently unoccupied with the Salutation Inn Public House (Grade II listed building) to the south west. To the immediate east on Hounds Gate the adjacent building is a continuation of the historic façade of Minerva House, but with a modern five storey extension to the rear that presents an entirely dark glazed elevation to Hounds Gate when viewed from the east. Beyond this to the north and largely hidden from public view is a four storey metal clad building which is situated approximately 10.5m away from the eastern elevation of Minerva House. Both of these buildings appear to be in office use. The site is located within the Old Market Square Conservation Area.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission to convert the building into student accommodation. The scheme as originally submitted proposed 151 studios but amended proposals have been received which increases the gross number of bedspaces to 155. A small number of the bedspaces are now organised in a slightly different way, with the inclusion of two cluster flats (each with four bedrooms) on the east side of the building, one on both the first and second floors. Furthermore, 4 studios have been added on the ground floor in place of accommodation formerly occupied by a nightclub.
- 4.2 The size of the studios range from approximately 17m² to 30m². The smaller units (those under 20m²) are located on the south elevation of the building with the vast majority of the studios averaging approximately 25m² in size. The main part of the building will be divided by a central corridor in a very similar position to the existing internal arrangement. Studios will be served to the west and east of this and due to the fenestration configuration of the building will generally be long, comparatively narrow units and hence their generous size. There are a number of communal facilities incorporated within the layout such as a common room, gymnasium, laundry rooms and there is a managers office. The car park is not proposed for resident's parking but offers an opportunity for an accessible and convenient drop off and collection point for residents at the start and end of the academic terms.
- 4.3 The external alterations comprise re-cladding the entire Spaniel Row (western) facade and replacing all the existing windows on this elevation with aluminium frames. The Hounds Gate elevation will retain the existing windows and timber frames. There are both alterations to existing windows and additional openings proposed on the east elevation and on the rear of the south elevation a replacement brick emergency access stairwell is proposed that will serve properties up to the fourth floor.

- 4.4 The application is supported by a Design and Access Statement, Noise Assessment and Energy Statement. As part of the development package the developer is to deliver local employment and training opportunities during both the construction and subsequent operation of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through the Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by site notices and press advert. In addition the following neighbours have been directly consulted:

19-23, 25, 27, 31-33 (odds only) Friar Lane, Maid Marian Way 61-73 (odds only), 30-34 (Basement – 3rd floor) 35-37, 36-38, Snug Lounge Club 36-38, 41-43 Hounds Gate, 32-44 Castle Gate.

- 5.2 There has been one objection to the application provided by Freeth Cartwright on behalf of their client Audacity Leisure Ltd which lease the nightclub on part of the ground floor of the site. They object on the basis that the Noise Assessment is inadequate and that proper consideration of the living environment for future residents has not occurred. The consultation response advises that their objection would be removed through the imposition of planning conditions relating to a further noise assessment, insulation and mitigation measures, and further on-going monitoring of the effectiveness of the mitigation measures.

Additional consultation letters sent to:

- 5.3 **Highways:** The site is within a highly accessible location. No objections subject to conditions requiring the submission of a student management plan in relation to dropping off and collection of residents and that any ground floor windows/doors must not open onto the highway.
- 5.4 **Noise and Pollution Control:** Concerned that the presence of the nightclub will mean that structure borne noise will have an adverse affect on the amenity of future occupiers. Requires further information to both assess and mitigate this issue. Provides advice on what the revised noise assessment should contain.
- 5.5 **Severn Trent Water Ltd:** No objection subject to the inclusion of a drainage condition.

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, which are set out in the report, 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 and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking 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 encourage the effective use of land that has been previously developed (brownfield land).

