

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

St Thomas More Roman Catholic Church, Glenwood Avenue

1 SUMMARY

Application No: 13/01515/PFUL3
Application by: Radleigh Group on behalf of Nottingham RC Diocesan
Proposal: New Church and 18 dwellings

This application is brought to Planning Committee because it relates to major development that has generated a significant the level of public interest both in support of and objecting to the proposal.

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

2 RECOMMENDATIONS

REFUSE PLANNING PERMISSION for the reason set out below:

The proposed development would cause significant harm to the welfare of the existing badger population on the site through proximity of development and significant reduction of established foraging area. The proposals fail to adequately mitigate or compensate for this harm and the benefits of the development are not considered to outweigh the harm caused. Accordingly the proposal is considered contrary to Paragraph 118 of the NPPF and Policy NE3 of the Local Plan.

3 BACKGROUND

Site

- 3.1 The site comprises 0.98ha of land situated to the north west of Bramcote Lane and north east of Glenwood Avenue. The site as existing can be broadly broken into two rectangular segments. The southern half contains St Thomas More Church, a 1950's brick building located to the south east of 2 Glenwood Avenue, with a car park directly to the south east of the Church served by vehicular access off Glenwood Avenue. There is a two storey presbytery fronting Bramcote Lane and situated in between the church and presbytery is a small garage block. The remainder of the southern half of the site is private green space and frames the corner of Bramcote Lane and Glenwood Avenue. The northern half of the site is garden space associated with the presbytery and is hidden from public view by the church and existing development on Glenwood Avenue. Adjacent to the north west boundary runs an open watercourse, which connects at either end to surface water sewers.
- 3.2 The south east boundary of the site is enclosed with green mesh fencing approximately 1.4m high and this also extends along the south west boundary for the section abutting Glenwood Avenue. The south west boundary of the northern

half of the site is marked by black railings and intermittent trees, whilst the north west boundary, located just beyond the watercourse has thicker vegetation in the form of hedgerow and trees. The north eastern boundary also has dense mature hedgerow (less so adjacent to the cemetery) and there are some mature Ash trees on the border between the site and the cemetery. There is a significant level change across the site, with Bramcote Lane approximately 7m higher than the north west boundary of the site. The slope is relatively steep from Bramcote Lane leading down to the car park and is gentler on the northern half of the site.

- 3.3 With the exception of the cemetery to the north east, the site is surrounded by residential properties including bungalows on Glenwood Avenue. To the north west of the application site beyond the houses on Arleston Drive is Fernwood Junior and Infants School.

Relevant Planning History

- 3.4 In 1989 an application (89/00271/PFUL3) for 52 flats on the site was refused planning permission on the grounds that the scheme was over-intensive, would cause amenity/privacy issues, would involve the removal of an unacceptable number of trees/hedges, would directly impact on a badger sett and because parking arrangements were deemed unacceptable.
- 3.5 In February 2013 an application (13/00415/PFUL3) was submitted on the site for a new church and 18 dwellings but was subsequently withdrawn in May 2013.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks planning permission to construct a replacement church and 18 houses on the site, with access being achieved from Glenwood Avenue. The proposed church would be sited in the southern corner of the site set back approximately 17m from the junction of Bramcote Lane and Glenwood Avenue. The proposed church, which includes a hall on the northern end of the building, is 43m in length and has a maximum width of 24m. The design of the church centres around a circular tower on the southern end which is 12m in height and contains the altar. The building expands in width around the altar to maximise the seating space, with the roof of the building reducing in height at this point to a building that is more single storey in scale at the northern half. It is proposed to have 28 car parking spaces for the church. This would be split between a car park fronting Glenwood Avenue with two access points (one directly from Glenwood Avenue, the other from the proposed access road) and a second area of parking to the north of the building.
- 4.2 The residential element comprises 18 dwellings, with 10 three bedroom and 8 four bedroom houses. The majority of the housing is located in the north half of the site with the exception of two detached properties which are proposed to front Bramcote Lane. The houses are a mix of detached and semi-detached and vary between two and two and half storeys in height. The layout is arranged around a cul-de-sac accessed off Glenwood Avenue and the properties have been designed with a traditional character including details such as gable features, bay windows and chimneys.
- 4.3 The proposed layout identifies an area to be preserved as an ecological corridor/buffer which runs along the north eastern boundary of the site and includes both an area for a replacement badger sett and a foraging route for badgers.

