



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 27 May 2015

Time: 2.30 pm

Place: LB31/32 - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Acting Corporate Director for Resources

Governance Officer: Noel McMenamin **Direct Dial:** 0115 8764304

AGENDA

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| 1 | APPOINTMENT OF VICE-CHAIR | |
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IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

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NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at LB31/32 - Loxley House, Station Street, Nottingham, NG2 3NG on 22 April 2015 from 2.30pm- 3.42pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Liaqat Ali
Councillor Cat Arnold
Councillor Graham Chapman
Councillor Alan Clark
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Ginny Klein
Councillor Sally Longford
Councillor Eileen Morley
Councillor Malcolm Wood

Absent

Councillor Michael Edwards
Councillor Wendy Smith
Councillor Roger Steel
Councillor Azad Choudhry

79 APOLOGIES FOR ABSENCE

Councillor Michael Edwards (personal)
Councillor Wendy Smith (leave)
Councillor Roger Steel (other Council business)

80 DECLARATIONS OF INTERESTS

Councillors Graham Chapman and Alan Clark both declared an interest in item 4a 'Car Park on site of Queens House, Queens Road' as Nottingham City Council-appointed directors of EnviroEnergy Ltd, which did not preclude them from speaking or voting.

81 MINUTES

The Committee confirmed the minutes of the meeting held on 18 March 2015 as a correct record and they were signed by the Chair.

82 CAR PARK ON SITE OF QUEENS HOUSE

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 15/00462/PFUL3, submitted by CPMG Architects Ltd on behalf of Langar Investments Ltd for a new student development comprising 215 self-contained units with ancillary accommodation at ground floor and associated works.

The Committee also considered additional information contained in 2 update sheets, copies of which were placed round the table and which had been published subsequent to the agenda.

During discussion, the following comments were made by members of the Committee:

- (a) there was strong support in principle for placing student accommodation on the site, and for the communal accommodation available for occupants;
- (b) there was consensus that the proposed exterior treatment was too dark and would make the street oppressive;
- (c) the Chair questioned if there was merit in re-positioning the building on the site;
- (d) one or two commented that the building was a floor or so too high;
- (e) the set back of the ground floor was queried;
- (f) concern was expressed about the horizontal emphasis of the design, with insufficient verticality in the elevational treatment.

In response, Mr Percival confirmed that the ground floor front elevation was set back very slightly and that the current proposal, with the courtyard of the U-shaped configuration facing away from Queens Road was to respect the adjacent building line and to maximise access to natural light. Having the courtyard opening onto Queen's Road was not feasible.

RESOLVED to grant planning permission for the reasons set out in the report, subject to:

- (a) the indicative conditions substantially in the form of those listed in the draft decision notice with amendments to conditions 5 (drainage) and 8 (remediation strategy) as detailed in the update sheets;**
- (b) additional conditions 22 (flood risk) and 23 (traffic management) as detailed in the update sheets;**
- (c) Design and external materials, specifically relating to the colour of the external material and verticality of the design, to be approved by the Head of Development Management and Regeneration in consultation with the Chair, Vice-Chair and Opposition spokesperson; and**
- (d) Prior completion of a Section 106 Planning Obligation, to include:**
 - (i) a financial contribution of £86,569.75 towards the improvement and provision of sport, recreational and visitor facilities at the Victoria Embankment;**
 - (ii) a student management scheme which shall include a restriction on car usage;**
- (e) delegate authority to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to the Head of Development Management and Regeneration.**

83 GOVERNMENT BUILDINGS, CHALFONT DRIVE - VARIATION OF EXISTING PLANNING OBLIGATION

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 09/02049/POUT, to modify the existing planning obligation relating to the development at the former Government Buildings, Chalfont Drive.

Mr Percival summarised proposed modifications to the Section 106 Agreement dated 17 November 2011 (as varied on 18 October 2013) and detailed in the report:

- a new requirement to provide a financial contribution towards education provision of £1,021,517;

- a revised requirement to provide 16.8% on-site affordable housing (down from 20%);
- to provide reimbursement for provision of Kangaroo Passes to all households up to a maximum value of £166,905 (replacing an obligation to provide Smarter Choices packs);
- to revise the obligation to submit a scheme for an on-site equipped play area so that the cost might fall below the original agreed minimum of £120,000.

During discussion, the following comments were made:

- (a) the new Section 106 contribution to education was likely to go to secondary provision;
- (b) Mr Percival confirmed that there was a formal definition of 'Affordable housing' against which delivery of the obligation would be assessed;
- (c) Mr Percival advised that transport and traffic flow issues had been considered in depth at the outline planning permission stage.

RESOLVED to

- (1) grant authority to modify the Section 106 agreement dated 17 November 2011 (as varied on 18 October 2013) in relation to the former Land Registry Buildings, Chalfont Drive in the following respects:**
 - (i) To require a financial contribution towards education provision of £1,021,517;**
 - (ii) To require a 16.8% on-site affordable housing scheme (in place of the existing obligation to provide 20% on-site affordable housing);**
 - (iii) To provide reimbursement for the provision of Kangaroo Passes to all households to a total maximum value of £166,905 (in place of the existing obligation to issue Smarter Choices Packs to each household); and**
 - (iv) That the local planning authority may agree with the developer that the value of the equipped play area to be provided on site may be less than £120,000;**
- (2) delegate authority for details of the modification agreement to the Head of Development Management And Regeneration.**

84 GOVERNMENT BUILDINGS, CHALFONT DRIVE - RESERVED MATTERS

Rob Percival, Area Planning Manager, introduced a report of the Head of Development Management and Regeneration, on application 14/02823/PRES4 by Urbanissta Development Planning on behalf of Bellway Homes East Midlands relating to reserved matters for 345 dwellings (Phase 1) of outline planning consent reference 09/02049/POUT (details of layout, access, appearance and landscaping) at the former Government Buildings, Chalfont Drive.

The Committee also considered additional information contained in an update sheet, copies of which were placed round the table and which had also been published subsequent to the agenda.

During discussion, the following points were made:

- (a) The impact of the development on existing properties on Prestwood Drive was queried. Mr Percival explained the minimum distance between existing and new properties, which was generous by current standards. He also confirmed that whilst not achieved

in every instance, the proposed bungalows had intentionally been positioned adjacent to existing bungalows, particularly those on Prestwood Drive;

- (b) Concern was expressed about the effect on traffic levels on the junction of Beechdale Road. Mr Percival reiterated that transport and traffic flow issues had been considered in depth at the outline planning permission stage. He confirmed that the site had 2 vehicle exits onto Robins Wood Road, and that the development was designed to deter it being used as a cut through for traffic;
- (c) The importance of having good quality boundary treatment between existing houses and the site was highlighted.

RESOLVED to

- (1) grant planning permission for the reasons set out in the report, subject to the indicative conditions substantially in the form of those listed in the draft decision notice and the two additional conditions in relation to elevational treatment of the “Farndon” apartment buildings and in relation to proposed ground levels as detailed in the update sheet;**
- (2) delegate authority for final details of the conditions to the Head of Development Management And Regeneration.**

85 DATE OF NEXT MEETING

The Committee noted that the next meeting of Planning Committee is scheduled to take place on Wednesday 27 May 2015, subject to confirmation at Annual Council.

The Committee expressed its thanks to Councillor Eileen Morley, who was not seeking re-election, for her work on the Committee.

WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE
27th May 2015**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Land To Rear Of And Including Banton House, Meadow Lane

1 SUMMARY

Application No: 13/02877/PFUL3 for planning permission

Application by: Hunter Page Planning on behalf of Meadow Lane Regeneration Limited And Canal & River Trust

Proposal: Demolition of existing structures and the redevelopment of the site to form 95 dwellings, 385sq.m of retail and cafe floorspace (Class A1/Class A3), new vehicular access and parking, new waterfront pedestrian and cycle path, and public open space.

The application is returned to Committee because Committee resolved to defer a decision on 18 March to allow for further discussion with the applicant regarding the materials and design details of the buildings, and to request CGIs showing views of the site from Trent Bridge.

To meet the Council's Performance Targets this application should have been determined by 11th March 2014

2 RECOMMENDATIONS

1. **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:
 - (a) prior completion of a Section 106 planning obligation which shall include:
 - i) A financial contribution of £83,461 towards primary places within the Greenfields Primary catchment area;
 - ii) The provision of travel information packs for each dwelling, together with funding for the provision of initial Kangaroo travel passes on request (equating to a maximum financial value of £52,317);
 - iii) A financial contribution of £10,000 towards the making, advertising and confirming (if appropriate) of a traffic regulation order to control parking within the development;
 - iv) The on-going management and maintenance of areas of open space within the development;
 - v) Permission to use the foot/cycle path provided along the riverside.
 - vi) Where necessary, provision to ensure that development of adjacent land is not prejudiced;
 - vii) The grant of a licence to allow the future construction of a pedestrian bridge link over the Tinkers Leen;
 - viii) Subject to a further viability appraisal, a financial contribution towards the 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 both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration.

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

3 BACKGROUND

- 3.1 The application is being returned to Committee following the resolution made on 18 March. Committee are to be presented with the further information requested in relation to the materials and design details of the buildings, and CGI from Trent Bridge.
- 3.2 The recommendation to Committee is unchanged with the exception that this has been updated to accord with Regulation 123 (3) Community Infrastructure Levy Regulations 2010. The obligation being sought to ensure that development does not prejudice the development of adjoining land is considered to be necessary in accordance with Policy MU7 in order to facilitate an appropriate form of comprehensive redevelopment on the adjacent dairy site, to allow frontage development using roads within the development, and road linkages to be formed. The obligation relating to a TRO is specific to the development site and would not limit the council's ability to request TROs in connection with other developments where site-specific circumstances may require them.

4 DETAILS OF THE PROPOSAL

Refer to attached report

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Refer to attached report. No further responses to consultation have been received.

6 RELEVANT POLICIES AND GUIDANCE

Refer to attached report

7. APPRAISAL OF PROPOSED DEVELOPMENT

Refer to attached report

8. SUSTAINABILITY / BIODIVERSITY

Refer to attached report

9 FINANCIAL IMPLICATIONS

Refer to attached report

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

Refer to attached report

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

Refer to attached report

1. Application No: 13/02877/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX2GX7LYCB000>

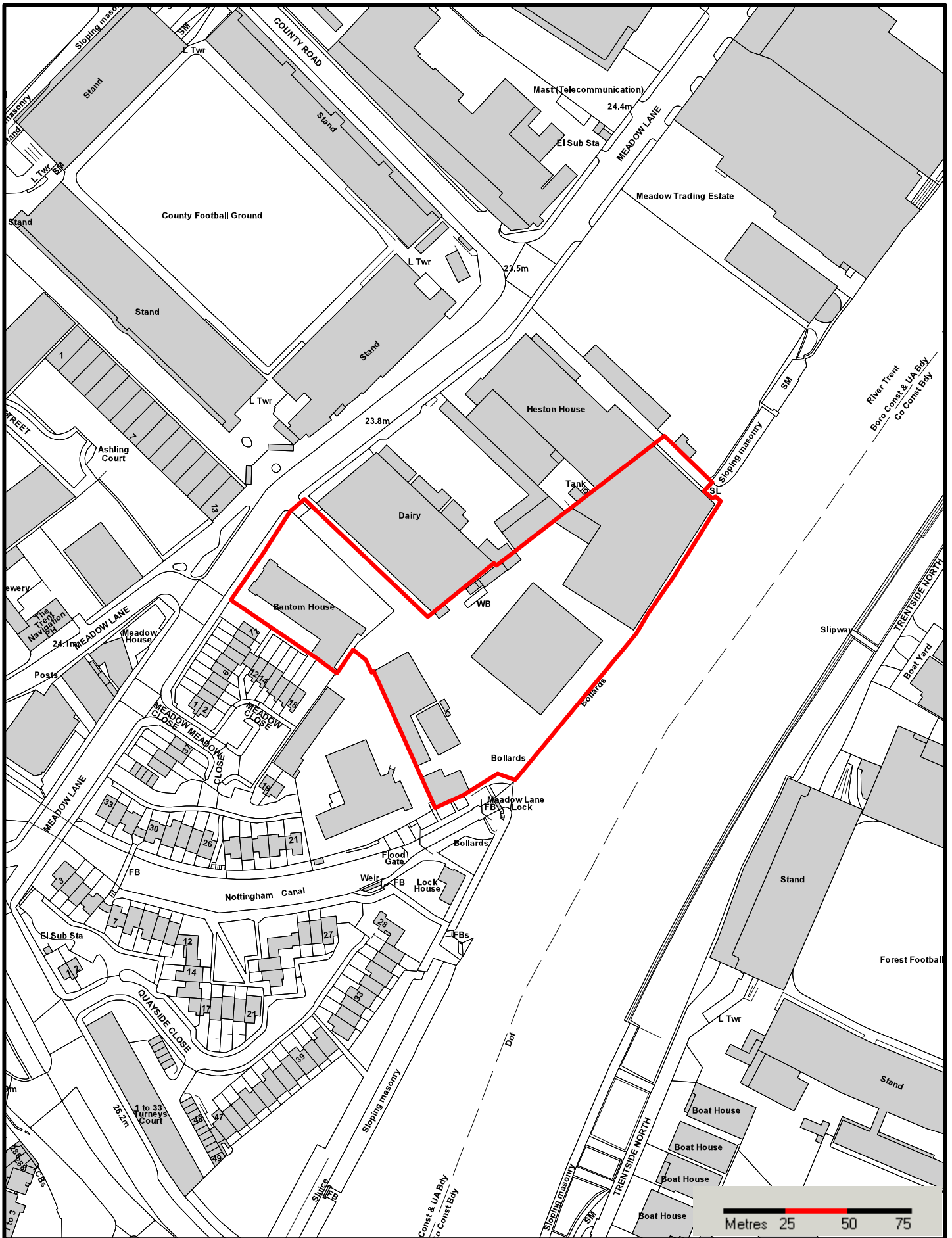
17 Published documents referred to in compiling this report

Refer to attached report

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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My Ref: 13/02877/PFUL3 (PP-03003083)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
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GL50 1DZ

Date of decision:

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

Application No: 13/02877/PFUL3 (PP-03003083)
Application by: Meadow Lane Regeneration Limited And Canal & River Trust
Location: Land To Rear Of And Including Banton House, Meadow Lane, Nottingham
Proposal: Demolition of existing structures and the redevelopment of the site to form 95 dwellings, 385sq.m of retail and cafe floorspace (Class A1/Class A3), new vehicular access and parking, new waterfront pedestrian and cycle path, and public open space.

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. Notwithstanding the details submitted on the approved layout drawings, no development shall commence until details of the proposed phasing of construction have been submitted to and approved by the Local Planning Authority. The proposed phasing shall include details of temporary turning spaces at each carriageway terminal leading to the next phase of the development and shall ensure that refuse and emergency tender vehicles can manoeuvre safely on the highway. Development shall be implemented in accordance with the approved phasing unless otherwise varied in writing by the Local Planning Authority and temporary turning spaces shall be implemented before the phase of development that it is intended to service is first occupied.

Reason: In the interests of highway safety and in order to service the approved development.

3. No development shall commence on any phase of the approved development until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

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

4. No development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved by the Local Planning Authority. The Remediation Strategy and each component shall have regard to the Preliminary Risk Assessment entitled Phase 1 Desk Study Environmental Assessment by Delta Simons dated 23/11/2011 (ref 11-0548.01):

- a) A Site Investigation Scheme, based on the Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) The results of the Site Investigation and the Detailed Risk Assessment referred to in the Site Investigation Scheme and, based on these, an options appraisal and Remediation Strategy giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy are complete.

Any changes to these components will require the express written approval of the Local Planning Authority.

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

5. No development shall commence on any phase of the approved development until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

6. No development shall commence on any phase of the approved development until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- i) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution.

7. No development shall commence on any phase of the approved development until a detailed specification of sound insulation requirements at the various plot facades and floors located within that phase has been submitted to and approved in writing by the Local Planning Authority.

The detailed specification above shall have regard to the Supplementary Noise Assessment by Acoustic Air dated May 2014.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

8. The development of the commercial elements of the approved development shall not be commenced until an environmental noise assessment and sound insulation scheme for these elements has been submitted to and approved in writing by the Local Planning Authority.

The environmental noise assessment shall 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 to 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)

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.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

9. No development shall commence until samples of the external materials of the buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

10. No development shall commence on any phase of the approved development until details of materials and means of construction of all hard surface areas, including the roads, footways, riverside walkway, public realm and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

11. No development shall commence on any phase of the approved development until details of the means of enclosure (boundary walls and fences) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

12. Notwithstanding the details included within the Landscape Strategy document and Landscape Masterplan drawing, no development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a preference towards the use of native species and suitable species that will attract/create ecological assets) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy and NE5 of the Local Plan.

13. No development shall commence on any phase of the approved development until an ecological enhancement strategy for each phase or the whole site has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement strategy shall be carried out as approved unless varied with the further written consent of the Local Planning Authority.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Policy NE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 1406 - Revision A prepared by Acuity Consulting in April 2014 as well as the email from Acuity Consulting to the Environment Agency on the 6th November 2014 and the following mitigation measures detailed within both the FRA and the accompanying email:

i) The internal finished floor levels of the 'more vulnerable' (Flood Risk Vulnerability Classification) developments shall be set no lower than 600mm above the 1 in 100 year plus climate change flood level i.e. no lower than 25.05mAOD.

ii) The internal finished floor levels of the 'less vulnerable' (Flood Risk Vulnerability Classification) developments shall be set no lower than 24.47mAOD.

iii) Flood resilient measures recommended in section 4.1.3.1 of the approved FRA shall be incorporated throughout the development. It is recommended that flood resilient measures of the 'less vulnerable' developments shall be incorporated to a height of 600mm above the 1 in 100 year plus climate change flood level i.e. no lower than 25.05mAOD.

iv) In accordance with section 4.2.2 of the approved FRA, green/brown roofs shall provide source control for the apartment blocks and, unless otherwise agreed in writing with the Local Planning Authority, rainwater harvesting and water butts shall be provided for the housing.

v) The drainage measures incorporated within the scheme shall be designed to ensure that the surface water run-off generated by the 1 in 100 year critical storm will be limited to 30% less than the previous discharge rate (based on the equivalent M30-60 value of 30.80mm/hr).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

15. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

16. No dwelling on each phase of the approved development shall be occupied until the following information relating to that phase has been submitted to and approved by the Local Planning Authority:

i) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

ii) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

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

17. 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 commercial elements of the development including any mitigation measures have been implemented prior to occupation of that part of the development.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

18. No individual dwelling shall be occupied until the parking provision for that dwelling has been completed and is available for use.

Reason: In the interests of the amenity of occupants of the development and in accordance with Policy T3 of the Nottingham Local Plan.

19. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

20. No phase of the development hereby permitted shall be occupied until such time that the design and contents of the Residential Travel Pack including details of the mechanisms regarding the distribution and obtaining of the Kangaroo passes have been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter each individual dwelling will be provided with a Residential Travel Pack no later than 14 days after its first occupation.

Reason: To promote sustainable travel.

21. No phase of the development hereby permitted shall be occupied until the name and contact details of the Travel Plan Coordinator have been provided to the Local Planning Authority. The actions and measures contained within the Residential Travel Plan shall be implemented at all

times, which also includes annual resident travel surveys, submitting annual travel plan updates to the Local Planning Authority, and invoking remedial measures in the event of any shortfall in the progress towards agreed targets.

Reason: To promote sustainable travel.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of ground and surface water pollution.

Regulatory/ongoing conditions

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

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended:

- i) The dwellings hereby permitted shall not be enlarged;
- ii) No buildings or structures requiring foundations greater than 30cm depth shall be erected within the curtilage of any dwellings;
- iii) No landscaping or other operations resulting in excavations deeper than 30cm shall be undertaken within the curtilage of any dwellings.

Reason: To ensure that later development does not give rise to health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, the integral garage parking spaces within the dwellings hereby permitted shall remain permanently available for the parking of motor vehicles and shall not be converted or used for any other purpose. The integral garage parking spaces shall be used solely for the benefit of the occupants of the dwelling or their visitors and for no other purpose.

Reason: To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area and in the interests of general highway safety.

25. The approved landscaping scheme for each phase of the approved development shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, 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 10 of the Aligned Core Strategy.

27. The approved development shall be implemented in accordance with the approved Energy



and Sustainability Statement by BSE3d Consulting Engineers Ltd. that form part of the approved documents.

Reason: In the interests of ensuring the sustainable development of the site in accordance with Policy 1 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 forms, drawings and other documents comprising the application as validated by the council on 10 December 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 Remediation Strategy (including its component elements) must be undertaken and implemented by competent persons and must be conducted in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

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 required 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 shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

The purpose of the withdrawal of Permitted Development Rights is to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers.

4. Environmental Noise Assessment

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

5. 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.

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).

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.

6. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

7. The surface water drainage scheme to be submitted pursuant to condition shall:

i) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.

ii) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site.

iii) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

iv) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

v) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

8. 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 every effort to prevent it occurring and prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out if a disturbance to the highway is likely. Please contact them on 0115 876 5238.

9. The applicant is advised that the Highway Authority will require that traffic speed within the development is regulated by a Speed Order, with costs of making the order to be borne by the applicant.

10. The construction details for the roads and footpaths submitted pursuant to condition 10 shall be to a standard suitable for adoption by the Highway Authority.

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: 13/02877/PFUL3 (PP-03003083)

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.

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.

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Land To Rear Of And Including Banton House, Meadow Lane

1 SUMMARY

Application No: 13/02877/PFUL3 for planning permission

Application by: Hunter Page Planning on behalf of Meadow Lane Regeneration Limited And Canal & River Trust

Proposal: Demolition of existing structures and the redevelopment of the site to form 95 dwellings, 385sq.m of retail and cafe floorspace (Class A1/Class A3), new vehicular access and parking, new waterfront pedestrian and cycle path, and public open space.

The application is brought to Committee because it is a major application, with Section 106 obligations, which raises important local issues.

To meet the Council's Performance Targets this application should have been determined by 11th March 2014

2 RECOMMENDATIONS

1. **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

- (a) prior completion of a Section 106 planning obligation which shall include:
 - i) A financial contribution of £83,461 towards educational provision;
 - ii) The provision of travel information packs for each dwelling, together with funding for the provision of initial Kangaroo travel passes on request (equating to a maximum financial value of £52,317);
 - iii) A financial contribution of £10,000 towards the making, advertising and confirming (if appropriate) of a traffic regulation order to control parking within the development;
 - iv) The on-going management and maintenance of areas of open space within the development;
 - v) Permission to use the foot/cycle path provided along the riverside.
 - vi) Measures to secure access from roads within the development to development on adjoining land;
 - vii) The grant of a licence to allow the future construction of a pedestrian bridge link over the Tinkers Leen;
 - viii) Subject to a further viability appraisal, a financial contribution towards the 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 both the terms of the Planning Obligation and conditions of planning permission be delegated to the Head of Development Management and Regeneration.

2. 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 The application site is located between Meadow Lane and the River Trent. It is 'L-shaped' with a short frontage onto Meadow Lane and a longer frontage onto the river. Adjoining the site and with frontages onto Meadow Lane is a dairy distribution centre; Heston House which is used for car hire and storage; and land to the east of Heston House which is used as a boatyard brokerage for the sale and repair of boats. Also adjoining the site on Meadow Lane and bounding the Nottingham Canal is Meadow Close, which is a 1980s development of two-storey residential properties. Adjoining and fronting onto the canal are offices and research buildings used by the Environment Agency. Facing opposite across Meadow Lane is Notts County Football Club stadium.
- 3.2 The site has been substantially cleared of all of its former storage buildings and has no relevant recent planning history.

4 DETAILS OF THE PROPOSAL

- 4.1 The application is for the demolition of the remaining existing buildings to the eastern/riverside corner of the site and the redevelopment of the whole site for 95 dwellings (75 apartments and 21 townhouses), plus 385sq.m of retail and cafe floorspace (Class A1/Class A3). Vehicular access to the site is to be provided off Meadow Lane at the point of the existing access, with parking spaces being provided for the proposed development plus a section of new pedestrian and cycle path along the riverside and other elements of public open space.
- 4.2 The proposed housing includes a mix of apartment and townhouses ranging from 1 to 4 bedrooms. The detailed configuration of the proposed dwelling types is:
 - 28 x 1-bed apartments
 - 31 x 2-bed apartments
 - 3 x 3-bed apartments
 - 12 x 3-bed duplex apartments
 - 5 x 3-bed townhouses
 - 16 x 4-bed townhouses
- 4.3 The layout provides a series of 5 storey pavilion buildings that are arranged along the riverside boundary of the site, with a further single 5 storey pavilion fronting onto Meadow Lane. Terraced blocks of 3 and 4 storey townhouses are laid out perpendicular to the pavilion blocks to form a street between Meadow Lane and the riverside edge and with the prospect that this layout can be continued onto the adjacent sites.

- 4.4 A total of 83 car parking spaces are being provided, with a mixture of on-street parking, spaces within the undercroft/ground floor area of the pavilion buildings, courtyard parking and integral garages within some of the townhouses.
- 4.5 The layout also includes areas of public open space, play space and the continuation of the canalside path onto a first section of the riverside. Street trees and landscaping are also provided throughout the layout.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has also been advertised by press and site notices.

It is to be noted that a number of the comments received were made in response to the initial consultation. These comments have been included and dated in order that they are appropriately recognised. A full reconsultation on the application was issued on 19 December 2014.

Neighbour, 9 Meadow Close (18.12.13): Support the redevelopment in principle. Concerned by the height of Block A1 block of flats and any overlooking or loss of natural light. Object to proximity of proposed commercial bin store area to property.

City Resident (17.12.13): Support redevelopment of a derelict brownfield site in a prime waterfront location. Consider that the design of the proposed apartment buildings is recognisably modern but avoids a bland 'square box' appearance. Strongly support restoration of the waterside including the provision of the new riverside footpath.

Notts County Football Club (6.5.14): Have not been consulted by the applicant in the formulation of these proposals. Concern that the proposals cannot have taken into account the operation of the Club's activities with particular reference to match days, including temporary local road closures/diversions/parking restrictions. Match day issues should be included within the draft Travel Plan.

The applicant also held a public consultation event and exhibition at Notts County Football Stadium on 16.10.13 prior to the submission. It is advised that 32 members of the public attended the event, with 16 completing a survey questionnaire. The majority of respondents are stated to have been in support of the regeneration of the site, with minor concerns being noted regarding parking, lighting, flooding, and the management of construction traffic.

Additional consultation letters sent to:

Pollution Control (8.1.15): No objection subject to conditions including contamination remediation, specification of sound insulation, and noise assessment of plant and equipment associated to commercial elements. The Supplementary Noise Assessment takes into account football events and further monitoring of the neighbouring dairy site has been carried out. The report recommends significantly enhanced glazing and ventilation to various facades of the development.

Highways (5.3.15): Interim response. No objections in principle subject to conditions. The submitted highway layout plans are not yet agreed and are in the process of being revised. It is expected that agreement will be reached in time for

Committee. Traffic Regulation Orders will be required to prevent parking by football traffic and to control speed. Commuted sums will be required for the maintenance of street trees. The proposed cycle and pedestrian walkway adjacent to the river should be a privately maintained path to which the public will have access by permission. The continuation of the path onto future phases of development must be secured. The site has generally good accessibility, including cycle provision. The implementation of the Travel Plan, including the provision of Kangaroo travel passes for residents is required. Drainage details are required and are recommended as a condition of consent.

Environment Agency (6.1.15): No objection subject to conditions including the setting of minimum floor levels.

Housing Strategy (30.1.14): Concerned that no affordable housing is being provided due to the increased costs of development in this location. Have noted the potential to accommodate a reduced amount of affordable housing of a more affordable tenure, e.g. shared equity.

School Organisation Team: The development falls within the Farnborough catchment area (Clifton and The Meadows) for secondary schools. There are currently sufficient secondary places in the area and, although the high numbers in primary schools will soon begin to move up to secondary level, projections show that Farnborough should be able to cope with the relatively low number of pupils generated by this development and therefore no funding re secondary schools is being sought.

The development falls within the Greenfields Primary catchment area for primary aged pupils and within The Meadows reorganisation area for the City. There is currently a shortage of Reception places across the City. Additional spaces have already been added into the area. Even with these increases the latest figures show that the three schools in this area are all projected to be either full, nearly full or oversubscribed in Reception groups for the foreseeable future. Any significantly sized development in the area is likely to cause extra pressure on these schools and a S106 contribution of £83,461 is being sought for the provision of additional places.

Biodiversity (20.1.15): Concerns. Proposed open space is hidden in a corner, adjacent to 2 parking areas and is not well overlooked. The opportunity to provide 'green' frontage along the river and an 'accessible green corridor providing wildlife and community value' is being missed. A mitigation plan for the Beeston Canal Local Wildlife Site is also required.

Rushcliffe Borough Council (7.3.14): No objection. Recommend that further consideration is given to the impact of the proposals on those who use the River Trent for leisure activities, in particular the rowing and canoe clubs who regularly use the river.

Nottingham Regeneration Limited (24.12.13): A few concerns exist around the application, namely traffic calming along Meadow Lane considering the residential nature of the scheme, residents parking especially on match days, relationship with neighbouring/retained buildings and its treatment albeit temporary as the adjoining sites are acquired. We are confident these issues can be dealt with through the course of the application.

The riverside walkway builds upon the infrastructure work undertaken at Meadow Lane Lock and contributes to the vision of a river walk along the north bank of the Trent. The application should contribute to the place making and neighbourhood creation NRL have long been seeking to promote in the Waterside. Overall the scheme provides a sustainable residential solution in an area targeted for regeneration and as such is welcomed by NRL.

Nottingham Design Review Panel (16.10.13): The Panel applauded the approach to the scheme as a well-reasoned, sensible strategy and welcomed the ambition of the design concept and the aspiration to achieve a high quality, vibrant waterfront development.

The Panel acknowledged the challenges of the site, particularly in the delivery of a high density scheme on a constrained site. The Panel were confident that the site had significant potential in creating a distinctive waterfront development offering a desirable place for urban living.

The Panel considered that the main issues to be addressed were:

- Improving the integration of parking spaces within the layout to avoid a car dominated scheme, including consideration of the density of development.
- The need for a high quality design of the pavilions, ensuring that they do not dominate the river edge, restrict the view of the river or overshadow the rest of the scheme.
- The need for a gateway/landmark building on Meadow Lane to mark the entrance to the site.
- The need for a building of special architectural quality at the canal lock to take advantage of the waterside location and create a sense of place.
- Re-siting of the children's play space and further details of the public spaces to be incorporated into the scheme, with the need for high quality landscaping.
- Establishing good pedestrian connections to the riverside, and treatment of the river edge.
- Phasing of the development and the incorporation of the scheme into a wider masterplan to enable a comprehensive approach to the site.

The Panel strongly encouraged exploiting the south facing waterside location of the site, recommending further design work on the elevations of the apartment blocks to address the waterside and Meadow Lane. The consideration of a richer mix of commercial uses was also welcomed.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to

secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.

- 6.3 Paragraph 49 states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 - Density.

H5 - Affordable Housing.

MU7 - Waterside Regeneration Zone Sites. (MU7.3 Meadow Lane Site)

R2 - Open Space in New Development.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

Waterside Regeneration Interim Planning Guidance – November 2001

Aligned Core Strategy (September 2014)

Policy 1 - Climate Change

Policy 7 - Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 17 - Biodiversity

Waterside Regeneration Interim Planning Guidance – November 2001

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The development will provide for the appropriate regeneration of the area.
- (ii) The overall density and layout of development is appropriate for this location.
- (iii) The scale and design of the buildings and open spaces will provide a strong sense of character and identity.
- (iv) The highway impacts of the proposed development have been appropriately addressed.

Issue (i) Regeneration (Policies ST1, MU7/MU7.3 and Policy 7)

- 7.1 The application site falls within the Waterside Regeneration Zone and is an allocated site for mixed use redevelopment (MU7.3).
- 7.2 The regeneration policies of the Local Plan and Aligned Core Strategy positively promote development proposals which contribute to the creation of a new mixed use neighbourhood at Meadow Lane, with appropriate supporting facilities and strong links to surrounding communities and the riverside. Improved Green Infrastructure connections, including a continuous footpath and cycleway and improved pedestrian and cycle access to the city centre and to surrounding communities will be required (Policy 7c). Policy ST1(d) also supports the use of previously developed land in the context of the formation of sustainable communities and a successful economy.
- 7.3 The challenges in developing sites of this nature and size remain significant. In clearing the majority of the site, the applicant has provided the conditions where the redevelopment potential of the site can be better appreciated, and particularly its waterside setting. Whilst the proposed development is substantially residential in its mix, it does provide for elements of commercial use where these are most likely to be viable, including an element onto Meadow Lane. The provision of further commercial opportunities along Meadow Lane within future phases of development, and potential for other uses to be included within the structure of these primarily residential schemes, can also be expected to be realised as the capacity of the area increases. At this point in time it is appropriate to encourage a start to the

regeneration of the area through the provision of a development of good quality mixed housing that is to an appropriate density, layout and design. It is considered that this will provide a suitable basis for the further phased regeneration of the Waterside area. It is therefore considered that the proposed development accords with Policies ST1, MU7/MU7.3, and Policy 7.

- 7.4 The Waterside Regeneration Interim Planning Guidance provides strategic guidance in relation to the redevelopment of the area. This policy document was prepared in 2001 and should be afforded only moderate weight. The interim guidance notes that early phases of regeneration at Meadow Lane area will be residential led with the majority being apartments and with some town house type development. It is considered that the proposed development is in accordance with the overall aims of this guidance document.

Issue (ii) Density and Layout (Policies H2, R2 and Policies 8 and 10)

- 7.5 The proposed overall density of the whole development would be 79 dwellings per hectare. Whilst this exceeds the density range of 30-50 dwellings per hectare noted in the justification to Policy H2, this higher density is considered to be appropriate to the sites' location, which is reasonably accessible and also benefits from its riverside setting. The justification for Policy H2 also notes that higher density development requires particularly high standards of design and layout if it is to be attractive to occupiers, which is considered at Issue (iii) below.
- 7.6 The proposed layout indicates that it is intended that it will form a first phase of development that could be continued onto adjacent sites. As such, that applicant is attempting to establish an urban grain that can provide a template for the comprehensive regeneration of this section of the Waterside area between the canal and ultimately up to Lady Bay Bridge. A clear hierarchy of streets and connections is being formed, with visual links being provided between Meadow Lane and the river.
- 7.7 Streets within the scheme are designed as shared surfaces to give priority to residents and pedestrians. The provision of street trees and boundary walls to the front of houses will also provide landscape features and appropriate interest to the street.
- 7.8 A hard landscaped edge to the riverside will enable the provision of a publicly accessible path which is to be established as a key element of public realm within the scheme. The path will continue along the riverside frontage of the site and onto adjacent future development sites. The applicant is to grant a licence to permit the future construction of a pedestrian and cycle bridge over the opened up Tinkers Leen at the boundary of the application site, which would be required as part of the future development of the adjacent site. Pockets of informal open space are also to be included at points along the riverside and within the site.
- 7.9 The layout of the proposed development is considered to have a clear and strong urban form. The townhouses all address the street and are structured in a manner that will provide interest along its length. The siting of the proposed pavilion apartment buildings at the end of the street and fronting onto the riverside also adds strength and character by providing appropriate focal points within the scheme and prominent markers along its riverside edge.
- 7.10 It is considered that the proposed density and layout of the development is

appropriate to the site and area and accords with Policy H2, R2 and Policies 8 and 10.

Issue (iii) Scale and Design (Policy 10)

- 7.11 The proposed development comprises a series of individually designed 5 storey pavilion buildings and a range of individually designed terraces of 3 and 4 storey townhouses. Within this individual approach the buildings have a common contemporary aesthetic.
- 7.12 All of the buildings are to have traditional brickwork facades, with large window openings on all of the primary facades and employ the controlled use of other materials including powder coated metal panels and timber cladding. It is considered that the use of a consistent palette of good quality materials is important to help create the desired sense of character and place to the development.
- 7.13 Recessed balconies and roof terraces are also provided to add further elements of interest, providing depth and solar shading at appropriate points on the south facing elevations.
- 7.14 At present there are no significant aspects to the site and surrounding area that could be used to guide the proposed scale and design of the development. It is considered that this has been thoughtfully considered and that an appropriate scheme is being provided that will help to establish a character and identity to the development which could also be continued across onto adjacent sites. It is considered that the proposed the pavilion and townhouse buildings are of an appropriate scale to their riverside and street settings and that their designs are appropriately varied and yet controlled through their common typology and use of a limited palette of materials.
- 7.15 The design of Block A1, adjacent to the neighbouring existing properties on Meadow Close, has been amended in response to the concerns of a neighbour, with the terrace area to apartments on the first floor being reduced to prevent overlooking, and access to the bin storage area being revised to an internal arrangement. It is considered that the scale of this block is appropriate to the street and would not cause any significant loss of natural light to this neighbour.
- 7.16 It is considered that the proposed scale and design of the development is appropriate to the site and area and, in association with the aspects of density and layout above, will create a cluster of distinctive contemporary dwellings that will also guide the future quality of later phases and wider regeneration of the waterside area. The proposed development is, therefore, considered to accord with Policy 10.

Issue (iv) Highway Impacts (Policy T3 and Policy 14)

- 7.17 The application provides to the proposed development an access off Meadow Lane. The proposed layout illustrates a cul-de-sac development, which has the potential to be continued onto the adjacent site and which would then potentially return onto Meadow Lane to create a loop. 83 car parking spaces are being provided, with a mixture of on-street parking, spaces within the undercroft/ground floor area of the pavilion buildings, courtyard parking and integral garages within some of the townhouses.
- 7.18 The applicant had originally intended that the access road would be privately

owned and maintained. This has been reviewed and the applicant has accepted that it is appropriate that the roadway is constructed and adopted as a shared surface route, providing suitable access for service vehicles, public access to the riverside, and opportunity to continue the roadway onto the neighbouring site. The alignment and primary design of the access road is currently being reviewed with Highways, who have indicated that there is no objection in principle to the proposed development subject to agreement and conditions relating to detailed design.

- 7.19 The application submission has included a Travel Plan. This recognises that the accessibility of the site is generally good with access to a range of bus services that run along London Road and that cycle access is also good with the site able to be linked to the cycle route along the canal and riverside. Highways have, therefore, no objection to the number of car parking spaces being lower than the number of dwellings and recognising that the proposed mix of dwellings include 28 one-bed apartments. Secure cycle parking stores are also being provided within each of the apartment blocks.
- 7.20 Highways support the proposed cycle and pedestrian access along the riverside and have indicated that this should be privately maintained with permissive public rights of access. The potential to continue the riverside route beyond the application site to the adjacent site is to be protected and it is proposed that this matter is incorporated within the S106.
- 7.21 The applicant has responded to the concerns raised by Notts County Football Club, stating that the public consultation event was held at the ground and that member of club staff had attended. It is stated that the impact of football matches upon traffic in the area is time limited and that appropriate traffic control arrangements are already in place. It is also advised that the area around the stadium has been identified for regeneration and that the proposed development would be the first of further development proposals that are likely to arise.
- 7.22 Notts County Football Club has been re-consulted on the application and no further response has been received. Highways have not raised issues with this aspect and it is proposed that a traffic regulation order be made to control parking within the development.
- 7.23 It is considered that the proposed development accords with Policy T3 and Policy 14.

Other Material Considerations

Flood Risk and Drainage (Policy NE10)

- 7.24 The application site is identified to fall within Flood Zones 2 and 3. The Environment Agency originally objected to the application due to the absence of a sequential test and deficiencies in the submitted Flood Risk Assessment. The applicant has subsequently provided further information, which has been reviewed and accepted by the Environment Agency. The Environment Agency now has no objection to the proposed development subject to conditions, including the setting of minimum floor levels. Accordingly it is considered that the proposed development accords with Policy NE10.

Pollution and Contamination (Policies NE9 and NE12)

- 7.25 Pollution Control is satisfied that the noise assessment and contamination reports submitted with the application provide sufficient assurances that the site is able to be redeveloped for housing. The amended noise report takes into account potential noise nuisance from the adjacent dairy distribution centre and from football matches and events at Notts County Football Club. Proposed mitigation includes significantly enhanced glazing and ventilation specification to various facades of the development.
- 7.26 Recommended conditions include the need for a detailed remediation strategy, sound insulation measures, and verification that development works have been implemented in accordance with the approved details. It is, therefore, considered that the proposed development accords with Policies NE9 and NE12, subject to the conditions included in the draft decision notice that is appended to this report.

Planning Obligations: (Policies ST1, H5, T3, and T7):

- 7.27 The applicant has submitted a viability appraisal in support of their assertion that the proposed development would not be viable based upon the provision of affordable housing within the scheme. However, the applicant has advised that, notwithstanding the conclusions of the viability appraisal, contributions towards the provision of primary school places, a traffic regulation order and speed order, and the implementation of the Travel Plan will be provided.

Affordable Housing

- 7.28 The viability appraisal has been reviewed by officers. This has been an iterative process of discussion, negotiation and reappraisal. During this process development costs and receipts have been checked, challenged and agreed. It is advised that if the scheme were to incorporate affordable housing it would not deliver an acceptable return for the current land owner in the form of residual value and that the land owner would therefore have no incentive to sell the land for residential development. It is therefore concluded that a sufficient case has been made and that flexibility on the scope of the S106 should be provided in the interests of promoting the regeneration of the site and wider area.
- 7.29 However, as this is a relatively large scheme to be developed over a number of years it is accepted by the applicant that viability may change, e.g. once actual sales are made and the location begins to be established. On this basis the applicant has agreed to the inclusion of a mechanism within the S106 that will provide for the re-assessment of the viability of the scheme at appropriate points throughout its development. It is proposed that an appropriate point for reassessment of this 95 unit scheme would be upon the sale of 30 units, with the viability profit threshold being 20% of the gross development value. Any surplus profit would be provided in the form of commuted sum payments to be directed towards the provision of affordable housing within the City in accordance with Policy H5. It is considered that the priority in this instance should be to encourage and support the redevelopment of the site and it is recommended that viability review on these terms should be agreed.

Education

- 7.30 The proposed development is of a scale which generates the need to consider the need to make provision for further school places. The School Organisation Team have advised that there are currently sufficient secondary places in the area and

that local schools would be able to cope with the relatively low number of pupils generated by this development. Therefore, no funding for additional secondary school places is being sought. However, it is advised that there is currently a shortage of primary school places across the City and that the three schools in the area are all projected to be either full, nearly full, or oversubscribed. It is, therefore advised that a contribution of £83,461 is being sought towards the provision of further primary school places, related to the estimated pupils that the proposed development would generate.

Traffic Regulation Order

- 7.31 The current highway adoption layout proposes that the car parking spaces for the development will remain private. The development is located near in an area that attracts high levels of traffic, including football parking that is likely to impact upon future residents. Highways have therefore requested a contribution of £10,000 towards the making of a Traffic Regulation Order, which is considered necessary in order to prevent parking on the adopted highway within the development.

Travel Plan

- 7.32 To ensure implementation of the Travel Plan, the developer will be required to provide homebuyer packs for each dwelling on the development which will entitle residents to apply for 6 and 12 month Kangaroo travel passes for which it will refund the Council the cost of each pass issued, to a maximum total cost of £52,317).

Riverside Path and Future Pedestrian and Cycle Bridge

- 7.33 The grant of permission to the public to use the riverside path and also a licence for the future construction of a bridge link over the Tinkers Leen onto the adjacent development site to the east is being sought. Both of these benefits are required in order to secure public access to the riverside and the provision of a continuous riverside path.
- 7.34 The on-going management and maintenance of areas of the riverside path and other areas of open space within the development is also to be secured by the section 106 agreement in the interests of ensuring that appropriate management and maintenance is provided.
- 7.35 The developer has offered to make provision for local employment and training during the construction and operation of the development, which is to be included in the Section 106.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

- 8.1 The application proposes a 'fabric-first' approach to minimise energy consumption. The proposed development of highly efficient dwellings has been measured to achieve a target annual consumption equal to approximately 30 - 54% less than the current Building Regulations requirements. This is proposed to be achieved through a highly insulated building envelope, air tightness detailing, thermal bridging being reduced to a minimum, efficient whole house ventilation with heat recovery, community heating system for the proposed flats and duplexes, and heat pumps. The orientation of the buildings has also taken into account the benefits of passive solar gain whilst also making provision for overheating in summer. It is considered

that a 'fabric-first' approach is an appropriate means to achieve carbon reduction targets and, subject to a requirement to implement the development using this approach, is in accordance with Policies 1 and 17.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: would provide high quality and sustainable residential development.

Working Nottingham: would provide training and employment opportunities for local citizens through the construction of the development.

Safer Nottingham: 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: 13/02877/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX2GX7LYCB000>

2. Nottingham Design Review Panel, 16.10.13

3. School Organisation Team, 17.12.13

4. Neighbour, 9 Meadow Close, 18.12.13

5. City Resident, 17.12.13

6. Pollution Control, 8.1.15

7. Highways, 4.3.15

8. Biodiversity 20.1.15

9. Housing Strategy, 30.1.14

10. Nottingham Regeneration Limited, 24.12.13

11. Environment Agency, 21.11.14, 2.1.15

12. Rushcliffe Borough Council, 7.3.14

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Waterside Regeneration Interim Planning Guidance – November 2001

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WARDS AFFECTED: Bulwell Forest

Item No:

**PLANNING COMMITTEE
27th May 2015**

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Top Valley Academy, Top Valley Drive

1 SUMMARY

Application No: 15/00490/PFUL3 for planning permission

Application by: Ryder Architecture on behalf of Carillion Construction Ltd

Proposal: New school, sports hall and associated development and demolition of existing school buildings.

The application is brought to Committee because it is an application which has generated a high level of public interest contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 28th May 2015

2 RECOMMENDATIONS

1. **GRANT PLANNING PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

Site Location and Surroundings

- 3.1 Top Valley Academy and its playing fields is an 8.7 hectare site which sits between the Top Valley Drive to the south and Bestwood Park Drive West to the north. The school currently has 900 students in attendance and employs 97 staff members.
- 3.2 The school is located in a predominantly residential area, with existing housing lying along both the northern (Langbank Drive and Rise Park Road) and south-eastern boundaries (Darwin Close) of the site. The south-western boundary of the site is formed by the Stanstead Nursery & Primary School and adjoining the north-eastern boundary of the school is another educational establishment, the Rise Park Primary & Nursery School. In the south-eastern corner of the site is the North ELearning Centre which provides training workshops to schools and others in technology across a wide range of varied disciplines.
- 3.3 The main school is set back from the highway, behind a group of mature trees set along the boundary with Top Valley Drive. The site has a fairly regular, elongated rectangular shape, with the main school buildings occupying the eastern third of the

site. The remainder of the site is given over to playing fields, and the multi-use games area (MUGA) and AGP (artificial grass pitch) areas which lie between the school buildings and the school's frontage along Top Valley Drive.

- 3.4 The school buildings vary in height from single storey to 2 and 3 storeys and originate mainly from a single period, with some later additions and extension. The latest addition to the school was a two-storey building in the north eastern corner of the site, used as a vehicle engineering and training centre, granted planning permission in 2005.
- 3.5 The Academy is principally accessed from the south-eastern corner of the site from Top Valley Drive which also serves the North E-Learning Centre. There is a secondary vehicular access into the northern part of the site from Langbank Avenue, which serves a staff car park. At present, there are some 83 car parking spaces, including disabled provision, spread across various locations around the school in three parking areas. The parking spaces adjacent to the E-Learning Centre are not part of the academy's parking provision and are operated by the Nottingham City Council independently. The main pedestrian access for pupils, staff and visitors into the site is adjacent to the main vehicular access off Top Valley Drive, and there is a secondary pupil access in the north-eastern corner of the site off Bestwood Park Drive West, near to the access for the Rise Park Nursery School. The Rise Park Neighbourhood Centre is located close to this access point on the opposite side of Bestwood Park Drive West.
- 3.6 The site is fairly flat with a gentle slope running from the north-east towards the south-west, with the main buildings occupying a plateau area in the north-eastern third of the site.

4 DETAILS OF THE PROPOSAL

- 4.1 The academy is to be re-developed as part of the second phase of the Priority Schools Building Programme (PSBP) for the redevelopment of secondary schools and sixth forms across England. It is proposed to provide a new school on the site, however the pupil numbers (900) and staff (97) will remain unchanged.
- 4.2 The proposal would involve the total redevelopment of all the existing built elements within the site, comprising the total demolition of all the present school buildings, and the building of a new, three storey 'superblock' school building, together with a new, standalone sports hall at the site. The existing playing fields will remain where they are located at present, as will the school's existing hard court games area which shall be retained and refurbished as part of the overall redevelopment of the site.
- 4.3 The new school building is proposed to be centrally located overlooking the playing fields on the western part of the school's built footprint, on the site of some of the existing buildings. The new sports hall is to be located just to the south-west of the main building.
- 4.4 The new school building is three storey in height with a flat parapet roof and rectangular in shape. The main elevations would be constructed in a grey brick with punched window openings to give emphasis to the facades. The glazing system would be dark grey powder coated aluminium with a louvre detail. The sports hall is a tall single storey height with a flat roof. Its elevation would be expressed with brick to the lower level and a translucent material to the higher level.

- 4.5 The main access from Top Valley Drive would form the sole day-to-day vehicular access to the site, with the existing access from Langbank Avenue being closed to vehicles (apart from maintenance vehicles accessing the playing fields). A new staff car park accommodating 55 vehicles is proposed to be provided at the eastern edge of the site adjoining the engineering and training centre, which together with the existing 22 spaces to the rear of the centre would provide a total of 83 parking spaces to serve the site. Covered and secure cycle parking for 90 bicycles is also to be provided. Pupils and pedestrians would access the site from the main Top Valley Drive entrance and Bestwood Park Drive West. A new boulevard is proposed to connect the school building with Top Valley Drive to provide a separate access route for cyclists and pedestrians to approach the school separately to vehicles.
- 4.6 A key requirement of the PSBP programme will be the continued operation of the school, in its existing buildings, during the construction phase. The proposed location of the new school at the western edge of the built footprint would enable the main school buildings to remain in situ. Following construction and occupation of the new school the existing school buildings, would be demolished to provide grass pitches, informal soft play and social space in the central part of the site and a plant room and service area to the north with additional landscaping to the boundary with Langbank Avenue.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

2 - 38 Langbank Drive (even)
 19 - 55 Darwin Close (odd)
 20 – 28 Bestwood Park Drive (even) and Rise Park Primary and Nursery School
 26 – 70 Rise Park Road (even)
 18 – Shellburne Close (even)
 18 and 20 Ballerat Crescent (even)
 E-learning Centre, Top Valley Drive
 Stanstead Primary School, Stanstead Avenue

- 5.1 Two petitions have been received from local residents, objecting to the development.
- 5.2 The first petition has been signed by 6 residents of Darwin Close who adjoin the south east boundary of the school grounds. Residents state that they already experience noise and disturbance from the existing tennis courts, and boundary trees cause nuisance and shade their rear gardens. They are concerned that the proposed sports hall, due to its position close to the southern boundary of the site, will exacerbate overshadowing caused by the trees. They are also concerned about weekend use and evening use of the sports hall and the resurfaced all weather pitch next to the tennis courts by the public. They do not want any additional tree planting to screen the sports hall but would like a higher perimeter fence to the front of the tennis courts to prevent youths climbing over to get into the school. Ideally they would like the existing tennis courts removed.
- 5.3 The second petition has been signed by 34 residents of Rise Park Road and Langbank Avenue, who adjoin the northern boundary of the school grounds. They are concerned to see changes to the future use of sports field at the rear of

properties on Rise Park Road, which they consider will have a significant environmental effect on their quality of life. They are concerned that they have not been consulted on the proposals until the neighbour notification letter arrived in March regarding to the current planning application. The sports pitches are already marked out for football in close proximity to their properties, and cause noise and disturbance from their use through players shouting and bad language. They believe that Sports England will have control of the facilities and will require further community use of the sports fields outside school hours which would further exacerbate existing noise problems associated with their use.

5.4 Two further letters of objection have been received from residents of Rise Park Road whose concerns reflect those outlined above. In addition they are concerned about:

- the use of the sports pitches 7 days a weeks for different sporting activities;
- light pollution;
- traffic and parking;
- unnecessary impact on an area populated by elderly residents;
- effect on property values.

Additional consultation letters sent to:

Pollution Control: No objections: Conditions requested relating to gas contamination and a noise assessment.

Highways: No objections. Conditions requested relating to a construction method statement, a school travel plan and amendments to increase the width of two substandard parking spaces in the staff car park.

Environment Agency: Objection. The Environment Agency (EA) consider that the Flood Risk Assessment (FRA) does not comply with the National Planning Policy Framework (NPPF) submitted with this application to fails to restrict surface water drainage to an appropriately reduced rate and consider the full range of sustainable drainage features which could be incorporated within the design and layout of the proposed development. The EA state that their objection could be overcome by surface water run off being restricted to green field run off rate (no greater than 5.0 l/s/ha) in line with the Day Brook and River Leen Strategic Flood Risk Assessment (SFRA), together with the inclusion of sustainable drainage measures within the proposed development.

Sport England: No objection. Conditions requested relating to a to a community use scheme, provision of grass pitches and details of the all weather pitch are recommended.

Urban Design: Positive support. Acceptance that the siting of the school is set due to constraints of the site. The new school building is seen to be of a high quality design, with details such as strongly rebated windows and the use of a good quality brick and a strong landscaping strategy being required. As the new school is proposed to be set back from Top valley Road, there is a need to enhance the entrance to the site.

Sports Culture and Parks: No objections. Satisfied that the qualitative improvements proposed to sports facilities at the school and their extended community use would adequately compensate for the minor encroachment on playing field and open space network. Recommend conditions relating to further bat

survey work prior to demolition and, an update survey in relation to the disused badgers sett prior to commencement of the development, and ecological enhancements such as bat boxes.

Tree Officer: No objections. Conditions requested relating to an arboricultural method statement and detailed scheme.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to actively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land; taking full account of flood risk; secure high quality design; support the transition to a low carbon future; contribute to reducing pollution; to manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 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 schemes which raise the standard of design.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 To prevent unacceptable risks from pollution, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 103 requires that it should be ensured that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.
- 6.6 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Aligned Core Strategies (ACS) (September 2014)

The Nottingham City Core Strategy was formally adopted by the City Council on 8th

September 2014. The following policies are considered relevant:

Policy A: Presumption in Favour of Sustainable Development

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Nottingham Local Plan (November 2005):

CE1 - Community Facilities

R1 - The Open Space Network

R5 - Playing Fields

CE2 - Joint Use of Community Facilities

NE3 - Conservation of Species

NE5 - Trees

NE9 – Pollution

NE10 - Water Quality and Flood Protection

T3 - Car, Cycle and Servicing Parking

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development: Playing Field Provision and Open Space Network;
- (ii) Design Considerations
- (iii) Impact on Residential Amenity
- (iv) Access and Parking
- (v) Flood Risk

(i) Principle of Development (NPPF, ACS Policy A and Local Plan Policies CE1, CE2, R1 and R5)

- 7.1 The site is an established educational use and as such the proposed new school building and sports hall is considered to be acceptable in line with ACs Policy A and Local Plan Policy CE1.
- 7.2 The position of the new school building and sports hall would result in the loss of a very small section of existing playing field. The main playing field together with the existing tennis courts and all weather pitch would remain and would be

supplemented with a new modern sports hall, additional grassed pitches and informal play areas to enhance existing sports provision at the school. Sport England is satisfied that the proposal would not adversely impact on the amount of playing field and formal play surfaces available on the site. The proposal improves sports and other facilities at the school which are already used by the wider community as required by Local Plan Policy CE2.

- 7.3 The qualitative improvements proposed to sports facilities at the school and their extended community use would adequately compensate for the minor encroachment on playing field and open space network and would be in accordance with Local Plan Policy R1.

(ii) Design (NPPF and ACS Policy 10)

- 7.4 The proposed new school building would be visible from Top Valley Drive and from the surrounding playing fields and open space. The three storey height of the block is considered to be modest within this open context and it is not considered that it would be visually prominent. Its height and scale is equivalent to the existing sports hall on the site. The contemporary appearance of the building is appropriate to its function, and the use of a grey brick with deeply punched window openings is considered to be appropriate to its setting. To add visual relief to its façades, the main public entrance has been expressed with a brightly coloured arch in pressed metal over two storeys, and the main pupil entrance has been designed as a recessed slot of full height glazing, to provide a visual focus for pupils at the heart of the school.

- 7.5 The proposals will enhance external spaces and improve pedestrian routes into and around the school. A 'public' entrance approach and plaza adjacent to the main visitor entrance in the southern elevation of the building will provide a clear legible route for visitors to the school from Top Valley Drive. To the east and northern side of the new school building, 'private' zones of external open space have been provided for pupils to maximise opportunities for outdoor learning, socialising and physical activity.

- 7.6 Accordingly, it is considered that the proposed development accords with ACS Policy 10 and the NPPF.

(iii) Impact upon residential amenity (ACS Policy 10 and Local Plan Policy NE9)

- 7.7 The redeveloped site has a more compact form of built development than the existing buildings, with all school facilities being accommodated within a single three storey building located at the centre of the site. As such, the distances between the proposed school building and the nearest residential properties on Langbank Avenue has been increased to around 49 m, which is more than twice the existing distance. The new school building would be 80m from the closest property on Darwin Close and Top Valley Drive.
- 7.8 The new school building will be 3-storey in height, whereas the existing school is mostly 2-storey. With the increased separation distance between the new school building and properties on Langbank Avenue it is not considered that the proposed height of the building would result in a significant loss of amenity to these neighbouring properties.

- 7.9 The new sports hall would be 20m from the side blank gable elevation of closest property on Darwin Close. The existing all weather pitch to the side of properties on Darwin Close is proposed to be resurfaced.
- 7.10 These are considered to be acceptable separation distances from neighbouring properties to avoid a material impact on residential amenity, in terms of light, privacy and outlook in accordance with ACS Policy 10.
- 7.11 Residents on Rise Park Road and Langbank Avenue who adjoin the school existing school playing fields have raised concerns about potential changes to the school playing field and how it is marked out and used leading to increased noise and disturbance. This proposal does not affect the existing school playing fields which will continue to be used, as at present, by the Academy for external sporting activities to meet the sports curriculum. The sports pitches have in the past been used by the community and local clubs for weekend sporting activities such as football.
- 7.12 Sport England as part of its agenda to promote increased community use of educational facilities for recreational purposes have required that a community use agreement be submitted to set formal community access arrangements to the schools sports facilities outside school hours and this is supported. The scheme will include both the sports hall and playing pitches. Part of any scheme will include hours of use for community access and these would normally be restricted to protect the amenities of neighbouring properties would be minimised. This will be dealt with by condition.

iv) Access and Parking (ACS Policy 14 and Local Plan Policy T3)

- 7.13 The existing vehicular access off Top Valley Drive will be maintained and the Academy's internal road would be extended to give access to the service yard at the northern side of the new school building. The Academy's internal road would access the new staff car park and new disabled parking and visitor spaces nearer the new school. A total of 83 parking spaces would now be provided. A new pedestrian 'boulevard' for pupils and the public would provide enhanced pedestrian access into the Academy from Top Valley Drive for both pupils and the public. It is also proposed to provide an improved pedestrian access route from Bestwood Park Drive West.
- 7.14 The proposal would not result in any increase in the number of pupils and staff and is considered to be acceptable in highway terms subject to the conditions outlined in the consultations section of this report. Compliance with the suggested conditions would ensure that the proposal is in line with ACS Policy 14 and Local Plan Policy T3.

v) Flood Risk (NPPF, ACS Policy 1 and Local Plan Policy NE10)

- 7.15 The applicant has submitted a Flood Risk Assessment (FRA) which shows that the site is located within Zone 1 of the River Leen and as such is at low risk of fluvial flooding.
- 7.16 The Environment Agency has however raised objection to the proposal on the grounds that the FRA and its surface water drainage strategy has not provided a sufficient reduction in the level of surface water run-off to meet equivalent green field run off rates (no greater than 5.0 l/s/ha) in line with the Day Brook and River

Leen Strategic Flood Risk Assessment (SFRA). The SFRA provides this recommendation to reduce the impact of historic urban development that has resulted in rapid runoff into the river Leen and Day Brook and it is the EA's opinion that any compromise on the requirement to limit discharge rates will result in a continuation of flooding issues from the watercourse.

- 7.17 The EA also consider that the surface water drainage strategy also needs to incorporate a range of sustainable drainage measures.
- 7.18 Discussions are currently ongoing with the EA to overcome their objection and will be reported to Committee in an update report.

8. SUSTAINABILITY / BIODIVERSITY (ACS Polciy 1 and Local plan Policy NE3)

- 8.1 An energy statement has been submitted with the application the use of solar panels, combined heat and power or photovoltaic cells could be used to achieve a minimum of 10% of the building's energy needs. As such the proposal would comply with ACS Policy 1.
- 8.2 The ecological assessment has identified features with potential to be used by bats in the existing building. A further activity survey will be required to be submitted prior to the demolition of the existing buildings to assess the presence/absence of bats and the need for any mitigation measures if necessary. An update survey in relation to the disused badgers' sett will be required to be carried out prior to commencement of the development, and ecological enhancements such as bat boxes provided. These will be dealt with by condition.
- 8.3 The proposal will not affect any existing trees on the site and will provide extensive new tree planting and soft landscaping throughout the new layout.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Supporting Nottingham People. The proposal would improve services fo young people and the wider community.

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: 15/00490/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NJYJKLLYCB000>

2. Highway comments
3. Environment Agency comments
4. Parks and Leisure comments
5. Pollution Control comments
6. Sport England
7. Urban Design comments

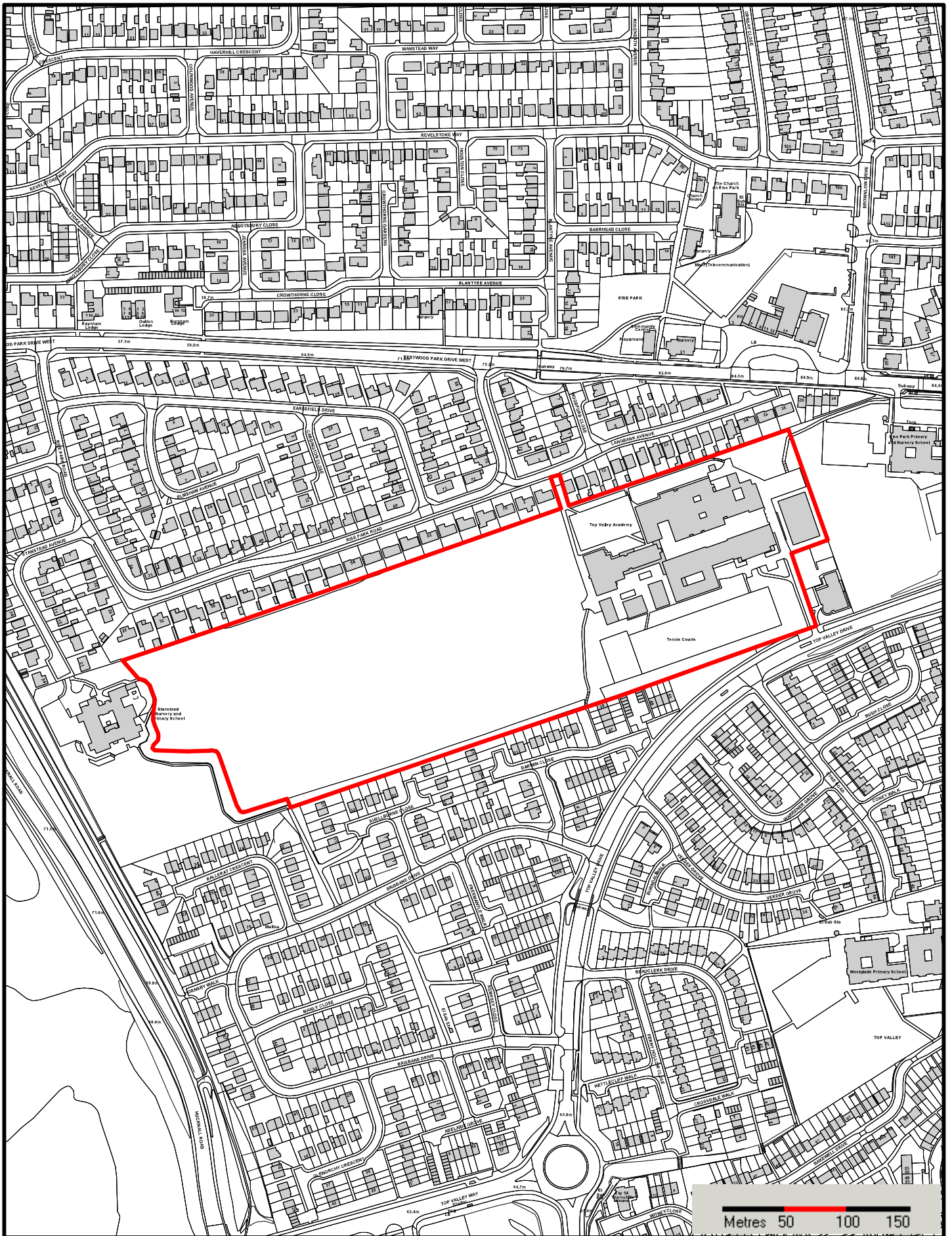
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

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My Ref: 15/00490/PFUL3 (PP-03912393)
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Date of decision:

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

Application No: 15/00490/PFUL3 (PP-03912393)
Application by: Carillion Construction Ltd
Location: Top Valley Academy, Top Valley Drive, Nottingham
Proposal: New school, sports hall and associated development and demolition of existing school buildings.

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. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction – Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

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

3. The development, including any works of demolition, shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials, including haul routes and expected operation times;
 - Storage of plant and materials used in constructing the development;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works and
 - A timetable for implementation.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies 10 and 14 of the Aligned Core Strategies and Policy T3 of the Nottingham Local Plan.

4. Demolition of the existing school buildings shall not take place until a bat activity survey has been carried out and submitted to and agreed in writing with the Local Planning Authority.

The demolition shall only be carried out in accordance with the agreed recommendations of the survey.

Reason: In the interests of safeguarding a protected species in accordance with Policy NE3 of the Nottingham Local Plan.

5. The development shall not commence until an update survey of the disused badger's sett has been carried out and shall be submitted to and agreed in writing with the Local Planning Authority.

The development shall only be carried out in accordance with the agreed recommendations of the survey.

Reason: In the interests of safeguarding a protected species in accordance with Policy NE3 of the Nottingham Local Plan.

6. The development shall not commence until , a Remediation Strategy that includes the following components to deal with the risks associated with ground gas contamination of the site, has been submitted to and be agreed in writing by the Local Planning Authority:

a) A Remediation Strategy, based on the recommendations of Phase 1 Desk Top Study P1, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

7. The development shall not commence until, an environmental noise assessment and sound insulation scheme has been submitted to and agreed in writing by the Local Planning Authority.

The environmental noise assessment shall 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 amenities of adjoining occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policy NE9 of the Nottingham Local Plan.

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

Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategies.

9. The development shall not commence until details of the materials for the hard surfaced areas of the site, which demonstrate that a sustainable drainage approach to site drainage has been adopted, have been submitted to and agreed in writing by the Local Planning Authority.

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

Reason: To reduce the risk of flooding and to improve and in the interests of the appearance of the development in accordance with the NPPF, Policies 1 and 10 of the Aligned Core Strategies and Policy NE10 of the Nottingham Local Plan.

10. The development shall not commence until details for enclosing the site have been submitted to and approved in writing with the Local Planning Authority.

The means of enclosure shall be installed in accordance with the approved details prior to the occupation of the new school building.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

Pre-occupation conditions

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

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 amenities of adjoining occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policy NE9 of the Nottingham Local Plan.

12. No part of the development hereby permitted shall be brought into use until a verification report, which shall include the data referred to in the Verification Plan approved under condition 6, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed, has 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 users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

13. No part of the development hereby permitted shall be brought into use until details of the means of meeting the 10% renewable energy target (interpreted through carbon emissions) 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 prior to first occupation of the new school building.

Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategies.

14. No part of the development hereby permitted shall be brought into use until a detailed landscaping and planting scheme indicating the type, height, species and location of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

15. No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas have been provided in accordance with the approved drawings. The parking/turning/servicing areas shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

Reason: In the interests of highway safety in accordance with Policy 14 of the Aligned Core Strategies and Policy T3 of the Nottingham Local Plan.

16. No part of the development hereby permitted shall be brought into use until the cycle parking facilities as indicated on the approved drawings have been provided.

Reason: To encourage use of the development by means of transport other than the car in accordance with Policy 14 of the Aligned Core Strategies and Policy T3 of the Nottingham Local Plan.

17. No part of the development hereby permitted shall be brought into use until a scheme for the Community Use of Top Valley Academy has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Scheme shall include details of an implementation scheme, pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review.

The approved Scheme shall be implemented in accordance with the approved details and shall thereafter be retained and maintained.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport in accordance with Policy CE2 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

18. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development whichever is the sooner, 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 ACS Policy 10.

19. No later than 3 months after the replacement school is brought into first use, an up-to-date school Travel Plan shall be submitted for approval in writing by the Local Planning Authority. The Travel Plan must as a minimum contain up-to-date travel to school data (for the appropriate school year) for students and staff members, revised SMART targets and measures alongside timescales for implementation.

Reason: In the interests of ensuring that an appropriate Travel Plan is in place and, therefore, in the interests of highway safety and promoting sustainable transport in accordance with Policy T3 of the Nottingham Local Plan.

20. Notwithstanding the submitted plans to date, the two parking spaces adjacent to the southern car park boundary shall be widened to 2.9m in width.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area in the interests of highway safety in accordance with Policy 14 of the Aligned Core Strategies and Policy T3 of the Nottingham Local Plan.

21. All windows shall be set back by a minimum of 150mm, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategies.

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 26 February 2015.

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. 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

3. 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: 15/00490/PFUL3 (PP-03912393)

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.

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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Nottingham
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DRAFT ONLY

Not for issue

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