- 6.3 With regard to the historic environment, the NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. They should seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities. Complies

ST3 – City Centre. Complies

E4 – Regeneration of Previously Used Employment Sites & Premises. Complies

BE2 – Layout and Community Safety. Complies

BE3 – Building Design. Complies

BE4 – Sustainable Design. Complies

BE12 – Development in Conservation Areas. Complies

H2 – Density. Complies

H6 – Student housing. Complies

NE9 – Pollution Control. Complies

R2 – Open Space in New Development. Complies

T3 – Car, Cycle and Servicing Parking. Complies

Building Balanced Communities Supplementary Planning Document

Monitoring of Student Households report (November 2011)

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of student accommodation
- (ii) Amenity of occupiers of the development
- (iii) Impact on amenity of the neighbouring occupiers
- (iv) Design, external appearance and impact on character and appearance of the Conservation Area

(i) Principle of student accommodation (Policies ST1, ST3, E4, H6 and the Building Balanced Communities SPD)

- 7.1 Policy E4 seeks to protect appropriate employment sites and premises. The building was formerly in office use but has seen a prolonged period of vacancy with the only remaining tenants in the building due to vacate in the coming months. Despite its central and accessible location, the building is no longer attractive as employment premises and is in need of modernisation. The size of the building (approximately 6,200m²) means that the viability of bringing the building back into employment use is low and it is not considered that the loss of this low quality office space would prejudice the supply of alternative sites or premises for employment use. The proposal therefore accords with Policy E4 of the Local Plan. It also aligns with the aspiration of policy ST3 to allow development that enhances the attractiveness, vibrancy and accessibility of the City Centre, including the promotion of residential development.
- 7.2 The latest Monitoring of Student Households report (October 2012) suggests that despite the number of purpose-built student bed spaces having increased significantly over the last few years, general housing stock in the monitoring areas remains attractive to students. Whilst the report advises that the policy of encouraging students towards purpose-built accommodation can be seen to have stemmed large increases in student households in the general housing stock, a steady supply of new bed spaces in attractive purpose-built accommodation is required if there is to be a significant reduction in these numbers.
- 7.3 The percentage of households being occupied by students in the local vicinity of the building and adjoining areas is 22% which is below the 25% threshold included within the Building Balanced Communities Supplementary Planning Document. The site is in a very central and attractive location and it is therefore concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Building Balanced Communities Supplementary Planning Document and Policies ST1 and H6.

ii) Amenity of occupiers of the development (Policies NE9, BE3 and H2)

- 7.4 When the application was originally submitted the nightclub situated on the ground floor and basement of the building, on the corner of Spaniel Row and Hounds Gate, appeared a clear constraint in terms of future occupants' amenity. These concerns were supplemented by the fact that the impact of the nightclub had not been properly assessed through the Noise Assessment as identified by Noise and Pollution Control. Although due to the size of the building the nightclub would not constrain all development, it was apparent that the studios within close proximity to the nightclub, including those directly above, would be severely impacted through noise disturbance. The applicant has investigated means of mitigation which due to the extent of the noise issue would be prohibitively expensive and would render the scheme unviable.
- 7.5 The nightclub falls within the ownership of the applicant but there is a current lease which has just under two years to run. The applicant, acknowledging that the presence of the nightclub is unacceptable in amenity terms, proposes to cease the use of the nightclub at the expiration of the lease, or sooner subject to negotiation and is prepared to enter into a Section 106 Obligation to prevent the occupation of any studio/cluster flat until the nightclub has ceased operating. At ground floor level this is to be replaced with 4 additional studio units. Notwithstanding the applicant's

concerns about the cost associated with attempting to mitigate the noise impact of the nightclub, its removal in its entirety is a far more satisfactory solution and subject to the standard condition requiring noise attenuation and sound insulation, this is now considered acceptable.

- 7.6 The footprint and existing fenestration of the building presents a number of challenges when designing the internal layout. On the whole in terms of the size of the units proposed, the scheme is very generous and it is considered that even the smaller units will provide a good degree of amenity in terms of space. The depth of the building (from west to east) means that a central corridor is inevitable and this results in slightly irregular shaped studios which are long and comparatively narrow but are served by either one or two large windows.
- 7.7 The four storey office building to the east of the site, which is situated approximately 10.5m from Minerva House, is a constraint in terms of natural light and outlook. After an extensive assessment of this issue, it is considered that for occupiers to solely rely on this eastern aspect on the lower floors would be unacceptable. Accordingly the applicant has introduced two cluster flats, one on the first and second floors respectively, which will contain a communal lounge/kitchen area that would not be significantly constrained by the adjacent office building. It should be noted that the bedrooms serving the cluster flats remain large and the communal areas will only serve four residents each, providing a good standard of amenity.
- 7.8 In conclusion the proposal accords with policies NE9, BE3 and H2 of the Local Plan.

