



**NOTTINGHAM CITY COUNCIL**  
**PLANNING COMMITTEE**

**Date:** Wednesday, 18 January 2017

**Time:** 2.30 pm

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

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

**Corporate Director for Strategy and Resources**

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

- 1 APOLOGIES FOR ABSENCE**
- 2 DECLARATIONS OF INTERESTS**
- 3 MINUTES** 3 - 8  
Of the meeting held on 21 December 2016 (for confirmation).
- 4 PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER**
  - a Site Of Former Hicking Pentecost And Company, Land Between** 9 - 28  
**Crocus Street, Summer Leys Lane, And Eugene Street,**
  - b 2 Private Road** 29 - 42

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 Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 21 December 2016 from 14.30 - 15.45**

**Membership**

Present

Councillor Chris Gibson (Chair)  
Councillor Cat Arnold (Vice Chair) (minutes 49-53 inclusive)  
Councillor Alan Clark  
Councillor Michael Edwards  
Councillor Rosemary Healy  
Councillor Brian Parbutt  
Councillor Wendy Smith  
Councillor Malcolm Wood  
Councillor Linda Woodings  
Councillor Andrew Rule

Absent

Councillor Graham Chapman  
Councillor Azad Choudhry  
Councillor Gul Nawaz Khan  
Councillor Sally Longford  
Councillor Steve Young

**Colleagues, partners and others in attendance:**

Paul Seddon - Chief Planner  
Martin Poole - Area Planning Managers  
Richard Bines - Solicitor  
Catherine Ziane-Pryor - Governance Officer

**49 APOLOGIES FOR ABSENCE**

Councillor Graham Chapman – other Council business  
Councillor Sally Longford – leave  
Councillor Azad Choudhry – leave  
Councillor Steve Young - health

**50 DECLARATIONS OF INTERESTS**

Although not required to do so, Councillor Josh Cook declared that, in relation to agenda item 4b, 67 Lower Parliament Street, (minute 53) he was a student Nottingham Trent University but had no involvement with the site or its development. This did not preclude him from speaking or voting on the item.

## **51 MINUTES**

The minutes of the meeting held on 23 November 2016 were confirmed as a true record and signed by the Chair.

## **52 SITE OF 16 AND 18 SNEINTON DALE**

Martin Poole, Area Planning Manager, presented application 16/02063/PVAR3 by rgp Ltd on behalf of Mr Aurangzeb Khan for planning permission to erect a religious and community centre (variation of condition S1 of planning application reference 12/03117/PFUL3).

The application is brought to Committee because it proposes material amendments to a scheme previously considered by Planning Committee in March 2013, as it is considered sensitive given the level of public interest.

Martin Poole delivered a brief presentation which included plans, aerial and street level photographs and computer generated images (CGIs) of the current site, the formerly approved plans and how the completed elements of the new application were expected to appear.

The report provided details of all proposed variations from the initial approval, the Section 106 agreement completed prior to permission 12/03117/PFUL3 and the rationale for it and noted that Planners did not consider that the design changes reduced the quality of the scheme, which was appropriate for the area, met the needs of the applicant and therefore the recommendation was to support the application, subject to a variation agreement under s106A of the Town and Country Planning Act 1990 applying the terms of the previous s106 to this application.

The Update Sheet provided additional information including a list of objections received.

The Chair commented that whilst local media had reported that the Committee had previously refused planning permission for the initial application, this had not been the case. The previous application had been approved subject to conditions, and as this application was submitted as an application for design changes to a development already commenced, then under Section 73 (2) (a) of the Town and Country Planning Act, it was not appropriate for the principle of the approved development and use of the site as approved under Planning permission (ref 12/03117/PFUL3) to be re-considered. The Committee was considering only the question of the design change conditions subject to which planning permission was sought.

The comments from the Committee included:

- (a) the initial design has been improved and attempts to address some points of concern, such as adequate parking, have been made;
- (b) there is no evidence that the design changes will result in the use of lower quality materials so the application should be supported;
- (c) the use of Portland stone and marble in modern architecture is welcomed;

- (d) as the impact of the development changes on neighbouring homes is no different in distance terms from the previous application and former use of the site, the application should be supported;
- (e) some of the artistic licence of the CGIs does not provide an accurate enough image of the proposal which is sited further from neighbouring properties than illustrated.

## **RESOLVED**

### **(1) to grant planning permission subject to:**

- a) **prior completion of a variation agreement under s106 A of the Town and Country Planning Act 1990 applying the terms of the s106 Agreement dated 24 July 2013 (concerning ceasing the use of 41 Sneinton Dale as a place of worship prior to the occupation and use of the new site) and relating to planning application reference 12/03117/PFUL3, to this application (reference 16/02063/PVAR3);**
- b) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**

**(2) for the power to determine the final details of the conditions and the varied planning obligation to be delegated to the Chief Planner;**

**(3) 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.**

### **53 67 LOWER PARLIAMENT STREET**

Martin Poole, Area Planning Manager, presented application 16/02306/PFUL3 by Allan Joyce Architects Ltd on behalf of Nottingham Trent University for planning permission for demolition of existing buildings and construction of a new 6 storey building for education use (Class D1), with rooftop terrace and plant room.

