

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT**

**Site At Park Street And Lombard Close, Nottingham**

**1 SUMMARY**

Application No: 13/00792/PFUL3 for planning permission

Application by: WYG Planning & Environment on behalf of Nottingham City Homes

Proposal: Redevelopment of site to provide 142 affordable homes comprising 54 no. flats for independent living, 16 no. bungalows, 62 no. 2 and 3 bed houses and 10 no. 1 and 2 bed apartments with associated on-site ancillary community facilities, parking and landscaping

The application is brought to Committee because it relates to a major development of significant local interest. Committee is recommended to grant planning permission subject to conditions.

To meet the Council's Performance Targets this application should be determined by 9th July 2013

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notice.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

**3 BACKGROUND**

3.1 The application site comprises the five 17 storey blocks of flats, containing a total of 480 flats and a block of garages, known as the Lenton Flats Estate. These are located in the area to the south of Derby Road and to the north of Church Street, Lenton. To the north the site is bounded by Derby Road and the buildings which line it. These include the Savoy Cinema, a bank and a small supermarket. To the north east, the site is bordered by the backs of properties facing Welby Avenue, whilst to the south east the site boundary is formed by Park Street. Church Street forms the site boundary to the south and this also provides access to a primary school, a church and Church Square which includes local shops.

3.2 The blocks are set within an area of informal open space crossed by footpaths and containing a number of mature trees. The western boundary of the site is adjacent to the New Lenton Conservation Area.

- 3.3 The high rise blocks are managed by Nottingham City Homes and as part of their Ten Year Strategy a decision was made in 2012 to replace the five high rise blocks with new accommodation of better quality and with a different housing mix. The process of decommissioning the 480 existing flats and associated garages is underway and the sequence in which blocks will be vacated has been agreed with residents. Prior approval for the demolition of the flats and garages has been granted but so far only the garages have been demolished.
- 3.4 Following the decision to demolish the existing flats and re-develop the site there has been significant community engagement with local residents through a range of events, including a drop-in community event and a community planning weekend. The feedback and comments resulting from the community engagement have been incorporated into the Masterplan where feasible.

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

- 4.1 This is a full planning application submitted by Nottingham City Homes. It seeks permission for the redevelopment of site to provide 142 affordable homes comprising 54 flats for independent living, 16 bungalows, 62 two and three bed houses and 10 one and two bed apartments with associated on-site ancillary community facilities, parking and landscaping. All the properties would be retained by NCH and therefore constitute a scheme of entirely affordable housing.
- 4.2 The majority of the accommodation is for street fronting family houses or bungalows arranged in short terraces or semi-detached. The other accommodation proposed as part of the scheme comprises an independent living block and two small gateway blocks.
- 4.3 The independent living block would be located in the north west of the application site and would provide flats for older people with associated communal facilities. It is proposed this would be a U shaped building with a courtyard garden which would be 3/5 storeys high.
- 4.4 The gateway blocks are two small mixed use blocks intended to create a distinctive gateway into the site from Derby Road. One would be located adjacent to the Savoy Cinema with the other block on the opposite side of the main access road from Derby Road. It is intended these would frame the new public space which is proposed adjacent to Derby Road and would include non-residential space on the ground floor with potential uses such as a café, offices or community enterprises which would help to enliven the square. The blocks are proposed to be 3 storeys.
- 4.5 The main vehicular route through the site will provide a connection between Derby Road and Park Street. This will provide access to the secondary routes. The development has been designed to be permeable and pedestrian and cycle friendly with east-west and north-south pedestrian connections through the site to the surrounding area.
- 4.6 Where possible, houses have been designed to have on plot parking with further car parking on street throughout the site for both residents and visitors. Terraced houses and bungalows with no on-plot parking will park in parking bays on street. The parking for the independent living unit will be partly provided on street and partly in an undercroft parking area.

- 4.7 The scheme also proposes a north-south tree lined route to run south from the square adjacent to Derby Road. The southern part of this will widen out to create a small scale neighbourhood green space which incorporates a number of mature trees. The underpass which currently goes under Church Street will be removed and replaced with an at grade crossing which then connects to Willoughby Street.
- 4.8 It is the intention that the houses will meet the Code for Sustainable Homes Level 4 and all will comply with the July 2010 Lifetime Homes Standard.
- 4.9 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities relating to construction jobs and has agreed to financial contributions towards public open space and education provision.

