



ADDITIONAL / TO FOLLOW AGENDA ITEMS

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

NOTTINGHAM CITY COUNCIL PLANNING COMMITTEE

Date: Wednesday, 19 July 2017

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Governance Officer: Catherine Ziane-Pryor **Direct Dial:** 0115 8764298

AGENDA

Pages

d UPDATE SHEET AND DRAFT DECISION NOTICES

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PLANNING COMMITTEE

UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

19 July 2017

4a 9 to 10 Short Hill and 54 -56 High Pavement

- i) Decision Notices for Planning Application 16/02249/PFUL3 and Listed Building Application 16/02250/LLIS1- Attached to this update note.
- ii) Delete paragraphs 2.2 and 2.3 of report for 16/02249/PFUL3. The final paragraph of the Recommendations to be amended as follows:

*Power to determine the final details of the conditions and the planning obligation to be delegated to the Chief Planner and, in the case of the latter, in consultation with the Committee Chair, Vice-Chair and Opposition Spokesperson, and subject to him being satisfied that the obligation sought complies with the provisions of Regulation 122(2) **and 123 (3)** of the Community Infrastructure Levy Regulations 2010.*

- iii) Additional comments received from a neighbouring property as result of re-consultation which raise following matters:
 - 1. The overall height and design of the development will dominate the existing listed buildings and is not in keeping with the historic nature of the Lace Market.
 - 2. The view of St Mary's Church will be obstructed from Malin Hill.
 - 3. The impact on the skyline of the turret tower on 9 Short Hill is dramatically reduced by the proposed additional 5th floor which butts up to the top of the tower's first window – by doing this the turret tower will no longer resemble a tower. The turret tower's impressive impact on the skyline will be diminished forever.
 - 4. The roof terrace in front of/to the north of the turret tower was not in the original 2010 plans (scheme reference number 10/01498/PFUL3). We can see no justification for it providing maintenance access as the 5th floor is behind/south of the turret tower (see attached 2636-P-09C Fifth floor proposals.pdf). Our concern is this terrace, which is substantial in size, will be used by residents for leisure & socialising activities further impacting the skyline and causing noise & disruption, particularly at night.
 - 5. A full set of relevant documents has not been made available to all as part of the consultation process. We only received the diagram (document 2636-P-041H New build elevations - Malin and Short Hill.pdf) on 12 July 2017 following our request. This is a vital document showing the full visual impact of the development from Hollowstone and was not published on the Nottingham City Council planning website.

iv) English Heritage, Victorian Society and Georgian Society have also been re-consulted on the revised scheme; no response to this consultation has been received from English Heritage or the Victorian Society, although the consultation period expired 13/07/2017. The consultation period for the Georgian Society expires 11/08/2017.

i) Decision notice has been attached in accordance the Agenda Pack .

ii) Paragraphs 2.3 and 2.4 are superfluous as the Recommendations, with the slight amendment above, covers the requirement to ensure that any planning obligation complies with Regulation 122 (2) and 123 (3) of the Community Infrastructure Levy Regulations 2010.

iii) With regards to the first point raised, the committee report at paragraphs 7.6 to 7.14 explains the impact on the conservation area and the listed buildings, including St Mary's Church. The development would not obstruct the view of St Mary's Church from the Malin Hill Side.

The development would have an acceptable impact on the Turret to 9 Short Hill.

The roof terrace to the north of the tower is not for the use of residents, the applicant has confirmed that its use would be to assist with the maintenance of the turret and the fifth floor itself.

No residential activity will take place within the area. The roof terrace is situated behind the frontage of 9 Short Hill and as a result of the existing roofscape there would be limited ability to look out over neighbouring properties along Hollow Stone. Additionally, the distances between the properties reduces any adverse impact.

Documentation was made available and assistance was given to enable the neighbour to review and understand the plans.

iv) Due to the consultation period to the Georgian Society expiring 11/08/2017 the recommendation for both the Planning and Listed Building Applications is altered to RECOMMENDATION Grant Planning/Listed Building Consent subject to no material matters being raised and in relation to both applications the final details of the conditions shall remain as set out in each report, and the final details relating to the planning obligation of the Planning Application shall also remain as delegated in that report .

My Ref: 16/02249/PFUL3 (PP-05513701)
Your Ref:
Contact: Miss Jenny Cole
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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Date of decision:

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

Application No: 16/02249/PFUL3 (PP-05513701)
Application by: Abode Nottingham Ltd
Location: 9 - 10 Short Hill And 54 - 56 High Pavement, Nottingham,
Proposal: 117 apartments with basement car park, comprising change of use of rear of 9 Short Hill (plus additional floor to roof), change of use of 54-56 High Pavement, a new 5-storey building to Short Hill, a new 3/5/7-storey building to Malin Hill, demolition of 10 Short Hill (facade retained) and demolition of extensions at rear of 56 High Pavement

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)



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2. No development involving the breaking of ground shall take place, unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:
- a) an archaeological evaluation of the site;
 - b) arrangements, supported by the conclusions of an archaeological evaluation, for the excavation of the affected areas, and the implementation of a watching brief during the course of the development;
 - c) arrangements for the recording of any finds made during the investigation and for the preparation of a final report;
 - d) arrangements for the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
 - e) arrangements for the publication of a summary of the final report in an appropriate journal.

The archaeological investigation and works approved under this condition shall be carried out in accordance with the approved programme.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with policies BE15, BE16 and BE17 of the Local Plan and 11 of the Aligned Core Strategy.

3. No development shall commence until a Construction Management Plan detailing how the proposed development works are to be carried out, including details of the type, size and frequency of vehicles arriving and leaving the site, how the site will be accessed by construction vehicles, contractor parking provision, traffic management plans, means for preventing the depositing of mud and construction detritus on to the public highway and the phasing of works, has been submitted to and approved by the Local Planning Authority. The approved Construction Management Plan shall be implemented throughout the period of construction.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with policy 10 of the Aligned Core Strategy.



4. No development shall take place until details of an environmental noise assessment and sound insulation scheme have been submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L_{Amax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

The environmental noise assessment shall also provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

Reason: To safeguard the residential amenity of neighbouring occupants and the future occupants of the development in accordance with policy 10 of the Aligned Core Strategy and policy NE9 of the Local Plan.

5. No development shall take place until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority, demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: To ensure that development does not cause undue noise disturbance to neighbouring occupants in accordance with policy 10 of the Aligned Core Strategy and policy NE9 of the Local Plan.

6. No demolition or works shall take place until details of a written methodology for undertaking a bat survey have been submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out in accordance with the agreed methodology and the findings reported in writing to the Local Planning Authority, together with a scheme of mitigation measures and a timetable for implementing the identified measures. Mitigation measures shall thereafter be provided in accordance with the approved details.

Reason: To ensure that bats are safeguarded if they found to be present on the site in accordance with policy NE3 of the Local Plan and policy 17 of the Aligned Core Strategy.



7. Before any above ground development commences, large-scale elevation and section drawings to show the detailed design of each part of the building (e.g. scale 1:50 and/or 1:20) shall be submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate details of:
- a) Elevations: including coursed brick banding; window types, cladding and glazing systems, reveals, soffits, entrances, doors, and handrails;
 - b) Roofs: including edges, parapets and terrace areas;
 - c) Plant: including lift enclosures, external ventilation systems, and other similar elements that are integral to the fabric of the building;
 - d) Associated features: including walls, fences and screens.

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development in accordance with policy BE12 of the Local Plan and policies 10 and 11 of the Aligned Core Strategy.

8. Before any above ground development commences, a large scale sample panel of all proposed external materials to be used in the construction of the approved development shall be erected at a location to be agreed with the Local Planning Authority and shall be retained during the course of the development works. Confirmation of the proposed external materials shall also be submitted to and approved by the Local Planning Authority in writing before any above ground development commences. Development shall then be carried out in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finishes and therefore in the interests of the visual amenity of the area in accordance with policy BE12 of the Local Plan and policies 10 and 11 of the Aligned Core Strategy.

9. No above ground development shall commence until a scheme for the hard surfacing of the external areas of the development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the first use of the development.

Reason: In order to ensure an appropriate quality of appearance of the approved development and therefore in the interests of the visual amenity of the Lace Market Conservation Area in accordance with policy BE12 of the Local Plan and policies 10 and 11 of the Aligned Core Strategy.

Pre-occupation conditions

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

10. The applicant shall submit written verification to the Local Planning Authority that the approved sound insulation scheme including any mitigation measures have been implemented prior to occupation of any part of the development.

Reason: To safeguard the residential amenity of neighbouring occupants and future occupants of the development to accord with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.



11. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

Reason: To safeguard the residential amenity of neighbouring occupants and future occupants of the development to accord with policy 10 of the Aligned Core Strategy and policy NE9 of the Local Plan.

12. Prior to the development being first brought into use any redundant vehicle crossing shall be reinstated to form a full height footway.

Reason: To ensure that any redundant vehicle crossings are made up to assist pedestrian movement in the area and to accord with Policy 10 of the Aligned Core Strategy.)

13. The development shall not be brought into use until precise details of the means of providing 2- way traffic movement through a car park access/egress control system for the Hollow Stone access to the basement car park have been submitted to and approved in writing by the Local Planning Authority. The approved car park access control system shall be implemented in accordance with the approved details prior to the development being first brought into use and retained thereafter.

Reason: In the interests of highway safety in accordance with policy 10 of the Aligned Core Strategy.

14. Notwithstanding the details included on the approved drawings, the development shall not be first brought into use until a revised car parking layout illustrating the provision of a minimum of 2 parking spaces designed to be suitable for use by disabled persons vehicles has been submitted to and approved by the Local Planning Authority. The spaces to be provided shall have the minimum dimensions of 5m x 3.6m. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: In the interests of ensuring that a satisfactory number of spaces are made available for disabled use and in accordance with policy 10 of the Aligned Core Strategy.

15. A detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting, shall be submitted to and approved by the Local Planning Authority before the development is first brought into use. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any 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: In order to ensure an appropriate quality of appearance of the approved development and therefore in the interests of the visual amenity of the Lace Market Conservation Area.

Regulatory/ongoing conditions

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

16. The windows and doors of the new build element onto the street frontages shall open inwards only.

Reason: In the interests of highway safety to accord with policy 10 of the Aligned Core Strategy.



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 following drawings/documents:
Drawing reference 2636 P revision 03D, received 23 June 2017
Drawing reference 2636 P revision 05E, received 23 June 2017
Drawing reference 2636 P revision 06D, received 23 June 2017
Drawing reference 2636 P revision 07E, received 23 June 2017
Drawing reference 2636 P revision 08E, received 23 June 2017
Drawing reference 2636 P revision 09C, received 23 June 2017
Drawing reference 2636 P revision 04E, received 23 June 2017
Drawing reference 2636 P revision 041 H, received 23 June 2017
Drawing reference 2636 P revision Court Yard, received 19 July 2017

Reason: To determine the scope of this permission.

Informatives

1. Highway Informatives

Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk to ensure all necessary licences and permissions are in place.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

The vehicular crossovers to the surface level car park off Short Hill will be made redundant by this proposal. The footway should be reinstated with full height kerbs to aid pedestrian movement. To carry out the removal of the redundant vehicular accesses, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk to instigate the process

There are existing street lights attached to the boundary wall to the development site on Malin Hill. The lighting units are not in the ownership of the applicant and therefore the applicant should contact Marc Nelson on 0115 8761850 to discuss the scheme prior to construction commencing.

2. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.



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: 16/02249/PFUL3 (PP-05513701)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

My Ref: 16/02250/LLIS1 (PP-05513701)
Your Ref:
Contact: Miss Jenny Cole
Email: development.management@nottinghamcity.gov.uk



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Date of decision:

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

Application No: 16/02250/LLIS1 (PP-05513701)
Application by: Abode Nottingham Ltd
Location: 9 - 10 Short Hill And 54 - 56 High Pavement, Nottingham,
Proposal: 117 apartments with basement car park, comprising change of use of rear of 9 Short Hill (plus additional floor to roof), change of use of 54-56 High Pavement, 5-storey building to Short Hill, 3/5/7-storey building to rear (Malin Hill), demolition of 10 Short Hill (facade retained), demolition of extensions at rear of 56 High Pavement, including internal and external alterations to listed buildings.

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

Time limit

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

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

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



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2. Prior to the commencement of development including demolition a detailed method statement and schedule of works for the demolition of the rear wings to 56 High Pavement, the demolition of the interior of 10 Short Hill and safeguarding of the front facade of 10 Short Hill. Demolition works shall only be carried out in accordance with the approved details.

Reason: To ensure that the proposed demolition works are undertaken in an appropriate manner to comply with Policy BE9 and BE11 of the Local Plan and Policy 11 of the Aligned Core Strategy.

3. Prior to the commencement of development including demolition, Historic Building Recording to Level 3 shall be conducted in relation to 10 Short Hill and the rear wings of 56 High Pavement. The findings shall be assessed and a written report shall be provided which shall be deposited in the Local Historic Environment Record prior to the development being first occupied.

Reason: To ensure that an appropriate historic buildings record of 10 Short Hill and the rear wings of 56 High Pavement is undertaken and that the information is publically available to comply with Policy BE9 and BE11 of the Local Plan and Policy 11 of the Aligned Core Strategy.

4. Prior to the commencement of development, details and samples of all facing materials to be used in the construction of the new build elements of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: To ensure that the development is of satisfactory appearance to comply with Policy BE9 and BE11 of the Local Plan and Policy 11 of the Aligned Core Strategy.

5. Prior to the commencement of development, details and samples of materials to be used in works to the existing structures shall be submitted to and approved in writing by the Local Planning Authority. This shall include details and samples of:

- i) facing bricks;
- ii) roofing materials;
- iii) mortar mix specifications;
- iv) a detailed method statement for any re-pointing and re-rendering works to the buildings.

The development shall be completed in accordance with the approved materials.

Reason: To ensure that the development is of satisfactory appearance to comply with Policy BE9 and BE11 of the Local Plan and Policy 11 of the Aligned Core Strategy.

6. Prior to the commencement of development, large scale sections and elevations (at a scale of 1:10) or greater of all of the following new materials to be installed on or within structures shall be submitted to and approved in writing by the Local Planning Authority:

- i) windows;
- ii) doors;
- iii) rooflights;
- iv) secondary glazing systems.

The development shall be completed in accordance with the approved materials.

Reason: To ensure that the development is of satisfactory appearance to comply with Policy BE9 and BE11 of the Local Plan and Policy 11 of the Aligned Core Strategy.



<p>Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)</p>
<p>There are no conditions in this section.</p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>7. No structural interventions shall be installed/inserted into any existing structures without engineering details, a method statement and a schedule and timetable of works having first been submitted to and approved in writing by the Local Planning Authority. Thereafter any structural interventions shall be completed in accordance with the agreed details.</p> <p><i>Reason: To ensure that the development is carried out in an appropriate manner to comply with Policy BE9 and BE11 of the Local Plan and Policy 11 of the Aligned Core Strategy.</i></p>
<p>Standard condition- scope of permission</p>
<p>S1. Except as may be modified by the conditions listed above, the works shall be carried out in complete accordance with the details described in the following drawings/documents: Drawing reference 2636 P revision 03D, received 23 June 2017 Drawing reference 2636 P revision 05 E, received 23 June 2017 Drawing reference 2636 P revision 06 D, received 23 June 2017 Drawing reference 2636 P revision 07 E, received 23 June 2017 Drawing reference 2636 P revision 08 E, received 23 June 2017 Drawing reference 2636 P revision 09 C, received 23 June 2017 Drawing reference 2636 P revision 04E, received 23 June 2017 Drawing reference 2636 P revision 041 H, received 23 June 2017 Drawing reference 2636 P revision Court Yard, received 23 June 2017</p> <p><i>Reason: To determine the scope of this permission.</i></p>