The application is brought to Committee because it is a major application on a prominent City Centre site where there are important design and heritage considerations.

Martin Poole delivered a brief presentation which included street view photographs from all sides and footprint plans of the existing site, CGI images from street level and footprint plans of the proposed building and images of other buildings which had applied the proposed Corten steel cladding and mesh panels.

It was noted that the CGIs did not adequately reflect the level and extent of detail in building design including:

- recessed windows;
- solid Corten steel panelling and mesh panels which semi-obscured some windows;

- black brickwork with raised and graduated texture detail to prevent the appearance of sheer surfaces;
- honey combed brick work with windows behind;
- first floor overhang of the pavement by approximately 2 metres.

Members of the Committee commented as follows:

- (a) this is a landmark building which will be seen from several directions and will benefit the appearance of the area;
- (b) the design is bold and imposing but the material colours of black and rust are too strong and more delicate alternatives should be considered;
- (c) it's not clear if the design of the ground floor, under the overhang, will become a litter trap, which would be a concern;
- (d) the overhang is acceptable;
- (e) the current building on the site is uninspiring, looks messy and unco-ordinated with no clear entrance. The proposal should be welcomed as an appropriate use of the land, a modern building which clearly identifies that it is occupied by Confetti – providing modern creative industry graduate courses;
- (f) the proposal doesn't impact inappropriately on surrounding buildings;
- (g) the variety of complex architectural detail has been carefully considered, should be applauded and welcomed as an improvement for the area;
- (h) the design is instantly attractive. A striking contemporary building in the City Centre is appropriate for training in the creative industries and does not need to be made more subtle.
- (i) this is a bold design and the colouring needs to be bold too;
- (j) the quality and detail of the architecture and details are likely to ensure that the building will age well and remain attractive into the future;
- (k) the proposal is not welcomed as the building is unattractive and incongruous;
- (l) with consideration to public order, care should be taken to ensure that the overhang area is well lit;
- (m) the plans are not attractive and a stronger theme should be considered which is not as fragmented as this proposal;
- (n) from street level the square angles of the roof detracts from the overall quality of the building;
- (o) whilst the black brick extenuates the rust panels beautifully, it is too dark. A different and less oppressive material should be considered;

- (p) a weathered steel building would be welcomed in the City Centre;
- (q) further consideration needs to be given to the eaves, brick colour and details.

Paul Seddon, Chief Planner, assured the Committee that draft planning conditions 4 and 6 for the proposal required approval by Planning Officers of, materials, including examples of how materials interfaced with each other, to ensure quality.

Martin Poole assured the Committee that whilst the proposed entrance and public space of the building will be managed during the day, as a separate license is required for the building to overhang the highway, consideration will be given to public safety and further checks and proposed amendments can be made to ensure that the overhang is well lit and that there is a clear line of sight.

## **RESOLVED**

- (1) to grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report, including an additional condition regarding the management and security arrangements in lighting the overhang of the building;**
- (2) the power to determine the final details of the conditions is delegated to the Chief Planner.**

It is noted that Councillors Malcolm Wood and Andrew Rule voted against the application.

## **54 SITE OF MELLORS COURT, SULLIVAN CLOSE**

Martin Poole, Area Planning Manager, presented application 16/01616/PFUL3 by Pelham Architects on behalf of Nottingham Community Housing Association, for planning permission for 26 new dwellings and associated works.

The application is brought to Committee because it is a major application recommended for approval, but where planning obligations required by adopted planning policies are proposed to be waived. It was outlined that the scheme has been allocated funding by the Homes and Communities Agency who require registered providers to charge affordable rents, which are 80% of the market rent (to include any service charge). Registered provider recycled grant is also to be used, with the remaining costs to be funded via a loan serviced through the rental charge. All 26 of the proposed dwellings were for rental and not re-sale. The viability appraisal advises that the proposed development produces a negative figure even after grant subsidy has been applied, thus the required planning obligations could not be afforded. Following thorough investigation by Planning Officers, and assessment by the Council's qualified Surveyor, the request to waive planning obligations for this development is supported.

Martin Poole delivered a brief presentation which included street view photographs of the vacant site, CGI images from street level of the proposed buildings which will include semi-detached and terraced housing, plans of the proposed site and photographs illustrating the proposed style of buildings which applied a variety of materials.

It was noted that the possible configuration of the development, including access, had received careful consideration by the developers.

Members of the Committee commented as follows:

- (a) the visual quality of the proposed development is disappointing;
- (b) if the developer cannot provide section 106 funding, other benefits for citizens, possibly including City Council tenants, should be considered;
- (c) the provision of 2 bedroom accommodation is welcomed;
- (d) light coloured painted render can appear untidy within a short time if not suitably maintained so alternatives which require less maintenance should be suggested, particularly as proposal includes large areas of render.

Although not formally able to include a condition, Paul Seddon, Chief Planner, would suggest to the developer that as planning obligations could not be met, consideration be given to providing alternative benefits for citizens.

## **RESOLVED**

- (1) to grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**
- (2) for the power to determine the final details of the conditions, including materials, to be delegated to the Chief Planner.**



WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE**  
18th January 2017

## REPORT OF CHIEF PLANNER

### Site Of Former Hicking Pentecost And Company, Land Between Crocus Street, Summer Leys Lane, And Eugene Street., Nottingham.

#### **1 SUMMARY**

Application No: 16/02688/PVAR3

Application by: Jake Crompton on behalf of Cassidy Group Property Ltd

Proposal: Variation of conditions 2, 14 and 15 of 10/01814/PFUL3 (APP/Q3060/A/11/2143439) (design changes and flood risk)

The application is brought to Committee because the planning obligation proposed is substantially less than required by adopted planning policies.

To meet the Council's Performance Targets this application should be determined by 23rd February 2017.

#### **2 RECOMMENDATIONS**

##### **2.1 GRANT PLANNING PERMISSION** subject to:

- (a) Prior completion of a S106 planning agreement, which shall include contributions of (i) 389,792 towards affordable housing, (ii) £45,760 towards public open space and (iii) £84,448 towards education.
- (b) Completion of a deed of discharge under S106A of the Town and Country Planning Act 1990 of the S106 obligation in relation to planning permission 10/010814/ PFUL3 (APP/Q3060/A/11/2143439), on completion/occupation of the development subject to planning permission 16/02688/PVAR3
- (c) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report

Power to determine the final details of the conditions to be delegated to the Chief Planner.

- ##### **2.2**
- 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.

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

### **3 BACKGROUND**

3.1 The site forms part of the former Hicking Pentecost premises, the main building of which to the north of the Tinkers Leen and fronting Queens Road. This has been converted into 313 apartments and an A3 use on the ground floor. The site is bounded by the Tinkers Leen to the north, Crocus Street to the south, Summer Leys Lane to the west and Eugene Street to the east. It is just outside the Station Conservation Area. Meadows Mill, fronting Queens Road to the northwest, is Grade II Listed.

3.2 The site is within the Southside Regeneration Zone and allocated as a mixed use development site in the Local Plan.

3.3 Planning permission was granted in 2005 (ref. 04/02843/PFUL3) for the erection of 350 residential units with 12 live/work units, basement car parking (230 spaces) and ancillary works following demolition. The scheme is generally referred to as Hicking Phase II.

3.4 The approved scheme was for two separate buildings comprising a large building varying in height between 5 and 8 storeys and a small 5 storey building which in total would provide 12 live work units, 210 x 1 bed apartments, 128 x 2 bed apartments (350 units in total) and basement parking for 230 spaces accessed via Eugene Street. The principal building fronted Crocus Street, Summer Leys Lane and Eugene Street. It was principally 'E' shaped in form, with two internal courtyards opening onto the Tinkers Leen, alongside which would run a private footpath for the development between Summer Leys Lane and London Road. The smaller building was to the east of this at the head of Eugene Street. The courtyards would be on the same level as the proposed footpath alongside the Tinkers Leen.

3.5 The buildings were indicated as predominantly of red facing brick construction with small elements of vertical cladding used on the recessed sections. The upper floors were proposed to be recessed and of a more lightweight metal clad construction.

3.6 All parking was proposed to be provided at basement level. A Flood Risk Assessment was submitted with the application.

3.7 The permission was granted subject to a Section 106 Agreement which secured a financial contribution of £500,000 towards the improvement of public realm and enhancement of community safety within the general locality, and £20,000 towards a signalised crossing at the junction of Queens Road/Summer Leys Lane, to improve pedestrian crossing facilities.

3.8 Subsequently, in 2010, a planning application (ref. 10/01814/PFUL3) for the renewal of this permission was submitted. This was considered by the Planning Committee in August 2010 and it was resolved to refuse planning permission for three separate reasons. These related to a lack of a mix of uses, concerns about the layout, scale, design, density and the predominance of one bedroom apartments. The applicant subsequently appealed against the decision and in August 2011 this was allowed with costs awarded against the City Council. A

unilateral undertaking was offered on appeal which mirrored the obligation related to the 2005 permission.

- 3.9 During 2014 the owners lawfully implemented the planning permission ( ref. 10/010814/PFUL3 - APP/Q3060/A/11/2143439) prior to its expiry through a material operation on site which comprised the laying out of part of an approved road within the site off Eugene Street, later confirmed by a Certificate of Lawfulness (ref. 15/00112/PCLE) The effect of this series of events and approvals is that planning application 10/01814/PFUL3 remains extant and could be fully implemented at any point in the future.

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

- 4.1 An application has been submitted to vary conditions 2, 14 and 15 of application ref. 10/01814/PFUL3. Condition 2 is the condition imposed by the Planning Inspector which sets out the list of approved plans. Condition 14 requires the development to be carried out in accordance with the recommendations of the Flood Risk Assessment and an Addendum submitted at the time which set a finished floor level of 26.40m AOD. Condition 15 requires that the business floorspace of the live/work units shall not be used for any purpose other than for purposes within Use Class B1.
- 4.2 The application to vary the conditions of the existing planning permission is made in accordance with s73 of the Town and Country Planning Act 1990. When assessing such an application the local planning authority may only consider the question of the conditions to which planning permission should now be granted, rather than re-visiting the principle of the scheme or amending any other part of the permission.
- 4.3 *Condition 2:* The approved drawings for the Hicking Pentecost Phase II scheme have now been reviewed and a number of changes to the design and layout are proposed.
- 4.4 The extant scheme comprised two buildings and the smaller building which was proposed to be located at the northern end of Eugene Street is now proposed to be omitted. The overall number of units has been maintained at 350 and this has been achieved by rationalisation of the building's vertical circulation, the mix of 1 and 2 bed units, and the apartment layouts. The live/work units which were proposed to be located at ground floor level on the Crocus Street and Summer Leys Lane frontages have now been omitted and replaced with apartments which would all have their own entrances from the street. The proposed mix is now 179 x 1- bed units, 87 x 2 bed - 3 person units and 84 x 2-bed – 4 person units.
- 4.5 It is proposed to omit the 250 space basement car park and in its place to create 106 car parking spaces and 112 cycle parking spaces within an undercroft parking area at ground floor level. This area would also accommodate resident's storage facilities, plant space and an area for refuse storage. This undercroft area would be enclosed by the building on the three street frontages and on the north side, facing the Tinkers Leen, it would be screened by a stainless steel mesh with climbing plants (to be maintained as part of the management of the building). The access point to the parking area from Eugene Street would remain unchanged.
- 4.6 The landscaped areas within the two courtyards would be at first floor level on the roof of the undercroft car parking area. This has necessitated omitting the ground floor apartments which faced into the courtyards.

- 4.7 The footprint of the building is generally the same as the extant scheme, although the position of some of the projections and recesses associated with the location of vertical circulation cores have been amended. The footprints of the 6th and 7th floors have also been amended, primarily with the inclusion of units on the middle finger on these two floors.
- 4.8 A central reception and concierge area has now been included on the ground floor, accessed from the Crocus Street frontage. This will provide a central focus to the building and be the hub of building management activities.
- 4.9 The main external changes to the appearance of the building are as follows:
- Re-working the elevations of the extant scheme, omitting the use of cladding and instead it is proposed to use two contrasting bricks. The windows have also been adjusted to reflect the amended floorplans, increasing their size by removing the non-glazed panels;
  - The omission of the glazed projecting stair towers and in their place it is proposed to have shallow recesses expressed in a contrasting dark brick;
  - The upper storeys retain their step-backs on the street facing elevations, but the step-back facing the courtyard has been omitted;
  - The treatment of the upper storeys has been amended from a glass and glass look-a-like curtain walling system to dark brickwork;
  - The omission of the live-work units on the ground / first floors has necessitated a re-working of the lower elevations. The individual identity of these ground floor units has been retained with each having access directly from the street and the introduction of a 'defensible' space, comprising low level brick walls and planters.
- 4.10 *Condition 14:* As part of the redesign the approved scheme, and particularly in the context of the omission of the basement car park, a new Flood Risk Assessment has been prepared. This has been submitted with the application and concludes that the wording of condition 14 is no longer appropriate and should be amended to:
- “The development shall be carried out in accordance with the recommendations of the Flood Risk Assessment dated 29 September 2016.”
- 4.11 *Condition 15:* This states: “The business floorspace of the live/work units shall not be used for any purpose other than for purposes within Use Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.” The revised plans do not incorporate live/work units and the application therefore seeks removal of this condition.
- 4.12 The developer is offering local employment and training opportunities during the construction phase of the development. The mechanisms for providing these benefits will be by way of a S106 unilateral obligation.

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

- 5.1 257 neighbour notification letters were sent to nearby occupiers in the Hicking Pentecost Phase I building and on Crocus Street. The application has also been advertised on site and in the press. The period for comment expired on 28.12.2016.

In response nine comments have been received from the adjacent Hicking Phase I building objecting to the application for the following reasons:

- Height of building would reduce daylight, sunlight, privacy and loss of view to the occupiers of the Hicking Phase I south facing flats and one correspondent suggests footprint of the building should be reduced to address this;
- Development would increase the amount of traffic on roads and pressure on parking in the vicinity;
- Development would add to pollution and impact upon air quality;
- Construction would generate noise disturbing to Hicking Pentecost Phase I residents;
- Construction work likely to disturb wildlife in Tinkers Leen;
- There are other sites nearby which could be developed for residential without impact upon existing residents and it maybe that existing Hicking Pentecost Phase I residents move as a result.

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

**Highways:** No objection. The main issue from a highways perspective is the removal of the 230 space basement car park and its replacement with a 106 space ground level car park. The proposal will see a 54% reduction in the parking associated with the 350 residential units. In terms of traffic generation, the impact of the development will significantly reduce due to the reduction in on-site car parking provision. The main concern with the reduction in car parking is the pressure it will place on on-street parking provision surrounding the site and it should be noted residents of the Hicking Pentecost Phase II building would not be eligible for a residents parking permit in any scheme located in the vicinity of the site. The car park layout plan is considered satisfactory from a highways perspective. The car parking spaces on site should be allocated to individual apartments and apartments with no car parking provision should be advertised as such and alternative transport choices be promoted to these residents. Therefore recommend that an additional condition be imposed requiring the submission of a Travel Plan.

**Environment Agency:** The new climate change guidance recommends that more vulnerable developments should use the higher central and upper end climate change value. The new 1 in 100 year plus climate change breach flood level is 25.7m AOD and therefore strongly recommend that the internal finished floor level should be set no lower than 26.0m AOD (i.e. 300mm above 25.7m AOD). It is noted that the extant permission requires a finished floor level of 26.40m AOD. The Flood Risk Assessment does not commit to a specific finished floor level and if the applicant is unable or unwilling to set the internal finished floor levels at or above 26.0m AOD then would object to the proposed variation of Condition 14.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (March 2012):**

- 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 unless material planning considerations indicate otherwise, 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. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 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 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 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.

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

ST1 - Sustainable Communities.

H2 – Density.

BE10 - Development around Listed Buildings.

BE12 - Development in Conservation Areas.

T3 - Car, Cycle and Servicing Parking.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

**Aligned Core Strategy (September 2014):**

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 7 - Regeneration

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 11: The Historic Environment.

Policy 14: Managing Travel Demand.

Policy 17: Biodiversity.

Policy 19: Developer contributions.

### **Other documents**

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance

Planning Guidance for the Provision of Open Space Within Developments  
Supplementary Planning Guidance

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

### **Main issues**

- (i) Principle of the development;
- (ii) External changes, including whether the development would preserve or enhance the character or appearance of the Station Conservation Area and affect on the setting of a listed building;
- (iii) Impact upon neighbouring occupiers;
- (iv) Housing type and density;
- (v) Highway impacts;
- (vi) Flood risk;
- (vii) Planning obligations.

**(i) Principle of the development** (Local Plan policies ST1 and Aligned Core Strategy policy A, ACS Policy 7)

7.1 As mentioned in para. 4.2, when determining a variation of condition application, consideration is limited to the specific question of the conditions to which planning permission should now be granted, rather than to fundamental matters concerning the principle of the scheme. There is an extant planning permission for 350 residential units on this site for which the principle of the residential development is already established. The loss of the 12 live/work units are seen, in the overall context of the development and as a matter of planning judgment, as a minor material amendment; the essence of the residential character of the development has not changed. Local Plan policy ST1 and Aligned Core Strategy policies A and 7 are therefore satisfied.

**(ii) External changes, including whether the development would preserve or enhance the character or appearance of the Station Conservation Area and affect on the setting of a listed building** (Local Plan policies BE10 and BE12 and Aligned Core Strategy policies 10 and 11)

7.2 The external changes to the design and appearance of the scheme are welcomed

and considered to be a significant improvement on the extant scheme. The scheme was first granted planning permission more than 10 years ago and inevitably the design and external appearance of the building previously approved reflects the design approach prevailing at that time.

- 7.3 The revised scheme now under consideration largely maintains the same parameters for the scale, footprint and envelope of the building but the opportunity has been taken to review the treatment of the elevations to produce a scheme which is considered to be of higher quality than the extant scheme. The two contrasting bricks proposed creates a strong aesthetic and will help to break down the mass of the building. The change of material to a dark brick on the top two storeys, together with the set back on the street frontages, will help to make these storeys less dominant from street level. The inclusion of individual entrance doors on the street frontages is particularly welcomed and will help to create a sense of place and introduce activity and casual surveillance to the streets.
- 7.4 The northern edge of the development will be visible from a viewpoint on the road bridge which crosses the Tinkers Leen on Sumer Leys Lane and from the Hicking Pentecost Phase I building. It is therefore important to ensure that the appearance of the undercroft car park is properly addressed. The proposal for a planted stainless steel mesh has the potential to be a successful treatment and full details will be required by condition to ensure that this is the case.
- 7.5 The omission of the small building at the northern end of Eugene Street will enable a more rational development of the sites to the east which front London Road. In the interim, a condition is proposed requiring submission of details of the treatment of this area which it is anticipated would be landscaped.
- 7.6 The site is just outside the Station Conservation Area and Meadows Mill, a Grade II listed building, is also nearby. It is considered that the positive alterations to the design and external appearance of the proposed building would enhance the character and appearance of the Conservation Area and this listed building.
- 7.7 Street trees are proposed along Crocus Street and Eugene Street as part of the associated off-site highways works, the details of which would be secured by condition.
- 7.8 Local Plan policies BE10 and BE12 and Aligned Core Strategy policies 10 and 11 are therefore satisfied.

**(iii) Impact upon neighbouring occupiers (Aligned Core Strategy policy 10)**

- 7.9 The extant planning permission is for a building varying in height from 5 to 8 storeys and the current proposal is for a building of essentially the same footprint and envelope. The exceptions to this are the addition of accommodation on the 6th and 7th floors of the middle projecting finger of the building, omitting the set back on the 6th and 7th floors on the elevations of the building facing the courtyard, and the increase in height by one storey of the inner courtyard area as a result of the introduction of the undercroft courtyard. However, given the overall siting, mass and scale of the extant scheme, these changes would not materially change the impact of the development upon the amenity of the occupiers of the Hicking Pentecost Phase I building, in terms of outlook, daylight or sunlight.



7.10 A number of residents of Hicking Phase I have responded to the consultation process and expressed concern about the general impact of the scale and mass of the proposal and the impact this would have upon their privacy, daylight and sunlight, without appreciating the scope of the extant planning permission. Bearing in mind that the current application does not seek to alter the general scale and mass of the proposal, other than as described in the previous paragraph, the concerns about the impact of the scheme upon their privacy, daylight and sunlight have to be assessed in the context of the proposed minor amendments to the extant permission. Loss of privacy daylight and sunlight in this context are not seen as material. Overall, it is therefore considered Aligned Core Strategy policy 10 is satisfied.

**(iv) Housing type and density** (Local Plan policy H2 and Aligned Core Strategy policy 8)

7.11 The overall number of residential units remains at 350 but the balance between 1 bed and 2 bed units has changed with proportionately more 2 bed units proposed. The scheme now comprises approximately 50% 1 bed and 50% 2 bed units, with approximately half of the 2 bed units capable of accommodating 4 persons. It is noteworthy that the Planning Inspector in his letter allowing the appeal on the 2010 application referred to the 2005 committee report which explained why the appeal site lent itself less to family housing and more to a high density apartment scheme, and that there was nothing at that time to lead to a different conclusion. This remains the case.

7.12 Further, the applicant has advised that the development would be a Private Rented Sector (PRS) scheme and as such it would widen the choice of good quality rented accommodation in Nottingham, which would be attractive to young professionals and help with graduate retention. As a PRS scheme it would also be managed in a way which would ensure the building and its environs are properly maintained in the future, which would help to encourage tenant stability. Overall, therefore, it is considered that the accommodation proposed is an acceptable mix of units which would be a sustainable form of development.

7.13 Local Plan policy H2 and Aligned Core Strategy policy 8 are therefore satisfied.

**(v) Highway impacts** (Local Plan policy T3 and Aligned Core Strategy policy 14)

7.14 The current proposal reduces the number of car parking spaces by 124 to a total of 106. Highways have not raised any objection to this but recommend that a condition be imposed requiring the submission of a Travel Plan to take into account the number of residents without on-site parking provision, and to ensure alternative transport choices are promoted to these residents. This site is located in an accessible location within the City Centre, a short walk to both the tram and the railway station and there is no unrestricted on-street car parking available in the local vicinity. The move to a lower level of parking provision is therefore supported.

7.15 Comments on the application from nearby occupiers have expressed concern about traffic generation. The principle of the development and its highway impacts are already established by the extant planning permission and cannot be re-considered. However, the significant reduction in the number of parking spaces to be provided will mean less traffic being generated by the development than previously anticipated.

**(vi) Flood risk** (Local Plan policy NE10)

- 7.16 The concerns of the Environment Agency with regard to the finished internal floor level have been raised with the agent and will be reported upon further by means of the committee update sheet.

**(vii) Planning obligations** (Local Plan policies ST1, H5, R2 and Aligned Core Strategy policies 8 and 19)

- 7.17 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 the full range of S106 developer contributions that the scheme would otherwise require. The policy compliant commuted sum payments would be:

- (i) affordable housing - £2,369,500
- (ii) public open space - £234,093
- (iii) education - £84,448

The total commuted sum contribution would therefore be £2,697,041.

- 7.18 The viability appraisal concludes that the scheme can only afford to meet total contributions of £520,000. This has been assessed by a qualified surveyor within the Council and its assumptions and conclusions are considered to be justified. This level of contribution was accounted for by the current owner when acquiring the site from the receiver, which explains its alignment to the previous S106.

- 7.19 It is proposed that S106 contributions would be allocated as follows:

- (i) affordable housing - £389,792
- (ii) public open space - £45,760
- (iii) education - £84,448

- 7.20 In terms of education, the local primary schools are already experiencing capacity issues and consequently the development is going to increase pressure for school places. The figure above is derived from the Council's established formula for calculating the number of children arising from a residential development, having regard to the number and type of units being proposed, and the cost associated with providing their education. The contribution would be used towards expanding the capacity of primary schools serving the Meadows catchment area, within which the site is located. The figure has not been reduced to account for the viability issues, but rather in this instance education is seen as a priority requirement that is provided in full, in lieu of part of the affordable housing contribution.

- 7.21 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance and would be directed to improvements at the Victoria Embankment Memorial Gardens, which are part of the nearest and largest area of public open space that would readily accessible to the residents of this development. This has been reduced proportionately to account for the viability issues.

- 7.22 Given the nature of this PRS apartment scheme it is not considered appropriate to secure on-site affordable housing but rather a contribution for off-site provision.

This has been reduced proportionately to account for the viability issues and also in lieu of the full education contribution being met.

- 7.23 In the circumstances the planning obligations sought are (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.
- 7.24 Officers are satisfied that the S106 obligations sought that relate to infrastructure (public open space and education) would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010. Regulation 123(3) Community Infrastructure Levy Regulations 2010 does not apply to affordable housing.
- 7.25 Subject to completion of a new S106 and the completion/occupation of the development subject to planning permission 16/02688/PVAR3, it would be appropriate to discharge the existing S106 obligation in relation to ref: 10/ 010814/ PFUL3 (APP/Q3060/A/11/2143439) by deed of agreement, as this original permission would no longer be implementable.

**Other matters** (Local Plan policies T3, NE9, NE12 and Aligned Core Strategy policies 1 and 19)

- 7.26 The amendments to the scheme proposed by this application raise no new implications for ground contamination, surface water drainage, vehicular access to the site, biodiversity or sustainability. In these regards the scheme is as previously approved. Conditions have been recommended to ensure that previously approved details are implemented and that other matters which required the submission of further information are covered.

## **8 FINANCIAL IMPLICATIONS**

None.

## **9 LEGAL IMPLICATIONS**

Under s106A (1) (a) of the Town and Country Planning Act 1990 a planning obligation may be discharged by agreement between the Local Planning Authority and persons against whom the obligation is enforceable, if it no longer serves a useful purpose. The direction to discharge a planning obligation must be exercised for planning purposes (R (Batchelor Enterprises Ltd) v North Dorset DC [2003] EWHC 3006 (Admin)).

The restriction on the use of S106 contributions under Regulation 123(3) Community Infrastructure Levy Regulations 2010 does not apply to affordable housing, but does apply to public open space and education infrastructure contributions. In the circumstances, the number of contributions for the funding or provision of specified infrastructure or projects in relation to public open space and education, relating to planning permissions granted for development on or after 6th April 2010, must not exceed 5 in number.

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

**10 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**11 RISK MANAGEMENT ISSUES**

None.

**12 STRATEGIC PRIORITIES**

Neighbourhood Nottingham – Providing a high quality and sustainable development.

Great City – Supporting a prosperous City.

**13 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**14 VALUE FOR MONEY**

None.