(iii) Impact on amenity of the neighbouring occupiers (Policies BE3, NE9 and H6)

- 7.9 The surrounding area is largely commercial and due to the site's central location it is considered that the impact on amenities of neighbouring occupiers is likely to be limited with this development. Nevertheless a student management agreement is to be provided as part of the S106 planning obligation. Amongst other aspects, the terms of this agreement aims to limit noise, disturbance, or nuisance to neighbouring occupants and a point of contact is provided for the reporting of any disturbances caused by occupiers of the development.

(iv) Design, external appearance and impact on the character and appearance of the Conservation Area (Policies BE3 and BE12)

- 7.10 The external façade facing onto Hounds Gate provides a positive contribution to the Conservation Area and this has been recognised with a commitment to repair and restore the timber windows on this elevation. With regards to Spaniel Row, the existing cladding system detracts from the appearance of the building and appears dilapidated and in need of renovation. The proposal is to completely replace this with a more modern metal cladding system which should refresh the elevation and improve its attractiveness. The windows on this elevation are currently timber and are in a poor state of disrepair. The proposal is to replace these with aluminium windows and this is acceptable on the non-historic part of the building. The works to rebuild the staircase will have no material impact on the appearance of the building and overall it is considered that the external alterations will improve the appearance of the building and preserve the appearance and character of the conservation area.

Other Matters (Policies BE2, T3 and R2)

- 7.11 The applicant has produced an alternative layout to show how the site could in future be converted to privately occupied flats. To be clear this is not part of the proposal but has been provided to demonstrate that the conversion of this building for student accommodation has future flexibility should the need arise. The indicative layout submitted is similar to the layout proposed for student accommodation with the removal of the smaller size units. In practice it is considered that the number of flats would be less than the number of studios proposed but the key aspect here is that the studios would be comparatively simple to amalgamate to form larger units.
- 7.12 Policy BE2 seeks to preclude development that would be detrimental to traffic congestion, road safety or neighbour amenity in this regard and policy T3 relates to parking standards. There is no parking provision for this development and there will be a restriction within the Section 106 Obligation to prevent residents from bringing vehicles to the development. Due to the excellent sustainable location of the accommodation it is considered unlikely that residents would wish to bring vehicles to the site in any event. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that this should not pose a risk to highway safety. In addition the application proposes 40 cycle spaces in an accessible store on the ground floor which will encourage sustainable travel. In light of these factors the development is considered to accord with Policies BE2 and T3 of the Local Plan.
- 7.13 A public open space contribution of £62,410.75 has been secured as part of this development and this complies with the requirements of Policy R2 of the Local Plan.
- 7.14 It is noted that Severn Trent Water request a drainage condition on any permission granted. This is a matter that would be covered by building regulations and therefore is not considered necessary in this instance.
- 7.15 **Statement Required by Article 31(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.** In recommending the grant of planning permission for the development, the Local Planning Authority has worked with the applicant in a positive and proactive manner.

8. SUSTAINABILITY / BIODIVERSITY

An Energy Statement has been submitted with the application which proposes to achieve the 10% reduction in carbon emissions through the use of solar thermal and/or photovoltaic panels. An air source heat pump is also being considered by the applicant. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Developing a vacant brownfield site.

Working Nottingham: The development will deliver local employment and training opportunities during both the construction and subsequent operation of the development.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application 12/03487/PFUL3

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=12%2F03487&action=Search>.

2. Comments from NCC Highways 30 January 2013

3. Comments from Severn Trent Water 22 January 2013

4. Comments from Noise and Pollution Control 29 January 2013

5.

