

REPORT OF HEAD THE DIRECTOR OF PLANNING AND TRANSPORT

Sites at Lorna Court, May Court, The Croft and Mayholme, Alexandra Park

**1 SUMMARY**

Application No: 13/01909/PFUL3 and 13/01946/PFUL3 for planning permission

Application by: Halsall Lloyd Partnership on behalf of Leicester Housing Association

Proposal 1: 13 dwellings (Lorna Court, May Court and The Croft) – ref. 13/01909/PFUL3

Proposal 2: Alterations and conversion to create 4 dwellings (Mayholme) – ref. 13/01946/PFUL3

The applications are brought to Committee because they have generated significant local interest.

To meet the Council's performance targets application ref. 13/01909/PFUL3 should be determined by 12 November 2013 and application ref. 13/01946/PFUL3 should have been determined by 4 October 2013.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION**, relating to both application sites, for the reasons set out in this report, subject to:

- a) prior completion of a Section 106 Planning Obligation relating to both application sites which shall include:
  - (i) A financial contribution towards education provision
  - (ii) A financial contribution for off-site provision or improvement of open space or public realm
  - (iii) Cessation of the existing use of the Mayholme site (as 9 bedsitting rooms with associated common room, reception areas and ancillary office accommodation) on implementation of either planning application ref. ref. 13/01909/PFUL3 or ref. 13/01946/PFUL3.
- b) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and conditions of the planning permissions be delegated to the Director of Planning and Transport.

That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly

related to the development and (c) fairly and reasonably related in scale and kind to the development.

### **3 BACKGROUND**

- 3.1 Two planning applications have been submitted relating to two parts of the former Family First Centre. For the purpose of this report, this overall site is described as the Family First Centre site. The applicant has decided to submit the scheme through two separate applications as there are different planning considerations relating to each and the development of each part is likely to progress at different times.
- 3.2 The Family First Trust was a charity that provided help and support for disadvantaged groups and unmarried mothers for over forty years, including residential accommodation. The centre closed in 2007.
- 3.3 The Family First Centre site, up until recently, comprised four buildings. The first of these buildings is subject to application ref. 13/01946/PFUL3 and relates to a building known as Mayholme, an attractive 2 storey building, which dates back to the Edwardian period. This building formed the original building for the Family First Centre. It contained 9 bed-sits, associated common room and office accommodation. For the purposes of this report, the land subject to application ref. 13/01946/PFUL3 is described as Site A.
- 3.4 The other three buildings and associated grounds form the site relating to application ref. 13/01909/PFUL3 and for the purposes of this report that land will be described as Site B. Physically linked to Mayholme was a single storey building known as 'The Grove', which was added in the 1970's/80's and was used as a nursery and further office accommodation. Two further two storey buildings, known as Lorna and May Court, were added to the centre around the same time as the Grove and contained approximately 12 bed-sit maisonettes and associated communal facilities.
- 3.5 The Grove, Lorna Court and May Court, all within Site B, have now been demolished due to their poor state of repair. Those works were approved in May 2013 under permission ref. 13/00871/PADA. Mayholme has been retained and its conversion forms part of the current redevelopment proposals for the site ref. 13/01946/PFUL3.
- 3.6 The Family First Centre site is located at the northern end of Albert Road, which provides access and runs in a north to south direction towards The Crescent. The wider highway network at Woodborough Road, is accessed via Dagmar Grove to the south west.
- 3.7 Mayholme has direct frontage onto Albert Road, whilst the remainder of the Family First Centre site, sits behind Mayholme and is concealed from view by existing buildings and landscaping. The periphery boundary of the Family First Centre site to three sides is dominated by large mature trees, some of which are protected by a Tree Preservation Order.
- 3.8 The Family First Centre site is located within a primarily residential area and immediately adjoins the northern boundary of the Alexandra Park Conservation Area. Residential properties on Thyra Grove, Woodborough Road, Albert Road and

Caunton Avenue adjoin the boundaries of the Family First Centre site to the north, west, south and east respectively.

- 3.9 An application was received for the redevelopment of the cleared part of the site (Site B), for 14 dwellings in March 2013 (planning ref: 13/00639/PFUL3). The application was subsequently withdrawn due to concerns regarding the intensity and design of the proposed dwellings and the need for the redevelopment of the centre to be planned on a comprehensive basis, with the inclusion of proposals for the retained Mayholme building (Site A).

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

4.1 Two full planning applications have been submitted:

- Site A (ref. 13/01946/PFUL3) for the conversion of the retained Mayholme building for four dwellings.
- Site B (ref. 13/01909/PFUL3) for the erection of 13 dwellings.