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

### Adjoining occupiers consulted:

The application has been advertised by site notices, advertisement in the local newspaper and the following neighbours have been consulted:

15 Harrowby Road  
Flats 1-4, 219, Flats 1- 4, 221, 223, 233, 235, 237, 239, 294, Derby Road  
Methodist Church Derby Road,  
1 -2 Harrowby Mews  
Apartments 1- 7,1 Cottesmore Road,  
39- 49, Ground Floor Security Office,Newgate Court, Park Street  
11, 14 Arthur Avenue  
Living Accommodation Over,The Happy Return and The Happy Return, Baptist  
Church Church Street,  
Flats 1 and 2, 20 Gregory Avenue  
2- 4 Victoria Court, 39- 49, Park Street,  
2-34 (evens) Welby Avenue  
13 and 16 Willoughby Avenue

No response has been received.

### Additional consultation letters sent to:

**Severn Trent:** No objections. A condition relating to drainage is recommended.

**Tree Officer:** No objection. The application is the outcome of extensive discussions about tree retention and tree loss between stakeholders and the Urban Design team, and losses have been significantly reduced over time. A TPO is to be made over the next few weeks which will be in place before the first phase of demolition. The following will be required by condition: pre-commencement arboricultural method statement condition including a revised Tree Protection Plan; details of special construction measures and arboricultural supervision of same for works within RPA's; a schedule of pruning; full landscaping details including stem girth measurements for trees and rootstock category and pollination requirements for fruit trees.

Dependence on London plane should be reduced and a wider range of tree species of comparable mature size should be utilised. Fruit tree planting to some back gardens is welcomed but this should be implemented more widely. Recommends

the use of dwarfing or semi dwarfing rootstocks according to garden size, and trees should be planted away from boundaries. The designer must ensure that varieties are self pollinating, or arrangements made for cross pollination in both time and space. Maintenance during establishment should be identified.

**Force Architectural Liaison Officer:** No objection. Fairly satisfied with the overall layout, orientation and active edges to this site. Notes the vehicle parking provision as either on plot or to the front of the homes; that the homes face onto the main access roads and have private rear gardens; the choice of front, rear and divisional fencing and supports all these elements. The local area suffers from high crime levels and therefore recommend that the security measures follow the Secured by Design criteria, and if they do can see no reason as to why they could not achieve the full Secured by Design Award and also credits towards the Code for Sustainable Homes.

Main concern relates to the Independent Living Block. Note the provision of undercroft parking to the basement which appears to lack any form of security, including a security gate or roller shutter door. As this area is below some of the residential units and gives access to the cycle and bin stores and the entrance lobby, lift and stairs, there are concerns that unlawful access could be made into this area resulting in criminal activity or anti social behaviour. The area will be out of sight for the majority of the residents and such areas are always prevalent for criminal or anti social behaviour activity.

## **6 RELEVANT POLICIES AND GUIDANCE**

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities – complies.

H2 – Density – complies.

H3 - Appropriate Housing Types – complies.

H5 - Affordable Housing – complies

R2 - Open Space in New Development – complies.

BE1 - Design in new development - complies

BE2 - Layout and Community Safety -complies.

BE3 - Building Design -complies.

BE4 - Sustainable Design – complies.

BE5 - Landscape Design – complies

BE12 - Character and appearance of conservation area -complies

NE5 – Trees – complies

NE3 – Conservation of Species – complies.

NE12 - Derelict and Contaminated Land – complies.

NE14 - Renewable Energy – complies.

T3 - Car, Cycle and Servicing Parking – complies.

T12- Public rights of way -partially complies

National Planning Policy Framework – complies

## **7 APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of the development and appropriateness of mix of house types and tenure;
- (ii) Layout and design considerations;
- (iii) Impact upon the character or appearance of the New Lenton Conservation Area
- (iv) Highway considerations;
- (v) Impact on residential amenity;

### **(i) Principle of the development and appropriateness of mix of house types and tenure** (Policies ST1, BE4, H2, H3 and H5)

- 7.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policy guidance. While planning applications still need to be determined in accordance with the development plan, the NPPF is a material consideration in the assessment of this application. The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved.
- 7.2 The NPPF also supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. It states that Local Planning Authorities should plan for a mix of housing and identify the size, type and tenure and range of housing to meet local needs and affordable housing if required. It is therefore considered that this 100% affordable housing scheme would contribute towards meeting local housing needs and would be in keeping with the NPPF and the City Council's strategic objectives to create sustainable balanced communities. Additionally, the development is located in a sustainable location, close to local facilities and a range of transport options, and the houses are to be designed with the intention of meeting the Code for Sustainable Homes Level 4. The proposal therefore accords with Policies ST1, BE4, H2, H3 and H5 of the Local Plan.

### **(ii) Layout and design considerations** (Policies BE1, BE2, BE3, BE5, NE5 and T3)

- 7.3 Local Plan policies and the NPPF recognise the importance of design in making places better. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. It also states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.

- 7.4 The proposed layout for the redeveloped site shows a 'perimeter block' form of development with continuous street frontages to provide a clear definition between the public and private realm throughout. The scheme also proposes a gateway entrance to the site from Derby Road formed by the two gateway buildings and the public space. This aspect of the scheme allows the retention of good quality trees and has the potential to function as an area of public open space for the neighbourhood as it occupies a key position on Derby Road next to a range of local facilities. The scheme also includes an open space at the southern end of the site which it is intended to be the main amenity space to serve the development. This area will be an open park with areas of hard surfacing, grass and tree planting and will be well overlooked by the new dwellings. It is intended that the existing subway under Church Street linking the site to Church Square will be removed and replaced with a new at-grade crossing, although it should be noted that this work is outside the planning application site.
- 7.5 The scheme overall has been designed to provide active frontages and surveillance over the street and also creates secure private rear gardens. The new family dwellings would be two and three storeys in height and a mixture of semi detached, short terraces and detached corner units to reflect the context of the surrounding residential properties, yet create its own distinctive character. The proposed layout would significantly improve community safety in the area due to the creation of street frontages and secure rear gardens, when compared to the current layout of the five blocks of flats. Bin stores are primarily proposed to be located in rear gardens but where this is not possible bin stores would be accommodated in front gardens.
- 7.6 Each dwelling would have a small front garden to be enclosed by brick and metal railings. The rear gardens will largely be enclosed by 1.8m high timber fences. In instances where back gardens front on to streets the boundary treatment will be brick and timber.
- 7.7 The elevational treatment of the dwellings, together with the palette of materials, would create a clear and straightforward architectural language. The proposed materials for the new houses would be a mix of red brick and render and are considered to be appropriate.
- 7.8 It is anticipated that the completed housing scheme will achieve at least 'Building for Life' silver standard.
- 7.9 The layout and the design of the buildings, including the independent living unit and the gateway block, are generally acceptable. However, it should be noted that following discussions with the applicants some amendments are to be made to the independent living unit, the gateway blocks, some of the house types and the layout. These will be reported to Committee. The concerns of the Force Architectural Liaison Officer about the undercroft area of the independent living unit are noted and this is an area which is undergoing review to address the issues identified. Subject to the receipt of satisfactory amended plans, the development would accord with Policies BE1, BE2, BE3, BE5, NE5 and T3 of the Local Plan.

**(iii) Impact upon the character or appearance of the New Lenton Conservation Area (Policy BE12)**

- 7.10 The character and appearance of the New Lenton Conservation Area is currently severely compromised by the nature and scale of the five high rise blocks. The demolition of these blocks and the redevelopment of the site with street frontage development of a scale appropriate to the context will be entirely positive. The development would therefore comply with Policy BE12.

**(iv) Highway considerations (Policies BE1, BE2 and T3)**

- 7.11 The site currently comprises 480 flats which are to be replaced by a total of 142 residential units and as such it is considered that the proposed development would not have a significant impact upon the surrounding highway network in terms of traffic generation and access.
- 7.12 The new housing layout has been designed to create a 'perimeter' block layout, with pedestrian and vehicular access being from the front of each new property. The access arrangements have been designed to meet current highway standards. All materials used on the highway are proposed to comply with the City Council's "Streetscape Design Manual for Neighbourhoods".
- 7.13 Car parking would either provided on plot at the front or the side of the dwelling or on street. It is proposed that on street car parking will be regulated by a residents' parking scheme which would be separately implemented by the City Council as Highway Authority.
- 7.14 It is considered that the development satisfies the requirements of Policies BE1, BE2 and T3 of the Local Plan.

**(v) Impact on residential amenity (Policy BE3)**

- 7.15 The proposed layout has been designed to take into account the existing residential properties which abut the site, to ensure that there would be no adverse impact upon the amenities of nearby existing residents or future occupants of the new development in terms of light, outlook and privacy. The development would therefore comply with Policy BE3 of the Local Plan.

**Other matters (Policies R2, T12 and NE12)**

- 7.16 **Public open space and education contribution** The Council cannot not enter into either a planning obligation or development agreement with itself. To ensure that contributions are secured it is intended obtain a Portfolio Holder decision by which the payment can be approved and which will ensure it should be paid following the grant of planning permission, or prior to the commencement of the development, as appropriate. The ability of the scheme to make the financial contributions has been assessed in the context of it being a 100% affordable housing development and following an assessment of the impact of such payments upon the viability and deliverability of the scheme. On this basis, a contribution of £20,000 for public open space and £103,514 towards education is proposed. As a 100% affordable housing scheme there is no need to secure a contribution towards this and there is no necessity for any off site highway works.

7.17 **Rights of way** The proposal will affect existing public rights of way (foot and cycle paths) and carriageway (Lombard Close) which cross the site and these will need to be stopped up under the Town and Country Planning Act 1990 to enable the development to be carried out. It is considered that the proposed layout adequately replaces these routes but it will be necessary to ensure that the connections at the southern end of the site to paths outside the planning application boundary work well to ensure that the primary pedestrian route through the site from north-south is improved. The proposal will therefore partially satisfy Policy T12.

7.18 **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** (Policies BE4, NE14, NE3 and NE5)

8.1 The development has been designed to meet the requirements of Code Level 4 for new houses. This requires a 25% improvement on carbon savings over the Building Regulations Part L. The energy statement submitted in support of the application proposes that this will be achieved by a number of measures including a fabric first approach to the design, high efficiency lighting and heating systems and low carbon and renewable energy technologies.

8.2 The scheme proposes the retention of the main trees of high amenity value and further trees are proposed as part of the layout, which should be predominantly native species. A Tree Preservation Order is to be made to ensure the retained trees are adequately protected.

8.3 It is considered that the development satisfies the requirements of Policies BE4, NE3 and NE5 of the Local Plan.

## **9 FINANCIAL IMPLICATIONS**

None.

## **10 LEGAL IMPLICATIONS**

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

## **11 EQUALITY AND DIVERSITY IMPLICATIONS**

None

## **12 RISK MANAGEMENT ISSUES**

None.

## **13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham. – providing a high quality sustainable residential development and a well integrated open space.  
Safer Nottingham – Maximising community safety with well designed open space,

and secure properties and streets that facilitate good natural surveillance.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

The scheme will provide improved surveillance and community safety in the area.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 13/00792/PFUL3 - link to online case file:  
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/00792/PFUL3>
2. Tree Officer comments
3. Severn Trent Water comments
4. Force Architectural Liaison officer comments

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

Nottingham Local Plan (November 2005)  
National Planning Policy Framework

**Contact Officer:**

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**Nottingham**  
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Date of decision:

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

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Application No: 13/00792/PFUL3 (PP-02533054)  
Application by: Nottingham City Homes  
Location: Site At Park Street And Lombard Close, Nottingham,  
Proposal: Redevelopment of site to provide 142 affordable homes comprising 54 no. flats for independent living, 16 no. bungalows, 62 no. 2 and 3 bed houses and 10 no. 1 and 2 bed apartments with associated on-site ancillary community facilities, parking and landscaping

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Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

**Time limit**

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

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Pre-commencement conditions**

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until sections through the site showing existing and proposed site levels, to include details of any proposed retaining walls and their height, have been submitted to and approved in writing with the Local Planning Authority.

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

*Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy BE3of the Local Plan.*

3. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement to include the following has been submitted to and approved in writing by the Local Planning Authority:
- (a) a revised Tree Protection Plan;
  - (b) details of special construction measures and the arboricultural supervision of work within the root protection areas; and
  - (c) a schedule of pruning.

Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site. All other recommendations of the Arboricultural Method Statement shall be implemented during the construction of the development.

*Reason: To ensure protection of the trees to be retained in accordance with Policy NE5 of the Local Plan.*

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

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

5. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off would be reduced by 30% from the existing rate. Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To reduce the risk of flooding and to improve and protect water quality in accordance with Policies NE10 and BE4 of the Local Plan.*

6. The development shall not be commenced until details of the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.*

7. The development shall not be commenced until details of hard surfacing, which shall comprise porous or permeable materials, for those parts of the site which would not be soft landscaped have been submitted to and agreed in writing with the Local Planning Authority.

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

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.*

8. The development shall not be commenced until details of any bin stores in front gardens have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE3 of the Local Plan.*

9. The development shall not be commenced until details for enclosing the site and individual plots therein have been submitted to and approved in writing with the Local Planning Authority.

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

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.*

10. The development shall not be commenced until a scheme to achieve a minimum of 10% reduction in carbon emissions over and above the Building Regulations 2010 parts L1A and L1B, has been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: In order to ensure that these measures are incorporated into the approved development and, therefore, in the interests of the sustainable development of the site in accordance with Policy BE4 of the Local Plan.*

11. The café (use class A3) shall not be used until it has been fitted with a system of ventilation and means of discharging fumes therefrom. The system shall not be installed other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority before work commences.

*Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy NE9 of the Local Plan in accordance with Policy NE9 of the Local Plan.*

### **Pre-occupation conditions**

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

12. No part of the development shall be occupied until the proposed access and parking spaces for that part have been provided and surfaced with porous or permeable materials and, where appropriate, individual spaces marked out in accordance with the approved plans.

*Reason: In the interests of highway safety in accordance with Policies BE2 and T3 of the Local Plan.*

13. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE5 of the Local Plan.*

14. No part of the development shall be occupied until the site boundary and boundaries of individual plots within that part have been enclosed in accordance with the approved details.

*Reason: In the interests of the occupiers of nearby property in accordance with Policy BE3 of the Local Plan.*

15. No part of the development shall be occupied until bin storage for that part has been provided in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE3 of the Local Plan.*

16. Should the details approved under Condition 10 include renewable or low carbon energy measures, no part of the development hereby permitted shall be occupied until these measures have been installed and are able to provide renewable/low carbon energy to serve the development. Once the development is occupied the scheme shall be permanently retained and maintained and shall continue to provide energy for the development for as long as it remains unless otherwise agreed in writing with the Local Planning Authority.

*Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policies BE4 and NE14 of the Local Plan.*

#### **Regulatory/ongoing conditions**

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the dwellings shall not be used other than for purposes defined in Class C3 of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.

*Reason: In the interests of developing sustainable communities in accordance with Policy ST1 of the Local Plan .*

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended or any re-enactment thereof, the units shall not be used other than for purposes defined in Classes A1, A3 and B1 of The Town and Country Planning (Use Classes) Order 1987, as amended or any re-enactment thereof.

*Reason: In the interests of the amenity of nearby occupiers in accordance with Policy BE3 of the Local Plan .*

19. Any Class A3 use in the gateway units hereby permitted shall not be open to customers outside the hours of 0700 to 2400 Monday to Sunday.

*Reason: To safeguard the amenities of the neighbouring occupiers to comply with Policies BE3 and NE9 of the Local Plan.*

#### **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 forms, drawings and other documents comprising the application as validated by the council on 9 April 2013.

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

## **Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.
3. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).
4. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. For example it is an offence to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built, and this can impact upon site clearance works during the main nesting season which runs from March to September. Whilst these aspects may have been considered during the processing of the planning application responsibility for complying with this legislation rests with the developer and/or contractor.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

## **RIGHTS OF APPEAL**

Application No: 13/00792/PFUL3 (PP-02533054)

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

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.



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