17 Published documents referred to in compiling this report

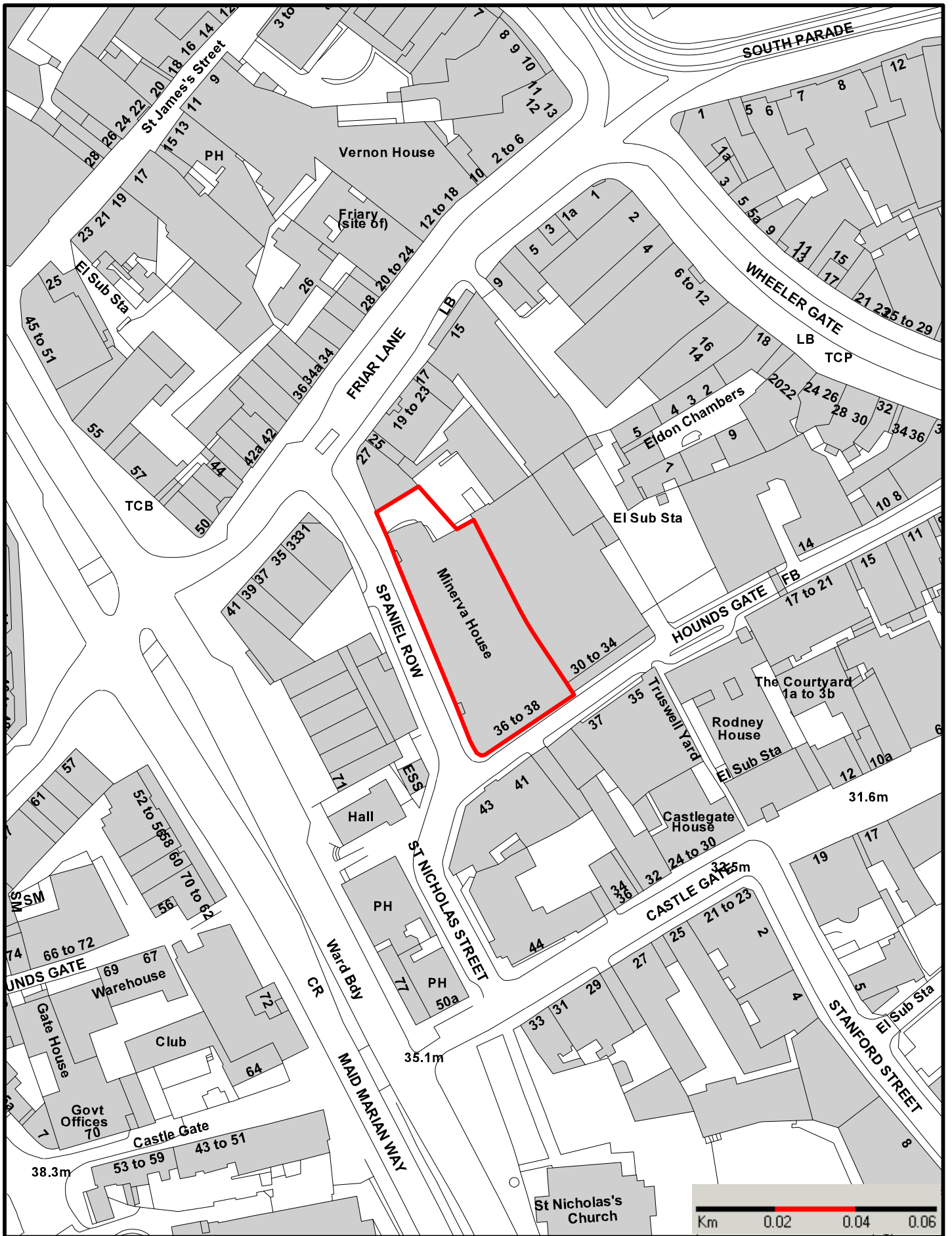
1. Nottingham Local Plan (November 2005).

2. National Planning Policy Framework.

Contact Officer:

Mr Mark Bassett, Case Officer, Development Management.