- 4.4 The application is supported by a Design and Access Statement (including energy statement), an Extended Phase 1 Habitat and Protected Species Report, a Ground Investigation Report, a Flood Risk Assessment, a Drainage Statement, a Transport Statement, an Archaeological Report and an Arboricultural Survey. As part of the development package the developer has committed to work with the Council's employment hub to deliver local employment and training opportunities during the construction of the development, including a financial contribution towards pre-employment training and recruitment costs. This would be secured through a Section 106 obligation were the scheme to be approved.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by a site notice and press advert. In addition the below neighbouring/local properties have been directly consulted. These include residents who commented on the withdrawn application (13/00415/PFUL3) earlier in the year.

1-17 (no number 13), 19, 25, 31, 35 and 37 Glenwood Avenue
11-27 (odds only, number 13) Burnbreck Gardens
19, 70 101-109 (odds only), 113, 116 Bramcote Lane
38, 40, 44, 51, 53, 61,65 67 69, 71,73,75, 77 Arleston Drive
44 Brookhill Drive
12 Callaway Close
32, 76 and 196 Wollaton Vale
7 Renfrew Drive
1 Ewell Road
6 Rushford Drive
15 Dean Close
94 and 161 Parkside
2 Bramcote Drive
23 Tremayne Road
29 Temple Oak Drive
17 Normanby Road
146 Russell Drive
2 The Nook
17 Grangewood Road

- 5.2 There have been 39 objections to the application and 46 letters of support. The reasons for objection include further pressure on traffic and on-street parking; particularly in the context of the nearby school (this reason is common amongst the vast majority of objections); loss of open space; impact on badgers and other wildlife; bat survey not conducted at optimal time of year; loss of amenity/privacy; noise; security; flooding; watercourse proposal not clear; watercourse must not be culverted; removal of trees and hedgerow and pressure on local facilities/services such as schools and the medical centre.
- 5.3 The letters of support state that the development will deliver family housing, will provide a much improved local facility, has had regard for the ecological value of the site and, that the existing site is in poor condition. It should be noted that a higher proportion of the letters of support (compared to the objections) have been received from people outside the immediate vicinity of the site. Some of the letters of support appear to be from visitors to the existing church.

- 5.4 Councillor Culley objects to the application. She advises that whilst she does not object to the expansion of the church it is considered that 18 dwellings is too intense. She is concerned about the impact on the local environment, the loss of amenity for neighbouring residents and the effect of a further increase in traffic on a road that is already extremely busy due to it serving Fernwood Junior and Comprehensive schools.

Additional consultation letters sent to:

- 5.5 **Highways and Drainage:** No objection to the application subject to conditions relating to drainage, a construction management plan and the detailed design of the proposed access road. Highways comment that the site is in a good location to access public transport and the parking provision for both the residential element and the new church is considered acceptable.
- 5.6 **Heritage and Urban Design:** Advises that the layout and house types will create an attractive development. The two and half storey dwellings appear reasonable in relation to both other proposed dwellings and existing neighbouring properties. There are opportunities to enhance character through the design of the highway and front boundary treatment, and details such as deep window reveals will be important to the success of the end product. A query is raised as to what proposals would be put in place with regard to the ecological corridor that runs to the side and rear of plots 16-18 in terms of ensuring security and satisfactory maintenance.
- 5.7 **Environment Agency:** No objection to the application subject to a condition relating to a surface water drainage scheme.
- 5.8 **Natural England:** refers the LPA to standing advice for assessing the impacts of development on badgers. Most relevant is that the creation of a replacement artificial sett should be seen as a last resort and that foraging areas should be maintained or new areas created. Standing advice is also provided in relation to bats which confirms that permission could be granted but that the authority should consider requesting enhancements
- 5.9 **Nottinghamshire Wildlife Trust:** Objects to the application, acknowledging that whilst a badger mitigation plan has been submitted, there are a number of concerns relating to badgers and the development proposals. Specifically these include that the habitat corridor is of insufficient width, that it may get further eroded by residents or by poor maintenance and that the development is likely to displace badgers.
- 5.10 **Biodiversity and Green Space Officer:** Objects to the application on the grounds that the development will have an unacceptable impact on the badgers on the site and that the proposals fail to adequately mitigate or compensate for the likely impact upon badgers. Specifically the concerns relate to the proximity of the development to the new sett and the loss of foraging habitat. It is considered that the proposed development restricts the known foraging routes and the proposed replacement foraging route is insufficient in terms of area and could be further eroded over time by residents encroaching onto this land. It is also considered that the development will further encourage foraging in the adjacent cemetery which already occurs to some degree. A bat survey in the peak season is required given the presence of a bat dropping found in one of the buildings, so that it can be established as to whether there is a roost in use.

- 5.11 **Noise and Pollution Control:** No objections subject to conditions relating to contaminated land.
- 5.12 **Tree Officer:** Recommends a condition relating to a tree protection plan in accordance with BS 5837 (2012) to be submitted and approved prior to commencement. Does not agree with the recommendation that tree 'T3' should be felled and advises that in any event this falls outside the application site.
- 5.13 **Severn Trent Water:** No objection subject to a condition relating to drainage plans.
- 5.14 **Coal Authority:** No objection subject to a condition requiring site investigation works prior to commencement of development in line with the content of the Phase 1 desktop study report.
- 5.15 **Lilian Greenwood MP:** Urges the Council to give careful consideration to the serious concerns being raised by her constituents regarding this application. These have not changed fundamentally from the previous application and include issues relating to traffic and road safety, environmental concerns (including flood risk) and the absence of a formal traffic assessment and up to date habitat surveys.

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 contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm can not be avoided, mitigated or as a last resort compensated, then permission should be refused.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities. Complies

H2 – Density. Complies

H3 – Appropriate Housing Types. Complies

R2 – Open Space in New Development. Complies

CE1 – Community Facilities. Complies

BE2 – Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

BE16 – Archaeology. Complies

NE3 – Conservation of Species. Does Not Comply

NE5 – Trees. Complies

NE9 - Pollution Control. Complies

NE10 – Water Quality and Flood Protection. Complies

T3 - Car, Cycle and Servicing Parking. Complies

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Ecological Impact of Development
- (iii) Layout and Design
- (iv) Traffic and Parking
- (v) Impact on Amenity
- (vi) Flooding

(i) Principle of Development (Policies ST1 and CE1)

- 7.1 The site has no designation or land use allocation within the adopted Local Plan. The proposal to replace an existing community building with a larger facility is considered acceptable in principle subject to detailed considerations regarding design, amenity and parking. The existing green space on the site is not publicly accessible and does not provide an open space function other than visual amenity and biodiversity habitat. Given the status of the site within the local plan, the promotion of family housing in Policy ST1 and that the residential element will help deliver improved community facilities as encouraged by Policy CE1, it is considered that the principle of residential development is acceptable.

(ii) Ecological Impact of the Development (Paragraph 118 of the NPPF and Policy NE3 of the Local Plan

- 7.2 The Phase I Habitat and Protected Species Report has identified that the principal ecological issue with the development proposals is the impact upon the active badger setts that have been recorded on the site. The Protected Species Report identifies that the development would necessitate the temporary closure of two setts. The construction of plots 1 and 2 would also result in the permanent closure of seven entrances. Prior to the closure of the two setts a multi-chambered artificial sett to include a minimum of six entrances and twelve main/nesting chambers are proposed to be constructed towards the south east of the site in the existing Presbytery gardens, close to the boundary fence with the cemetery. This sett will be within the newly created ecological corridor, which will run adjacent to the north east boundary for the length of the site and would provide a foraging route. Both the Council's biodiversity officer and Nottinghamshire Wildlife Trust have raised objections with regards to the impact on the badgers. Whilst they acknowledge that the provision of the artificial sett and the ecological corridor provides some mitigation, the width of the ecological corridor is a concern and there is potential for this to be eroded by future residents or through poor maintenance, though it is acknowledged this would be capable of being resolved through enforcement action. In addition the proximity of built development in the form of plots 1 and 2 and the proposed church car park adds further pressure on the badgers' environment. The conclusions of the biodiversity officer and the Wildlife Trust is that the development is likely to displace badgers and, although not related solely to this proposal, there is a concern that this is occurring more commonly in the Wollaton area.
- 7.3 Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity and if as a result of development proposals significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused. Policy NE3 of the Local Plan states that where proposals have an adverse impact on protected species permission will be refused unless there is an overriding need for the development. The objections of the Council's biodiversity officer and Nottingham Wildlife Trust are on the basis that the proposals cause significant harm to the badgers and that the mitigation proposals are insufficient. Natural England's standing advice in terms of replacement foraging habitat is less clear in that it does not appear to provide guidance on the amount of replacement habitat required. However, it is clear from the amount of land proposed for development that the space available for foraging will be greatly reduced and this is considered to be contrary to the principle promoted in the standing advice.
- 7.4 In response the applicant promotes that the supply of an artificial sett is an acceptable solution and the success of this, in terms of badgers using this sett, will be tested through the licence application process administered by Natural England prior to the commencement of development. This therefore gives a further element of control. The applicant's ecologist advises that this is an urban badger sett which is therefore accustomed to the built environment surroundings, including the proximity of Bramcote Lane which is a busy route compared to the traffic generated by the development. Furthermore they report that the badgers undertake most of their foraging within existing residential gardens.
- 7.5 On balance it is considered that the pressure exerted by the development on the badgers' environment and particularly the significant reduction in foraging habitat constitutes significant harm and the mitigation proposals fail to satisfactorily

address this harm. Whilst a licence is required to undertake the proposed works to the existing setts, this is a separate legislative process and alone is not considered a sufficient safeguard to overcome the concerns identified. It is also considered unreasonable to rely on, in part, private garden areas for foraging routes given the reduction of foraging territory on the site as a result of the development. The proposal is considered contrary to Paragraph 118 of the NPPF and Policy NE3 of the Local Plan and as such this represents sufficient harm to justify refusal of the application. Whilst the delivery of eighteen family houses and enhanced community facilities are given appropriate weight, it is not considered that the benefits outweigh the harm caused to the badger population in this instance, particularly given that a lesser amount of development could potentially be delivered without unacceptable impact on the badgers. In drawing this conclusion it is considered that limited weight should be attributed to the potential for further badger incursion into the adjacent cemetery. Whilst this appears a reasonable assumption in theory it is understood that this already occurs and it is difficult to determine the extent to which the development would exacerbate this.

- 7.6 With regards to the impact on bats, it is noted that a resident has criticised that the survey was not undertaken at the optimum time of the year. Natural England has not raised any objection to this and whilst the Wildlife Trust and the biodiversity officer would prefer for further surveys to be undertaken this does not form a fundamental part of their objection. No bats were identified in the buildings through the emergence survey and therefore the presence of a bat roost was discounted in the ecological report. However precautionary measures should be applied in this instance and therefore notwithstanding the overriding concerns in terms of the impact on the badgers, if permission were to be granted a condition to secure implementation of the method statement referred to in paragraphs 5.1 to 5.3 of the report is recommended.

(iii) Layout and Design (Paragraphs 56-64 and Policies H2, H3 and BE3 of the Local Plan)

- 7.7 The proposed church has been sited to address the corner of Bramcote Lane and Glenwood Avenue, which due to the openness of the site and the changes in levels is particularly prominent in the street-scene. The proposed location of the church, set 7m back from Bramcote Lane and 17m away from the junction of Bramcote Lane and Glenwood Avenue will strike the right balance in achieving a building that addresses the street but will not be dominant and the intervening space will provide opportunity for landscaping to enhance the setting.
- 7.8 The tower provides a focal point to the design of the church and will provide a sense of arrival at the site. The recessed wings which form the main seating area within the church are sufficiently staggered to provide visual relief and the building responds to the levels of the site and its surroundings by reducing to single storey in scale. The choice of materials will be important and it is proposed that the church be predominately a brick building with a render band proposed on the tower. Subject to a condition requiring details of materials it is considered that the layout and appearance of the proposed church is acceptable.
- 7.9 The proposed position of the church, the location of the existing badger setts and the shape of the site has largely informed the housing layout. The density of the scheme is approximately 27 dwellings per hectare which is very similar to the surrounding area and is appropriate given that this is a family housing scheme. The positioning of plots 1 and 2 on the Bramcote Lane frontage is considered important to positively address the street. Equally plots 3 and 4 have been situated

adjacent to the site access to address the Glenwood street-scene with the orientation of plot 3 being particularly effective when viewing north west. Internally the access road has been based on shared surface principles with the width of the highway achieving practical requirements in terms of safe access and egress but also informing the character of the development. A good level of space is afforded in between dwellings, with driveways predominately situated to the side of the houses and a proportionate amount of space within the plots that is commensurate to the size and type of housing. Generally the houses are situated relatively tight to the access road. This is influenced by the requirement to create a characterful environment, maximise rear garden space for the benefit of future residents and to protect neighbours' amenity.

- 7.10 The architectural style proposed by the applicant is traditional with chimneys chosen for the majority of the house types and strong features in the form of bay windows, protruding gables, eaves and gable detailing, casement style windows and porch canopies. The proximity of the houses to the road, coupled with a traditional approach to the architectural style will provide a sense of place and an attractive environment. The scheme provides seven different house types which offer some variety but also maintains continuity to the design approach.
- 7.11 The two and half storey dwellings (plots 10-15) are located at the end of the cul-de-sac and will address the view north west along the access road from within the site. The height of these dwellings is not disproportionate to the scale of the two storey houses with only a 600mm difference between plots 10-15 and the adjacent two storey properties at plots 9 and 16. The positioning of plots 10-15 allow for slightly taller dwellings and it is considered that these houses will provide a sense of enclosure to the development and will enhance the street-scene.

(iv) Traffic and Parking (Policies BE2 and T3)

- 7.12 The Council's Highway Officers are satisfied with the access position and that the road layout is appropriate. It is apparent that traffic and on-street parking is a significant concern of residents and that this concern is largely influenced by congestion experienced during the school drop off and collection times. From the analysis of on-street parking patterns and the evidence provided by residents in their objections it is apparent that congestion and on-street parking is problematic at these times. However, given the relative size of the housing development proposed, it is not considered that adding the number of trips created by the housing scheme to the network will have a material impact on congestion. Furthermore the development is well provided with off-street parking, with 17 of the 18 dwellings having two off-street spaces (excluding garages), with the 18th house having one space. In terms of the specific issue of school congestion, the proximity of the proposed houses to the school should encourage pedestrian trips for future residents.
- 7.13 The car parking proposed for the church has been based on surveys of attendance at the existing church, which is particularly well attended on Saturday evening and Sunday morning. The Council's highway officers consider that 28 spaces is an acceptable parking provision, particularly given the site's proximity to frequent bus routes and given that many of the congregation will live in the local area.

(v) Impact on Amenity (Policies BE3 and NE9)

- 7.14 The relationship between the proposed church and surrounding dwellings in terms of scale and massing is acceptable. The section drawings submitted with the application demonstrate that the church tower is a sufficient distance away from properties on the south side of Bramcote Lane and furthermore these properties are on a higher level than the site. The car park to the south west of the building provides a welcome buffer to Glenwood Avenue properties and the introduction of tree planting adjacent to the pavement will provide screening. The proposed church includes hall facilities and is a larger facility than the existing church on the site. As a result it is reasonable to assume that the use of the facility is likely to increase and accordingly it would be considered appropriate to impose an hours of use condition to protect neighbours' amenity.
- 7.15 There are a number of bungalows on Glenwood Avenue which border the south west boundary of the site and given that the site is on a higher level than these properties, this relationship requires particular attention. In comparison to the previous submitted scheme, all dwellings which face the bungalows have been moved away from the boundary and provided with larger gardens. Plot 10 is the closest proposed dwelling to a Glenwood Avenue bungalow and is situated sideways on at a distance of 21m (excluding the garage). It is considered that this distance is acceptable, allowing for a level change of between 0.75m – 1m in this particular instance. The distance to properties on Arleston Drive to the north west and Burnbreck Gardens to the north east from proposed development is no less than 37m and 33m respectively and amenity and privacy of occupiers of these properties will be further protected by the retention of the hedgerows and trees on these boundaries. It is considered that the impact on the privacy and amenity of the neighbouring residents is acceptable subject to conditions requiring further section drawings to ensure that the level changes between the site and the adjoining land can be comprehensively assessed.

(vi) Flooding (Policy NE10)

- 7.16 The Environment Agency and the Council's Drainage section have no objections to the application following consideration of the Flood Risk Assessment and Drainage Statement. It is noted that some residents have expressed concern that the watercourse located close to the north west boundary will be culverted. This was originally proposed on the previous application but was not acceptable for both drainage and ecological reasons. The current proposal shows that the stream will remain an open watercourse. The watercourse is proposed to be included within the gardens of plots 10-15 as this will ensure future occupiers take responsibility for its maintenance. Enhancements to this area by way of landscaping would in the event of approval be secured by condition. Conditions would also need to be imposed to ensure delivery of Sustainable Urban Drainage proposals.

Other Issues

- 7.17 The consultation exercise has raised local resident concerns about the impact on the capacity of local services, in particular schools. Should the application be approved, an education contribution of £58,525.90 would be secured through a Section 106 obligation and is based upon the number of primary schools places that would be required from the development, derived from the Council's established formula. An open space contribution of £43,017.72 towards off-site improvements would also form part of the Section 106 obligation and this complies with the requirements of Policy R2 of the Local Plan.

7.18 The impact on the trees and hedgerows on the site is considered acceptable having regard for the advice of the tree officer. Many of the trees and hedges on the site, particularly on the boundaries, will be retained. It is considered therefore that the application complies with Policy NE5 of the Local Plan.

8. SUSTAINABILITY / BIODIVERSITY

8.1 An Energy Statement has been submitted with the application which identifies the options for achieving the required 10% reduction in carbon emissions. The statement advises that the applicant will generally take a fabric first approach to this matter through improving the thermal efficiency, increasing air tightness and dedicated low energy lighting. The statement also advises that the applicant will review solar hot water heating, photovoltaics, combined heat and power (CHP) and ground sourced heat pumps. It is considered unlikely that the latter two will form part of the final sustainability plan but that 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: requirement to provide a high quality and sustainable residential development.

Working Nottingham: opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: designing a development that that contributes to a safer and more attractive neighbourhoods.

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 Ref:13/01515/PFUL3
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01515&action=Search>
2. Comments from Natural England dated 25 July 2013
3. Comments from Highways dated 23 July 2013
4. Comments from Noise and Pollution Control dated 12 July 2013
5. Comments from Severn Trent Water Ltd dated 12 July 2013
6. Comments from Tree Officer dated 19 July 2013
7. Comments from Nottinghamshire Wildlife Trust dated 1 August 2013
8. Comments from Coal Authority dated 30 July 2013
9. Comments from Ward Councillor dated 06 August 2013
10. Comments from the Environment Agency dated 20 June and 22 August 2013
11. Comments from the Council's biodiversity officer dated 23 August 2013
12. Comments from Lilian Greenwood MP dated 9 August 2013
13. Comments from local residents/interested parties x 84 dated between 17 July and 22 August 2013.

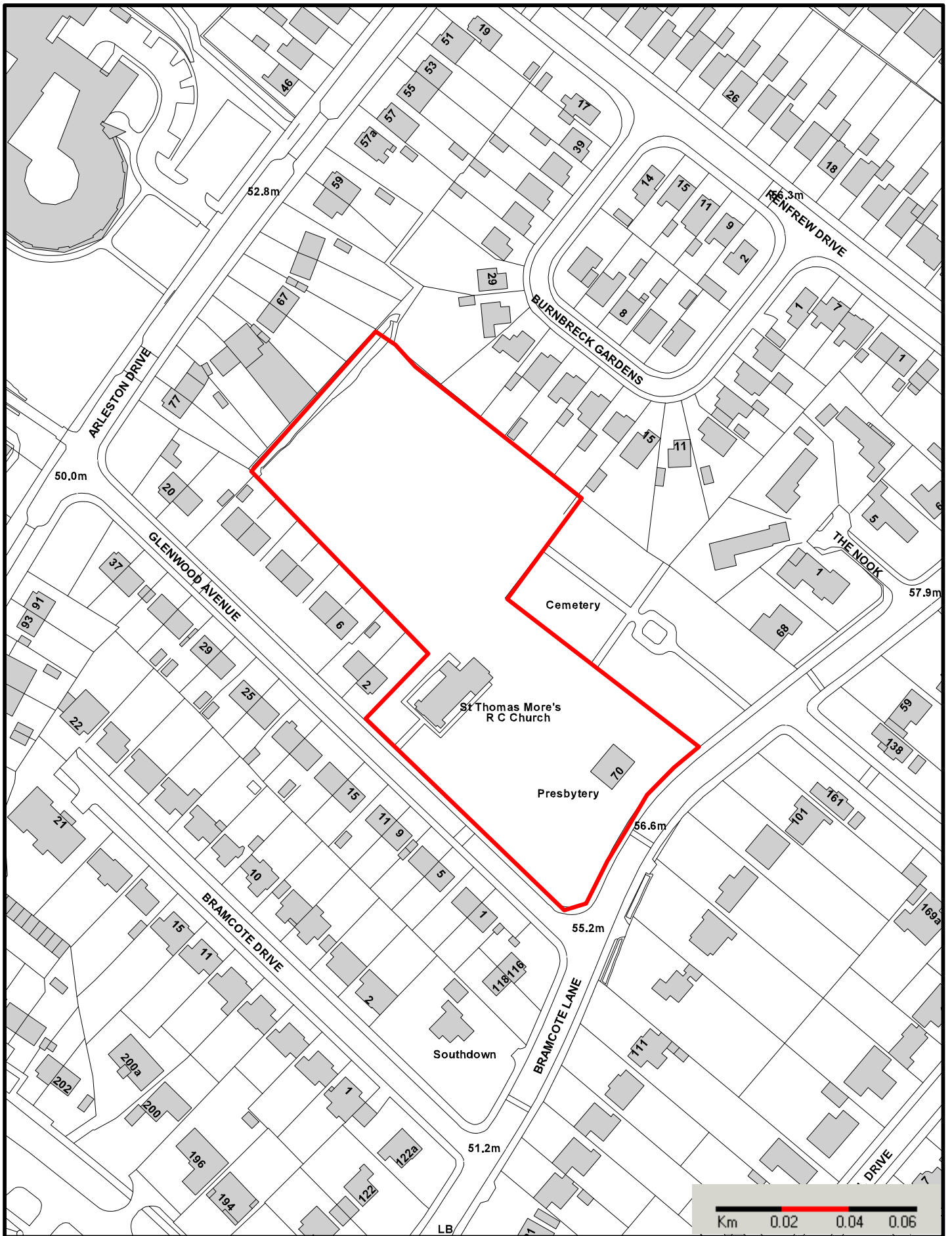
17 Published documents referred to in compiling this report

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: 13/01515/PFUL3

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

Radleigh Group
FAO Mr Martyn Pask
Riverside Court
Pride Park
Derby
DE24 8JN

Date of decision:

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

Application No: 13/01515/PFUL3
Application by: Nottingham R.C Diocesan
Location: St Thomas More Roman Catholic Church, Glenwood Avenue, Nottingham
Proposal: New church and 18 dwellings. Resubmission of planning application reference 13/00415/PFUL3.

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The proposed development would cause significant harm to the welfare of the existing badger population on the site through proximity of development and significant reduction of established foraging area. The proposals fail to adequately mitigate or compensate for this harm and the benefits of the development are not considered to outweigh the harm caused. Accordingly the proposal is considered contrary to Paragraph 118 of the NPPF and Policy NE3 of the Local Plan.

Notes

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.

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

DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 13/01515/PFUL3

If the applicant is aggrieved by the decision of the City Council to refuse 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.