##### Site A

4.2 Application ref. 13/01946/PFUL3 proposes convert Mayholme to four dwellings, which would comprise of 2x2 bedroom apartments, 1x 3 bedroom dwelling and 1x 4bedroom dwelling. On plot parking at the ratio of two spaces for each dwelling and one space for the apartment. The existing building is painted brickwork with a number of lowered window heads and raised cills. It is proposed to reinstate window openings back to their original size and render the building with a similar coloured render.

##### Site B

4.3 Application ref. ref. 13/01909/PFUL3 proposes 13 affordable dwellings comprising of a mix of 6x2 bedroom and 7x3 bedroom dwellings which would be two storey in height and predominately semi-detached in character, apart from one row of three terraced dwellings. They are configured in the form of perimeter blocks facing onto a new central courtyard road layout with turning facilities.

4.4 The 13 dwellings would be contemporary in design with a material palette of red brick and render to facing walls and a grey roof tiles. Revisions have been made to the elevation treatment of the dwellings, with the main change being the introduction of a two storey mono pitch gable projection to the front elevation of the 3 bedroom units, to add further interest.

4.5 The frontages of the 13 properties are proposed to be enclosed with low metal railings with a shrub hedge behind. Each property would have provision for bin storage in the rear garden where a shed for bike storage will be provided. On plot parking is proposed to be provided with all three bedroom dwellings having two parking spaces and the two bedroom dwellings one parking space.

4.6 The development of the 13 properties would entail the removal of some of the trees to the boundaries on the site. An extensive schedule of tree works is proposed to the retained trees, which is proposed to be carried prior to the commencement of the development.

4.7 It is proposed that all 13 dwellings would achieve Level 3 of the Code for Sustainable Homes. The development would meet its 10% saving on carbon emissions through improving the energy efficiency of the buildings' fabric.

#### Employment and Training

- 4.8 The developer has committed to work with the Council's Employment and Skills team to deliver local employment and training opportunities during the construction of the development. These would be secured as part of the terms of the S106 agreement.

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

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

The proposals have been advertised on site and in the press and nearby occupiers notified. The applicant's also held several public consultation events for surrounding residents, prior to the planning applications being submitted.

The following properties have been notified of both planning applications:

Sunnybank, Leahurst, St Aubin, Broxholme, Ireleth, 19 and 21 Albert Road  
3, 17 Denmark Grove  
22 Wheatfields Road  
84, 77- 89 (odd) Caunton Avenue  
6 – 18 (even) Thyra Grove  
428, 430, 440, 444 Woodborough Road  
3 Daymar Grove  
Alexandra Park Residents Association

In response nine letters of objection have been received, including a letter from the Alexandra Park Residents Association. Their concerns are summarised below:

- the density of the proposed developments is considered to be too intensive. Residents wish to see the number of dwellings reduced to 10 and at least one parking space per adult in the Mayholme development (Site A). The density of the development on Caunton Avenue and Springfield development is seen to be more appropriate.
- the position of two new dwellings (plots 12 and 13), located to the rear of Mayholme, will make it more difficult to sell and also reduces the size of gardens and parking spaces for the rest of the development. They consider that the removal of these 2 dwellings would improve the impact of the development on the area and leave Mayholme with a large garden, suitable as a single private residence or to provide additional parking.
- the houses are unimaginative in design and an opportunity has been missed to improve the area.
- the development and its density is out of character with the adjacent Alexandra Park Conservation Area where the bulk of properties being Victorian/Edwardian in age and are generously spaced.
- the development would affect the quality of life of people living in the area.
- the impact of additional traffic generation and parking associated with the development. The original plans showed 2 off street parking spaces per house but now the two bedroom houses only have one space, with no visitor parking being provided. Off street parking on the narrow surrounding roads of Albert Road,

Denmark Grove, the Crescent and Dagmar Grove is limited and access along these narrow, heavily parked roads is already difficult. Concerns raised that parking will overflow onto the surrounding roads.

- the Residents Association request that consideration be given to additional traffic calming on Albert Road due to the impact of additional traffic from the development, those currently being built at Springfield Pastures and potential development at Enderleigh.

- the front gardens are small and rear gardens are steep and narrow and are not suited for children to play in.

- a number of trees are being removed and not being replaced.

- the wildlife survey is misleading with no bats and only four birds being observed. Being adjacent Hungerhill/Stonepit Coppice allotments there are bats in the neighbouring gardens area as well as a dozen or more different birds which will be affected by this intensive development.

One further resident has stated that they are happy with the scheme but would like some reassurance on proposed boundary treatments adjoining their property.

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

**Noise and Pollution Control:** No objection. Require conditions to address potential contamination and gaseous emissions.

**Housing Strategy:** No objection. Supports the proposed housing type and tenure mix.

**Highways:** The layout has been revised to include an additional turning head at the end of the proposed cul-de-sac and has improved vehicle manoeuvrability. The detailed design will need agreeing but no objections in principle to the development. Conditions relating to the submission of a construction method plan, details of the new road and access onto Albert Road are recommended.

**Urban Design:** The layout and design of the dwellings has been the subject of extensive discussion and various design options have been considered in order to improve the overall quality of scheme. The elevations now work well together and are seen as a welcome contribution to the visual interest of the street scene. The mono pitched roofs and porch detail provides visual interest. Additionally visual interest is created by recessed brick panels running through from the ground floor to first floor. The combination and contrast of render and brickwork together with the simple, well proportioned windows help create an attractive environment.

The layout works in terms of the buildings addressing the street, rear bin and bicycle storage, on plot parking and high quality brick and railing front boundary treatment. It is expected that the scheme will achieve Building for Life silver.

**Education:** Alexandra Park falls within the Walter Halls primary catchment which is in the St Anns area of Nottingham. Additional places have been added to Blue Bell Hill (another local school) and additional space has been made available at Sycamore Academy to allow for extra pupils for the last two years. However, despite these expansions projections are showing a shortfall of 30+ Reception

places in the area as a whole from 2014/15. Other developments are also planned in the area (Stonebridge Park and Limmen Gardens); any additional pupils generated by these developments, however small a number, would add to the existing pressure. A S106 contribution of £20,983 towards additional education provision at primary school level in the local area is requested.

Nottingham Academy is the catchment school for secondary education and sufficient places are available to serve the development.

**Tree Officer:** No Objection. A condition relating to the submission of an arboricultural method statement, to include a schedule of proposed tree works to all retained trees, is recommended.

**Drainage Officer:** The applicant should consider the use of sustainable drainage techniques including soakaways, swales, permeable paving or storage. A condition relating to the submission of a drainage scheme for the site is recommended. These should seek a 30% reduction in peak surface water run off rate.

**Biodiversity Officer:** No objections to the principle of the development. Any removal of existing trees requires a further bat survey to ascertain potential bat roosts. A further bat survey has been carried out of the existing trees, which showed no evidence of bat roosts and on this basis the biodiversity officer has raised no objections to the development.

**Nottinghamshire Wildlife Trust:** The Trust welcomes the recommendation that additional bat emergence surveys be undertaken prior to development and would request that the application is not determined until the required surveys have been carried out and considered. They recommend that any planning approval is made conditional upon the recommendations made in the habitat survey, in respect of nesting birds, foraging bats and terrestrial mammals.

## **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 development plan policies, which are set out in this 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 these applications is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, to encourage the effective use of land by reusing land that has been previously developed, and by supporting the transition to a low carbon future.
- 6.3 Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. Paragraph 63 adds that great weight should be attributed to outstanding or innovative designs.

- 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.

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

ST1 - Sustainable Communities.  
H2 - Density.  
H3 - Appropriate Housing Types.  
R2 - Open Space in New Development.  
BE2 - Layout and Community Safety.  
BE3 - Building Design.  
BE4 - Sustainable Design.  
BE5 - Landscape Design.  
NE5 – Trees,  
NE12 - Derelict and Contaminated Land.  
NE14 - Renewable Energy.  
T3 - Car, Cycle and Servicing Parking.

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

- (i) Principle of the development and the appropriateness of the density, mix of house types and tenure;
- (ii) Layout and design considerations;
- (iii) Highway considerations;
- (iv) Impact on residential amenity;
- (v) Section 106 matters.

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

- 7.1 The applications propose residential dwellings on a predominately cleared site within a primarily residential area as identified in the saved Local Plan and are therefore acceptable in principle.
- 7.2 The NPPF 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, including affordable housing if required. It is considered that these two housing schemes, 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 sites are located in a sustainable location, close to local facilities and a range of transport options.
- 7.3 The main concern of residents relates to the density of the development. Since withdrawing the previous application the applicant has, through negotiation, reduced the number of dwellings proposed on the Family First Centre site from 19 to 17 dwellings. The proposed layout has also been reconfigured to ensure that the dwellings all have on plot parking and a usable rear garden which would not be

over dominated by retained trees to their rear boundaries. Highways are satisfied that the proposed density of the development would not have a detrimental impact upon highway safety in terms of potential traffic generation and the proposed level of parking.

- 7.4 It is considered that the proposed density of the Family First Centre site is acceptable and would be appropriate for the intended tenure. The proposal therefore accords with Policies ST1, BE4, H2 and H3 of the Local Plan.

**ii) Layout and Design considerations (Policies BE2, BE3, BE5, NE5 and T3)**

- 7.5 Policies BE2 and BE3 of the Local Plan and the NPPF recognises the importance of high quality design in making places better. The NPPF 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.
- 7.6 Significant improvements have been made to the proposed layout as set out in the previous section. The new layout shows a 'perimeter block' form to the dwellings with continuous frontages grouped around the central courtyard style access road, to provide a clear definition between public and private space throughout. The scheme has been designed to provide active frontages and surveillance of the street and also to create secure private rear gardens. The new dwellings are two storeys in height and largely semi detached to reflect its context. An important aim of the proposed layout has been to ensure that the new dwellings relate well to perimeter trees and provide longer north facing rear gardens. Front boundaries are proposed to be enclosed.
- 7.7 The Family First Centre site immediately adjoins the conservation area and forms an integral part of the street scene along this part of Albert Road. Any redevelopment proposals should therefore be designed to a high quality, to ensure that it makes a positive contribution to the character and appearance of the adjacent conservation area. The architectural treatment of the proposed dwellings (Site B) has been the subject of detailed design consideration and various design options have been considered in order to improve the overall quality of scheme. The applicant has now put forward revised designs for the dwellings which significantly improve the design and appearance of the new dwellings. The design of the scheme remains contemporary in its approach and it is considered that the revised elevations of the dwellings, together with the palette of materials, would create a clear and straightforward architectural language. Full details of the materials will be required by condition. Overall it is expected that the scheme will achieve Building for Life silver standard.
- 7.8 Mayholme (Site B) is an attractive Edwardian building which reflects the character of other properties in the Alexandra Park Conservation Area. The proposed conversion to four dwellings would provide a future use which would be compatible in terms of its scale and layout with development proposals for the remaining part of the site. The proposed reinstatement of the original window openings and profiles would ensure that the development would enhance the character of the existing conservation area.
- 7.9 The layout and design of the buildings is considered to be appropriate and would therefore accord with Policies BE1, BE2, BE3, BE5 and T3 of the Local Plan.



### **(iii) Highway considerations (Policies BE2 and T3)**

- 7.10 The redevelopment of the Family First Centre site for a small residential scheme for 17 dwellings would not have a significant impact upon the surrounding highway network in terms of traffic generation and access.
- 7.11 The site is located in a highly sustainable location with the site being within two minutes walking distance of a bus stop on Woodborough Road. The NCT Sky Blue line serves these bus stops providing direct bus services to the City centre from Mapperley, Gedling, Mapperley Plains, Arnold and beyond. Buses serve these stops every 7 minutes during the day Mondays to Saturdays.
- 7.12 It is considered that there would be an adequate amount of car parking for future residents. Of the 17 dwellings proposed, 10 would have two off-street parking spaces. Seven of the smaller units would have 1 parking space each. The total parking provision for development is at the ratio of 1.5 per dwelling which is considered to be acceptable given the proximity of the development to frequent bus services between the site and the City Centre and wider Nottingham area.
- 7.13 The layout of Site B has been revised in light of previous highway comments to include an additional turning head at the eastern end of the new road layout. This would provide improved vehicle manoeuvrability for this part of the development. The detailed design as part of the details for the new road and access onto Albert Road would be secured by condition, to ensure that it is constructed up to adoptable standard.
- 7.14 The management of traffic during the construction phase of the development will be important in order to minimise its impact on neighbouring properties and to ensure that no adverse impact is felt on the surrounding highway network. A Construction Management Plan is proposed to be secured by condition.
- 7.15 It is therefore considered that the development satisfies the requirements of Policies BE2 and T3 of the Local Plan.

### **iv) Impact on residential amenity (Policy BE3)**

- 7.16 The proposed layout has been designed to ensure that there would be no adverse impact upon the amenities of nearby existing residents and the future occupants of the new development in terms of light and privacy. Boundary treatments are proposed to be secured by condition and on this basis, the proposal complies with policy BE3 of the Local Plan.

### **(v) Section 106 matters (Policies ST1 and R2 )**

- 7.17 **Public Open Space Contribution (R2):** The applicant has agreed a financial contribution of £32,543.14 for the Family First Centre site towards provision / improvement public open space, which will be secured by a S106 obligation. The development would therefore comply with the requirements of policy R2.
- 7.18 **Education Provision (ST1):** In terms of education the local primary schools are currently already experiencing capacity issues and consequently a development of the size proposed is going to increase pressure for school places. On the basis that the Family First Centre site would provide 17 dwellings, it is anticipated that this will generate a requirement for 2.5 school places and a total contribution of £20,983.

The applicant has agreed to this financial contribution which is proposed to be secured by S106 obligation.

- 7.19 **Existing Use of Mayholme:** The re development of the Family First Centre site has been designed on a comprehensive basis to include the proposals for conversion of Mayholme to 4 dwellings. Whilst is the intention of the applicant to construct the 13 new dwellings on Site B and manage them as affordable units, Site A is likely to be sold. Mayholme was previously used by the Family First Centre as nine bed-sit rooms, with associated common room and office accommodation. The existing planning status of the property enables Mayholme to be continued to be used for this purpose used for this purpose without the need of planning permission. In order to mitigate against the impact of potential traffic and associated amenity concerns, it is necessary to prohibit the existing use of the Mayholme upon commencement of development on any part of the Family First Centre site. The applicant has agreed to this and the restriction is to be secured by S106 obligation.

#### **Other Matters (Policy NE12)**

- 7.20 **Contamination (NE12):** Pollution Control recommends conditions relating to ground contamination and gaseous emissions in accordance with policy NE12.

### **8. SUSTAINABILITY / BIODIVERSITY ( BE4, NE3, NE5 and NE14)**

- 8.1 The dwellings would be built to Level 3 of the Code for Sustainable Homes.
- 8.2 An Energy Statement has been submitted with the application which identifies that the development will principally take a fabric first approach to deliver a 10.6% carbon emissions reduction. The proposals for achieving this include:
- Improved insulation levels to walls and roofs;
  - Adopted enhanced APA details to minimize thermal bridging;
  - Improved air tightness target;
  - Improved heating controls to time and temperature zone control;
  - Improved u values of windows and external doors.
- 8.3 As stated in previous sections of this report large mature are positioned around the west, north and eastern boundaries of the site, some of which are protected with Tree Preservation Orders. The trees have suffered from poor maintenance and have been left to grow to a significant height and in close proximity to each other. The proposed redevelopment of the site will involve removal of some of the trees and those remaining are proposed to subject to a detailed schedule of tree works which would be agreed by condition and carried out prior to the commencement of any development on Site B.
- 8.4 An ecological survey carried out on the site concluded that the site was dominated by buildings and hard standings with little ecological value. The key ecological features on site, in relation to the works proposed, include the buildings with features deemed suitable for roosting bats and the trees with potential for nesting birds and as foraging habitat for bats. Three further bat activity surveys were carried out in relation to the existing buildings which found no evidence of bat activity associated with the buildings and such the buildings have subsequently been demolished. No evidence of additional protected species was found on the site. It is therefore considered that the development would not have a detrimental

impact on the existing biodiversity of the area. A further bat survey has been carried out of the existing trees, which have shown no evidence of bat roosts.

- 8.4 It is considered that the development satisfies the requirements of policies BE4, NE14, NE3 and NE5 of the Local Plan.

## **9 FINANCIAL IMPLICATIONS**

A financial contribution for Open Space and Education will be negotiated in accordance with Local Plan policy.

## **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: the development would provide high quality and sustainable residential development.

Safer Nottingham: the development would help provide a safer and more attractive neighbourhood.

## **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: 13/01909/PFUL3 - link to online case file:  
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01909/PFUL3>

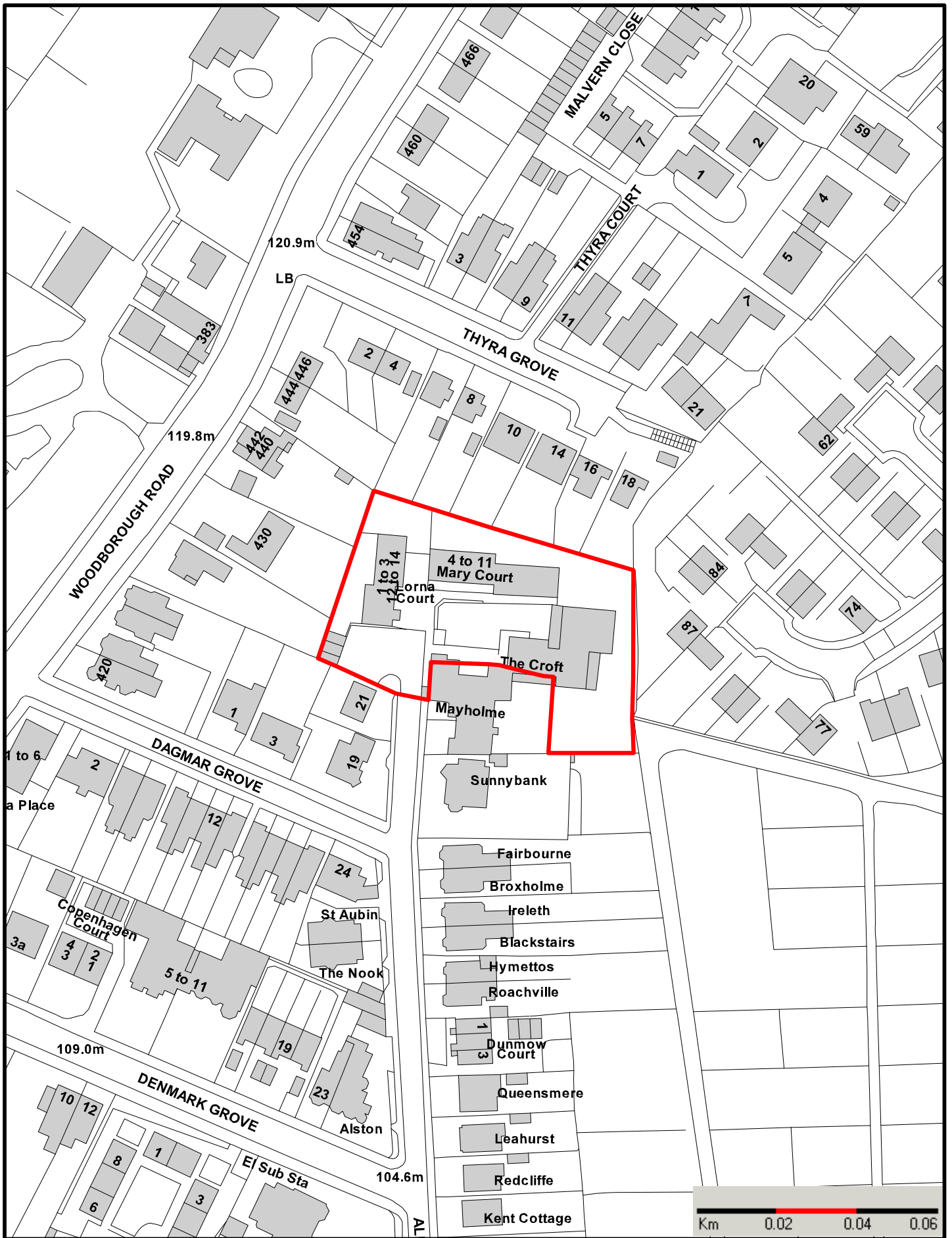
## **17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

### **Contact Officer:**

Jo Briggs, Case Officer, Development Management.

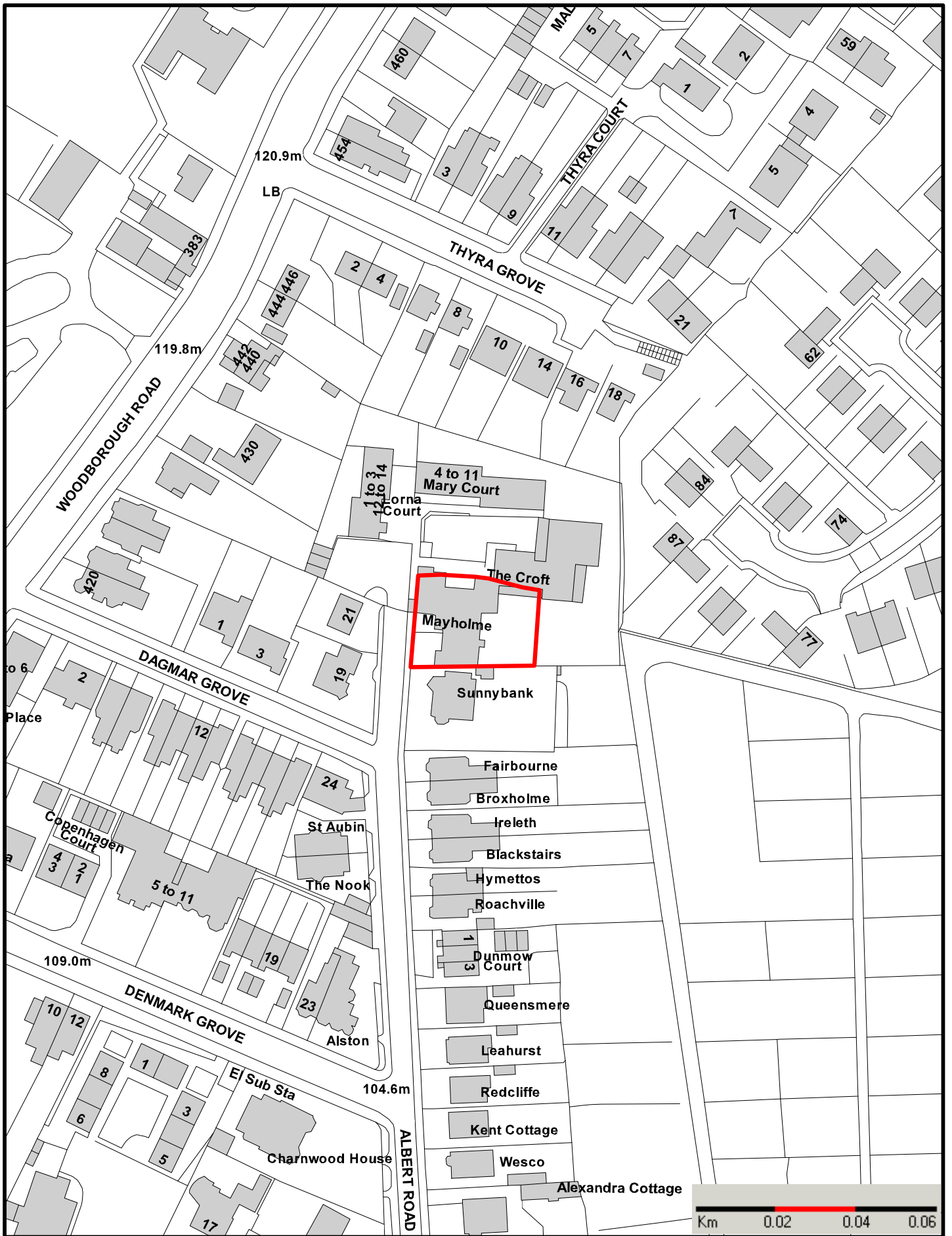
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**Nottingham**  
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Date of decision:

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

Application No: 13/01909/PFUL3 (PP-02807724)  
Application by: Leicester Housing Association  
Location: Lorna Court, Mary Court And The Croft , Albert Road, Alexandra Park  
Proposal: 13 dwellings.

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 hereby permitted shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify the detail of trees proposed to be removed, measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans and a schedule of tree work for the retained trees.

The approved schedule of tree work shall then be carried out prior to the commencement of development on site.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

3. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- (i) Vehicular access to the site and the type, size and frequency of delivery to/from the site;
  - (ii) The parking of vehicles of site operatives and visitors;
  - (iii) Loading and unloading of plant and materials;
  - (iv) Storage of plant and materials used in constructing the development;
  - (v) Wheel washing facilities;
  - (vi) Measures to control the emission of dust and dirt during construction.

The Construction Method Statement shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan*

4. The development shall not be commenced until a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
  - ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
  - iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
  - iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

*Reason: In the interests of the health and safety of the occupiers of the development and to ensure that the principal aquifer underlying the site is protected in accordance with Policy NE12 of the Nottingham Local Plan.*

5. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- i) details of an investigation and assessment of the gaseous emissions on the site;
  - ii) proposals for ensuring the safe removal of gas;
  - iii) proposals for preventing the lateral migration of gas; and
  - iv) any other remedial measures shown in the assessment to be necessary.

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

6. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

7. The development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Local Plan.*

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

The development shall be implemented in accordance with the approved details.

*Reason: To ensure a high quality development in accordance with Policy BE3 of the Local Plan.*

9. The development shall not be commenced until details of areas to be hard landscaped, including the proposed parking areas and access road which should be of permeable materials, 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.*

10. The development shall not be commenced until details of enclosure for the site boundaries and individual plots 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.*

11. The development shall not be commenced until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works.

The development shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan*





12. The development shall not be commenced until detail of the access onto Albert Road have been submitted to and agreed in writing with the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan*

**Pre-occupation conditions**

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

13. No part of the development shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.*

14. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

*Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.*

15. The development shall not be occupied until details of a landscaping scheme with proposals for management and maintenance, including the type, height, species and location of the proposed trees and shrubs, have 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.*

16. No part of the development shall be occupied until the proposed access and garage/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 and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan*

17. No dwelling shall be occupied until the site boundary and the boundaries of individual plots 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.*

18. No part of the development shall be occupied until details of a scheme for the inclusion of bird and bat boxes within the development has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the type, number and position of the bird and bat boxes.

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

*Reason: In the interests of nature conservation in accordance with Policies NE3 of the Local Plan.*

### **Regulatory/ongoing conditions**

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

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

S1. Except as may be 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 13 August 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. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is strongly recommended to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial preventive or precautionary measures. The developer will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

4. The Arboricultural Method Statement to be submitted shall be prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations'. It may include the following elements as appropriate:

- Protective fencing for retained trees
- Schedule of tree work
- Method of working within identified root protection areas

- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

5. 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 April to September. Some other animals for example badgers, bats and water voles are protected under other legislation. An ecological survey and report may be required to establish the plant and animal species present on a site and the implications of this for development of the site. 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.

6. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1700)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

#### Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting  
Water sprays/damping down of spoil and demolition waste  
Wheel washing  
Periodic road cleaning

7. Please contact the Tree Officer, Edmund Hopkins, for advice regarding tree protection. (0115 8764054, email [edmund.hopkins@nottinghamcity.gov.uk](mailto:edmund.hopkins@nottinghamcity.gov.uk)).

8. Prior to works commencing on site the Highways Network Management team at Loxley House should be notified regarding when the works will be carried out. Please contact them on 0115 8765238. All associated costs will be borne by the applicant. It is strongly advised to contact them at the earliest possible opportunity to discuss the requirements of the Construction Management Plan.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake very effort to prevent it occurring.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens on 0115 876 5293 at the earliest opportunity.

The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where highway features are considered above and beyond what is required for the safe and satisfactory functioning of the highway. For further information regarding the collection of commuted sums the applicant should contact Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority then the new road/s and any highway drainage will be required to comply with our design guidance and specifications. The Advanced Payment Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 agreement can take some time to complete. Therefore it is recommended that the developer contact the Highway Authority as early as possible for clarification with which compliance will be required and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the Highway Authority in writing before work commences on site. Please contact Liz Hiskens on 0115 876 5293.

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

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

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

## **RIGHTS OF APPEAL**

Application No: 13/01909/PFUL3 (PP-02807724)

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.



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

**DRAFT ONLY**  
**Not for issue**

**My Ref:** 13/01946/PFUL3 (PP-02816404)  
**Your Ref:**  
**Contact:** Jo Briggs  
**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

Halsall Lloyd Partnership  
FAO: Mr Oliver Roberts  
53 Forest Road East  
Nottingham  
NG1 4HW

Date of decision:

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

Application No: 13/01946/PFUL3 (PP-02816404)  
Application by: Leicester Housing Association  
Location: Mayholme , Alexandra Park, Nottingham  
Proposal: Alterations and conversion to create 4 dwellings.

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 a detailed scheme to deal with contamination of the site, which shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation
  - ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found
  - iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;
  - iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

*Reason: In the interests of the health and safety of the occupiers of the development and to ensure that the principal aquifer underlying the site is protected in accordance with Policy NE12 of the Nottingham Local Plan.*

3. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- i) details of an investigation and assessment of the gaseous emissions on the site;
  - ii) proposals for ensuring the safe removal of gas;
  - iii) proposals for preventing the lateral migration of gas; and
  - iv) any other remedial measures shown in the assessment to be necessary.

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

4. The development shall not be commenced until details of all external materials, including details of replacement windows have been submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

*Reason: To ensure a high quality development in accordance with Policy BE3 of the Local Plan.*

5. The development shall not be commenced until details of areas to be hard landscaped, including the proposed parking areas, which should be of permeable materials, 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.*

6. The development shall not be commenced until details of enclosure for the site boundaries and individual plots 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.*

7. The development shall not be commenced until details of the access arrangements to enable the parking spaces for plots C and D to be provided have been submitted to and agreed in writing with the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan*

**Pre-occupation conditions**

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

8. No part of the development shall be occupied until remedial or precautionary measures required to deal with ground contamination have been completed, and the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.*

9. No building(s), drainage or sewerage facilities nor any areas surfaced with materials impermeable to gas shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented, and the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

*Reason: To ensure that the site can be developed without health or safety risks to the environment, the occupiers of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Local Plan.*

10. The development shall not be occupied until details of a landscaping scheme with proposals for management and maintenance, including the type, height, species and location of the proposed trees and shrubs, have 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.*





11. No part of the development shall be occupied until the proposed access and parking spaces 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 and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan*

12. No dwelling shall be occupied until the site boundary and the boundaries of individual plots 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.*

13. Prior to the occupation of the development hereby permitted, the proposed bin storage shall be provided and made available for use.

*Reason: To provide suitable refuse collection for residents and in the interests of visual amenity, in accordance with Policy BE3 of the Local Plan.*

### **Regulatory/ongoing conditions**

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

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

S1. Except as may be 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 August 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).

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: 13/01946/PFUL3 (PP-02816404)

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