Email: mark.bassett@nottinghamcity.gov.uk. Telephone: 0115 8764193



© Crown Copyright and database right 2013. Ordnance Survey License number 100019317



Nottingham
City Council

My Ref: 12/03487/PFUL3 (PP-02367014)
Your Ref:
Contact: Mr Mark Bassett
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Young And Gault
Warren Green
Young And Gault Architects
28 Speirs Wharf
Glasgow
G4 9TG

Date of decision:

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

Application No: 12/03487/PFUL3 (PP-02367014)
Application by: Fortis Developments Ltd/ DMS 3 (Group1) Ltd
Location: Minerva House, Spaniel Row, Nottingham
Proposal: Proposed conversion to student accommodation and external alterations.

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. Prior to the commencement of development details of all materials to be used on external elevations, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved development.

Reason: In the interests of the appearance of the development and in accordance with Policy BE3 of the Local Plan.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ¹ ONLY
Not for issue

Continued...

3. Notwithstanding the noise report submitted, an environmental noise assessment shall be carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be suitable and sufficient and shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. The submission shall include 1/3rd octave band analysis, and state all assumptions made (e.g. glazing and façade areas). The results of the noise assessment and proposals for sound insulation measures and any complementary acoustical ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The approved sound insulation scheme shall be designed to achieve the following internal noise levels:

- i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.
- ii. Not more than 45dB L_{Amax} (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.
- iii. Not more than 55dB LAeq (1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

Where noticeable low frequency noise is present, the submission shall also be designed to achieve the following internal noise levels:

- i. Not exceeding NR30 for living rooms between the hours of 07.00 and 23.00.
- ii. Not exceeding NR25 for bedrooms between the hours of 23.00 and 07.00.

The development shall be carried out in accordance with the approved details.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy NE9 of the Local Plan.

4. Notwithstanding the details provided in the submitted Energy Statement and prior to the commencement of the development, a detailed scheme identifying how the predicted CO₂ emissions of the development will be reduced by at least 10% through the use of an on site renewable energy supply shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and machinery to be provided in this regard and where and how this is to be installed on the buildings.

Reason: To provide 10% of energy by renewable means in accordance with Policy BE4 of the Local Plan.

Pre-occupation conditions

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

5. No part of the development hereby permitted shall be brought into use until such time that a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of the academic terms has been submitted to and approved in writing by the Local Planning Authority. The traffic management scheme shall be carried out in accordance with the approved details unless first varied by the prior written consent of the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with Policy BE2 of the Local Plan.

6. The development shall not be occupied until facilities for refuse storage and cycle storage have been provided in accordance with the details shown on the approved plans or other such details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there are adequate facilities for the storage of refuse bins and cycles in the interests of the amenities of the occupiers of the development and Policy BE3 of the Local Plan.

7. The development shall not be occupied until:
- a) the materials for the external facades have been erected in accordance with details approved pursuant to condition 2;
 - b) the sound insulation scheme and complementary acoustical ventilation scheme for the development have been implemented in accordance with the details approved pursuant to condition 3;
 - c) the renewable/low carbon energy scheme has been implemented in accordance with details approved pursuant to condition 4;
 - d) The new openings and altered windows have been implemented in accordance with the details on the approved drawings, unless a variation has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in the interests of the character and appearance of the Old Market Square Conservation Area, to ensure a satisfactory standard of accommodation is provided, in the interests of a sustainable development and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policies BE2, BE4 BE10, BE12 and NE9 of the Local Plan.

8. The development shall not be occupied until the courtyard on the south east side of the building has been landscaped in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of the development and Policy BE3 of the Local Plan.

Regulatory/ongoing conditions

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

Standard condition- scope of permission

- S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:

Planning Layout reference 994_302 revision B, received 25 February 2013

Planning Layout reference 994_303 revision B, received 25 February 2013

Planning Layout reference 994_304 revision B, received 25 February 2013

Planning Layout reference 994_305 revision C, received 25 February 2013

Planning Layout reference 994_306 revision B, received 25 February 2013

Elevations reference 994_510 revision A, received 25 February 2013

Elevations reference 994_511 revision A, received 25 February 2013

Reason: To determine the scope of this permission.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ³ ONLY
Not for issue

Continued...

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. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

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.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT⁴ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 12/03487/PFUL3 (PP-02367014)

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.

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.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue