

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

**Intu, Victoria Centre**

**1 SUMMARY**

Application No: 13/01589/PFUL3 for planning permission  
13/01590/LLIS1 for listed building consent

Application by: Nathaniel Lichfield & Partners on behalf of Intu Properties Plc

Proposal 13/01589/PFUL3: External alterations to the clock tower entrance, change of use of existing floorspace to provide new food and drink units (Classes A3 and A5), provision of external seating areas, creation of a new fire escape stairwell, provision of new plant enclosure and associated works.

Proposal 13/01590/LLIS1: Alterations to clock tower entrance.

The application is brought to Committee because it is a scheme of local significance.

To meet the Council's Performance Targets this application should be determined by 26th August 2013.

**2 RECOMMENDATIONS**

**1. 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 notices.

**2. GRANT LISTED BUILDING CONSENT** for the reasons set out in this report, subject to the conditions substantially in the form of those listed in the draft decision notices.

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

**3 BACKGROUND**

3.1 The application site is the Victoria Centre clock tower entrance which is on the west side of the Victoria Centre, opposite the junctions between Milton Street/Mansfield Road and Shakespeare Street. The clock tower is listed Grade II and takes prominence in the street scene, particularly when viewed from Shakespeare Street to the west.

3.2 The base of the clock tower is enclosed on three sides by buildings that form the mall and entrance to the Victoria Centre. The clock tower is set back from Milton

Street, with a sizeable area of public realm around the entrance.

- 3.3 Planning Permission and Listed Building Consent has been previously granted for less significant alterations to the clock tower entrance 11/03098/PFUL3 & 11/03099/LLIS1.

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

- 4.1 The proposed development comprises external works to the clock tower entrance, including elevational alterations and works to the clock tower itself. In addition, internal reconfiguration is proposed to create a food and drink cluster (Classes A3 and A5) around the entrance and within this part of the Victoria Centre at lower and upper mall levels. The application submission summarises the proposed alterations as:

1. Removal of the existing entrance structure;
2. Removal of the existing external lateral canopies;
3. Minor works to the listed Clock Tower to make good the removal of the entrance canopies;
4. Construction of new structural glass entrance enclosure extending to the second floor, requiring minor works to the listed Clock Tower;
5. New glazed shop frontages to the elevations surrounding the Clock Tower at ground level;
6. Cladding of the existing into Victoria Centre facades at upper levels in the vicinity of the Clock Tower entrance, with plant screen to the roof space;
7. New vertical circulation within into Victoria Centre;
8. Improvements to paving and the public realm in front of the Clock Tower entrance area; and
9. The introduction of new lighting for the Clock Tower to the neighbouring Victoria Centre buildings.

- 4.2 This application also seeks planning permission for the change of use of existing floorspace (predominantly Class A1) within the centre to creating an additional 2,385 sqm of food and drink floorspace within Class A3 and A5. The proposals intend to create 12 new units: six units on the lower mall and six units on the upper mall, ranging from between 48 sqm to 420 sqm in size. The range of unit sizes is intended to attract a variety of food and drink operators to the centre. External seating areas are proposed at the entrance and an external terrace is proposed on the upper mall.

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

##### **Adjoining occupiers consulted:**

The applications have been advertised by site notices and in the case of the application for listed building consent, by press notice.

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

**Pollution Control:** No objection. Recommend that conditions be included to secure appropriate ventilation and odour extraction systems.

**Nottinghamshire Police:** No objection to the proposed food and drink (Class A3 & A5) uses. Any requirement to sell alcohol would need to apply for a liquor licence.

The application originally proposed uses within Class C4 (drinking establishments), which the Police expressed concerns about. The application has been amended to remove these uses from the proposal.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. 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.
- 6.2 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

ST3 - City Centre.

BE1 – Design in New Development.

BE3 - Building Design.

BE10 - Development around Listed Buildings

BE11 - Alteration/Extension to Listed Buildings.

S1 – New Retail Development in the City Centre.

S6 - Non Retail Uses, City/Town/Local Centres.

S7 - Food and Drink.

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

### **Main Issues**

- (i) Impact upon the vitality and viability of the city centre, character and amenity of the area, and neighbouring occupants.
- (ii) Design and appearance of the development.
- (iii) Impact of the alterations on the listed clock tower.

**Issue (i) Impact upon the vitality and viability of the city centre, character and amenity of the area, and neighbouring occupants (Policies ST3, S1, S6 and S7).**

- 7.1 The site comprises part of the intu Victoria Shopping Centre and is within the designated Primary Shopping Frontage. Policy S6 relates to non-retail uses in primary shopping frontages and states that planning permission will be granted

where the proposed use is not detrimental to the vitality and viability of the City Centre and the predominantly shopping character of the frontage.