Informatives

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



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RIGHTS OF APPEAL

Application No: 16/02250/LLIS1 (PP-05513701)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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1. Further objection received from local resident. Grounds of concerns are related to increase in traffic, suitability of new crossing on Bestwood Road, flooding of road, 'urban creep' and unpopular speed cushions as proposed.

2. Further comments from Highways:

We have undertaken comprehensive consultations regarding this application with Road Safety, Traffic Management, Public Transport and Network Management and all parties are satisfied that the proposal is safe and that Bestwood Road can accommodate the additional traffic. The traffic calming is necessary to enforce the new 30 mph speed limit that will be introduced. There is a problem with speeding vehicles on Bestwood Road with many drivers ignoring the 40mph limit and travelling much faster. Reducing the speed limit to 30 mph without introducing the traffic calming will not prevent high vehicle speeds.

3. Amended plans have been received which show minor changes to the road layout (parking spaces; visibility; vehicle tracking) and to boundary treatments.

4. A consultation has been sent to Gedling Borough Council, giving 21 days to comment, with an expiry date of 9th August 2017.

5. The School Organisation team advise that an education contribution of £127,822 should be sought towards secondary education provision, to be used for places at Bulwell Academy, Top Valley Academy and/or Ellis Guildford School.

1 and 2 The comments generally repeat those already made by other objectors and are addressed in the committee report. The new crossing referred to is further south from the site, outside of an industrial unit (GT Signs) and consists of a build out to enable pedestrians to cross to and from the east side of Bestwood Road, where the footpath ends. The build out, along with the speed retardant cushions, are part of the measures proposed to reduce traffic speeds in the interests of highway safety along this part of Bestwood Road.

3. The amended plans are minor changes in response to officer comments and are considered to be acceptable.

4. See revised recommendation to allow time for Gedling to respond.

5. Amend recommendation as follows:

2.1 Subject to no additional material matters arising in response to consultation, by 9 August 2017, GRANT PLANNING PERMISSION subject to:

a) Prior completion of an agreement under section 111 of the Local Government Act 1972 requiring the applicant to enter into a section 106 planning obligation on transfer of the site to it which shall include:

- (i) A financial contribution towards off site public open space improvements at Bulwell Hall Park
- (ii) A financial contribution towards the provision of school places

(iii) A financial contribution in lieu of on-site provision of affordable housing.

b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions, agreement and planning obligation to be delegated to the Chief Planner.

2.2 That Councillors are satisfied that Regulation 122(2) of the 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.

2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) of the Community Infrastructure Levy Regulations 2010.

(Additional background papers: Comment from objector received 07.07.17.
Amended plans received 14.07.17. Email from Highway section received 19.07.17)

4c St Thomas More RC Church

- i) A bat survey has been carried out by an appropriately qualified ecologist regarding the proposed extensions to the church. This comprised an internal and external assessment of the building, and a nocturnal survey of bats, which was conducted on 12 July 2017. No evidence of bats was found at the building which is generally well sealed and considered to offer negligible/low potential to support roosting bats.

The Council's Biodiversity Officer is satisfied with the report and its findings.

The report is noted and no mitigation measures recommended in this instance.

(Additional background papers: Bat survey by FPCR (ref:5372/MJ) dated 18.07.2017)

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