- 7.2 The proposal seeks to change of use of existing retail floorspace within the centre, to create an additional café, restaurant and hot food take-away floorspace, seating and ancillary space. The primary function of the shopping centre as a retail shopping centre (Class A1) will remain. The applicant has stated that these complementary food and drink facilities are now expected by customers within modern shopping centres and that a good provision of food and drink units is vital to the success of the centre. The applicant has further advised that a number of the units on the upper mall are currently vacant and that the proposed mix of uses will help improve occupancy rates.
- 7.3 Policy ST3 advises that permission will be granted for development in the City Centre where it maintains and enhances its attractiveness, vibrancy and accessibility. Policy S1 supports, amongst other things, retail proposals that reinforce the range of retail facilities and attractions in Nottingham as a regional shopping centre. It also encourages developments that create more commercially attractive retail units through renovation or redevelopment of existing units.
- 7.4 Policy S6 supports proposals for non-retail (Class A1) uses where the use is not detrimental to the vitality and viability of the City Centre. Policy S7 advises that permission will be granted for food and drink uses where, amongst other things, the character and amenity would not be detrimentally affected and where the amenity impacts are capable of being adequately controlled by planning conditions.
- 7.5 It is considered that the proposed mix of uses would be complimentary to the wider retail offer provided within the shopping centre. The additional uses would increase footfall and provide a range of facilities that would encourage shoppers to remain in the centre for longer, potentially increasing attractiveness of the centre and making existing Class A1 retail units more vital and viable. The proposed odour impacts can be satisfactorily mitigated through suitable ventilation equipment and a condition is part of the recommendation. The proposal would be complementary to aims of local plan policies, to support and promote the City Centre and is therefore considered to comply with both local and national policy.
- 7.6 Ground floor units R1 and R2 are located in a prominent location facing Milton Street. Following discussions with the applicant, it has agreed that it would not be appropriate to use these units as hot food take-aways. This is in the interests of preserving the centre's vitality and viability, in accordance with policy S6.

#### **Issue (ii) Design and appearance of the development (Policies BE1 and BE3).**

- 7.7 The scheme proposes a range of internal and external alterations to the appearance of the Milton Street entrance façade and the setting of the clock tower. The alterations would create a significantly lighter and more inviting entrance. The proposals would improve daylight within the building, provide improve linkages to the existing retail shopping area and improve accessibility, external seating and fire escape provision.
- 7.8 The scheme proposes to provide improved circulation to the upper mall and to link the lower and upper malls with a lift and escalator. A cluster of restaurants would be provided around the new entrance to increase activity by creating a food and drink / leisure destination. The design proposes new elevation and façade improvements

to the existing building that flank the clock tower. The existing canopies would be removed to open up the approach. A light 'glass box' enclosure is proposed to the new vertical circulation area (escalator and lift), which is intended to improve the tower's setting. 351m<sup>2</sup> of external seating and 621m<sup>2</sup> of internal seating would be provided.

- 7.9 In terms of materials, the scheme proposes to create a feature glass entrance. The existing facades would be over clad with contemporary materials comprising backlit polycarbonate and anodised aluminium. New glazed shop fronts and high level glazing are proposed. Raised parapets and louvered screens would help to hide roof level plant areas. The clock tower would be illuminated by projecting external lighting to its walls. The entrance would be lit through in-ground up lighting.
- 7.10 The proposed alterations are to be welcomed. The improvements would significantly enhance the Milton Street entrance, townscape and character of the area in accordance with Policy BE3(a). Planning conditions are proposed to govern the final selection of materials and lighting of the building.

### **Issue (iii) Impact of the alterations on the listed clock tower (Policies BE10 and BE11)**

- 7.11 The site includes the Grade 2 Listed Victoria Centre Clock Tower. The 30m high tower is located at the entrance to the shopping centre and marks the point where Milton Street, Mansfield Road and Shakespeare Street intersect. The clock tower dates back to the late 19<sup>th</sup> century when it was constructed as part of the former Victoria Railway Station. It was retained as an ornamental feature when the Victoria Shopping Centre was constructed in the late 1960s. The site is also adjacent to The Arboretum Conservation Area (western side of Mansfield Road).
- 7.12 The NPPF states that the effect on the significance of heritage assets should be taken into consideration when determining applications. The proposed alterations to the entrance and walls around the clock tower would significantly enhance the setting of the clock tower. The tower is currently physically and visually constrained by the existing lateral canopies and dated cladding materials. The new clear glazed areas will provide a light weight, reflective interface with the structure of the shopping centre and the proposed lighting will ensure that the tower is appropriately highlighted as the focal point of the entrance.
- 7.13 Policies BE10 and BE11 seek to ensure that development within the curtilage or setting of a listed building does not have a detrimental impact on the appearance of character of the building, or its setting. The proposal would protect and enhance the building's setting and therefore the application is in accordance with both local and national policies. It is recommended that conditions are included to require the detailed design of the interface between the areas of glazing and the clock tower. Conditions are also proposed to govern the final selection of materials and lighting of the clock tower.

## **8. SUSTAINABILITY / BIODIVERSITY**

The applicant recognises the importance of incorporating sustainable design principles into the development where possible. It is proposed that energy efficient plant, equipment and other systems will be used. The applicant has confirmed that limits to carbon emissions will be controlled as part of the Building Regulations.

**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**

The development ensures that the accessibility of the shopping centre is maintained and improved.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Providing a high quality and sustainable development.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 13/01589/PFUL3 - link to online case file:  
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01589/PFUL3>
2. Pollution Control, 25.7.13
3. Nottinghamshire Police, 31.7.13

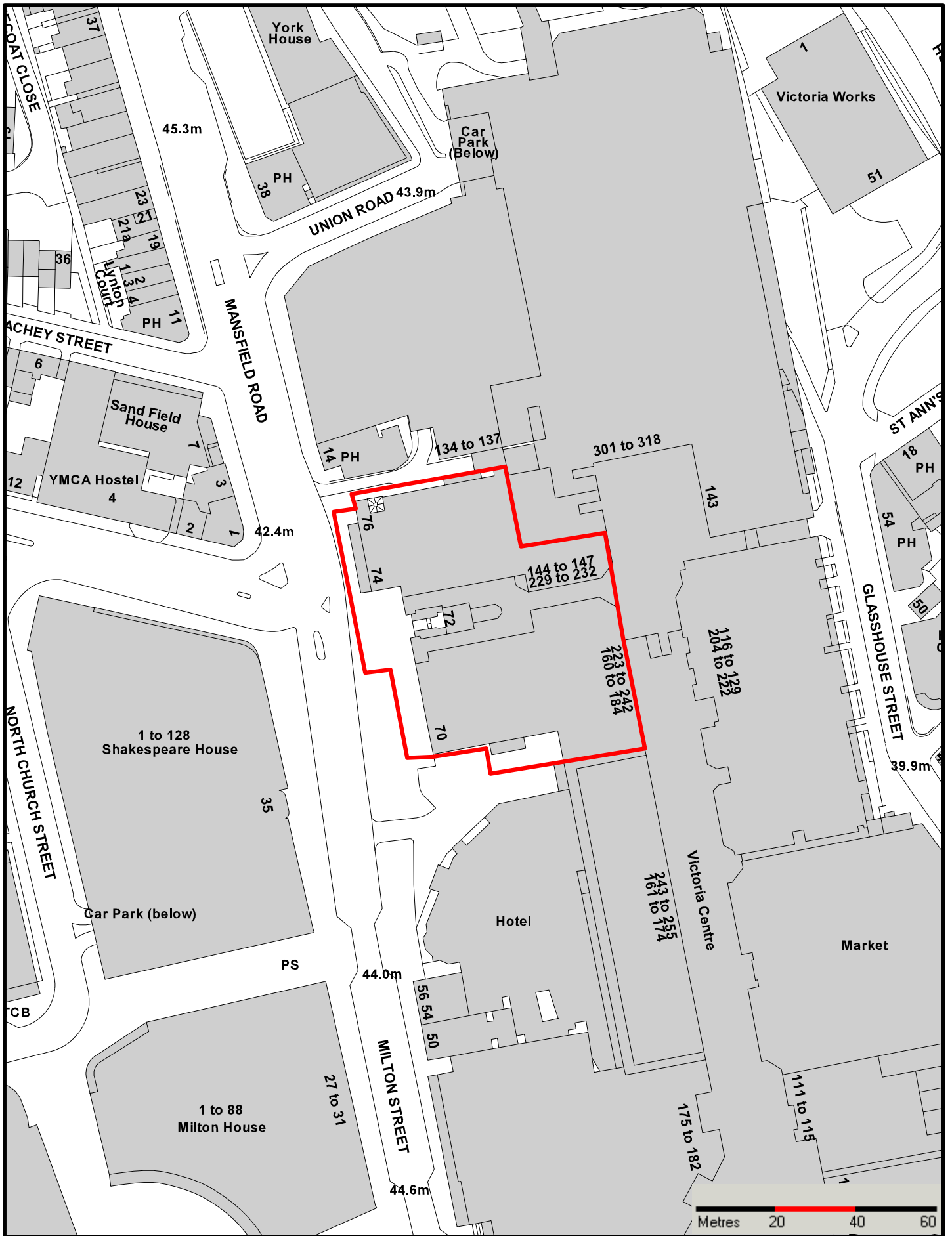
**17 Published documents referred to in compiling this report**

National Planning Policy Framework  
Nottingham Local Plan (November 2005)

**Contact Officer:**

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**13/01589/PFUL3**  
**Victoria Centre Milton Street Entrance**



**Nottingham**  
**City Council**

**My Ref:** 13/01589/PFUL3 (PP-02706184)  
**Your Ref:**  
**Contact:** Mr J. Rae  
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Date of decision:

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

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Application No: 13/01589/PFUL3 (PP-02706184)  
Application by: Intu Properties Plc  
Location: Intu, Victoria Centre, Milton Street  
Proposal: External alterations to the clock tower entrance, change of use of existing floorspace to provide new food and drink units (Classes A3 and A5), provision of external seating areas, creation of a new fire escape stairwell, provision of new plant enclosure and associated works.

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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 approved development shall not be commenced until full details of the external materials to be used throughout the development have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory and to comply with Policies BE3, BE10 and BE11 of the Nottingham Local Plan.*



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**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

Continued...



3. The approved development shall not be commenced until details of the scheme for the lighting of the facade of the building and the clock tower have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory and to comply with Policies BE1, BE3, BE10 and BE11 of the Nottingham Local Plan.*

4. The approved development shall not be commenced until detailed drawings have been submitted to and approved in writing by the Local Planning Authority that show the design of the interface between the areas of glazing and the clock tower.

*Reason: To ensure that the appearance of the development is satisfactory and to comply with Policies BE3, BE10 and BE11 of the Nottingham Local Plan.*

#### **Pre-occupation conditions**

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

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

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

5. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development", ground floor units R1 and R6; shall not be used for uses within Class A5; without the prior express permission of the Local Planning Authority.

*Reason: To preserve the vitality and viability of the City Centre, in accordance with policy S6 of the Nottingham Local Plan (2005).*

#### **Standard condition- scope of permission**

- S1. 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 1 July 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.

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.



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**Not for issue**

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## **RIGHTS OF APPEAL**

Application No: 13/01589/PFUL3 (PP-02706184)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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**Not for issue**

**My Ref:** 13/01590/LLIS1 (PP-02706184)

**Your Ref:**

**Contact:** Mr J. Rae

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Date of decision:

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990  
APPLICATION FOR LISTED BUILDING CONSENT**

Application No: 13/01590/LLIS1 (PP-02706184)  
Application by: Intu Properties Plc  
Location: Intu, Victoria Centre, Milton Street  
Proposal: Alterations to clock tower entrance.

Nottingham City Council as Local Planning Authority hereby **GRANTS LISTED BUILDING CONSENT** to the above application subject to the following conditions:-

**Time limit**

1. The works hereby authorised shall be begun before the expiration of three years from the date of this consent.

*Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 approved development shall not be commenced until full details of the external materials to be used throughout the development have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory and to comply with Policies BE3, BE10 and BE11 of the Nottingham Local Plan.*



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<p>3. The approved development shall not be commenced until details of the scheme for the lighting of the facade of the building and the clock tower have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory and to comply with Policies BE3, BE10 and BE11 of the Nottingham Local Plan.</i></p>
<p>4. The approved development shall not be commenced until detailed drawings have been submitted to and approved in writing by the Local Planning Authority that show the design of the interface between the areas of glazing and the clock tower.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory and to comply with Policies BE3, BE10 and BE11 of the Nottingham Local Plan.</i></p>
<p><b>Pre-occupation conditions</b> (The conditions in this section must be complied with before the development is occupied)</p>
<p><b>Regulatory/ongoing conditions</b> (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p><b>Standard condition- scope of permission</b></p>
<p>S1. The works 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 1 July 2013.</p> <p><i>Reason: To determine the scope of this permission.</i></p>

**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 consent is valid only for the purposes of the Planning (Listed Building and Conservation Areas) 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 consent is not a planning permission nor an approval under the Building Regulations.

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

## RIGHTS OF APPEAL

Application No: 13/01590/LLIS1 (PP-02706184)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of consent for the proposed works, 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).

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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.

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## 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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## Not for issue