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

1. Application No: 16/02688/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OH4WTJLYKGB00>

9 comments received from occupiers of Hicking Pentecost Phase 1 building

Letter from Environment Agency dated 14.12.2016

Highway observations dated 20.12.2016

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

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

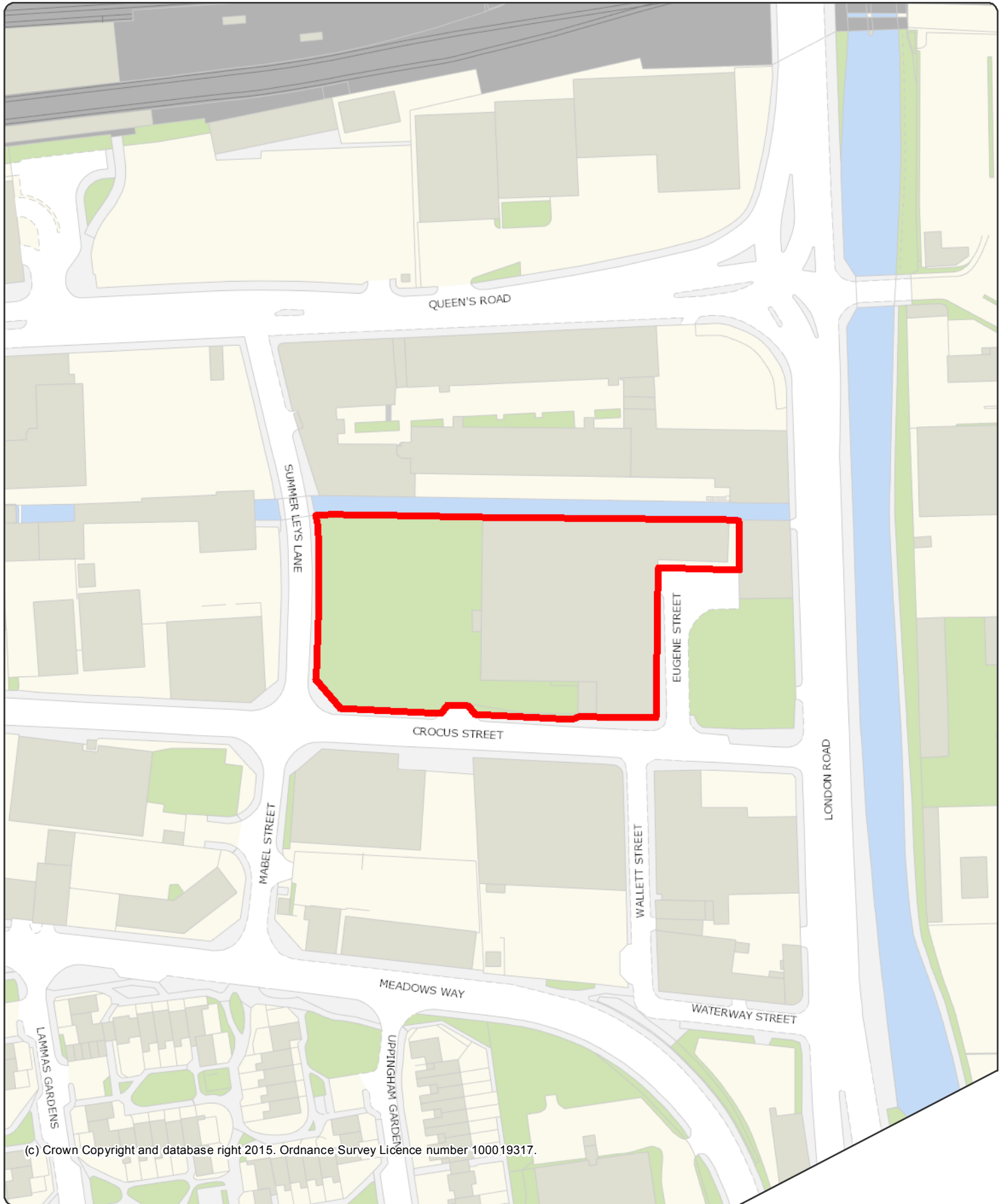
National Planning Policy Framework (March 2012)

**Contact Officer:**

Mrs Janet Keble (Tues,Wed,Thurs), Case Officer, Development Management.


Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056

# NOMAD printed map



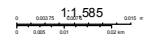
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## Key

 City Boundary

**Description**  
No map description

Nomad web map printed by a Nomad user at 09:56, 10/01/2017



**My Ref:** 16/02688/PVAR3 (PP-05632781)  
**Your Ref:**  
**Contact:** Mrs Janet Keble (Tues,Wed,Thurs)  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Jake Crompton  
Indigo Planning  
Lowry House  
17 Marble Street  
Manchester  
M2 3AW

Date of decision:

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

**Application No:** 16/02688/PVAR3 (PP-05632781)  
**Application by:** Cassidy Group Property Ltd.  
**Location:** Site Of Former Hicking Pentecost And Company, Land Between Crocus Street,  
Summer Leys Lane, And Eugene Street,, Nottingham,, NG2 3DE  
**Proposal:** Variation of conditions 2, 14 and 15 of 10/01814/PFUL3  
(APP/Q3060/A/11/2143439) (design changes and flood risk)

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**

. There are no conditions in this section.

**Pre-commencement conditions**

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

1. The development shall not be commenced until the construction method statement approved under ref. 16/02579/PDS4 has been brought into operation.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan.*



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

**DRAFT ONLY**

**Not for issue**

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Continued...

2. Other than operations consisting of site preparation, clearance and demolition work for the purposes of remedial work at the site, no further development shall take place until details of a surface water drainage scheme, based on sustainable drainage principles, have been submitted to and approved in writing by the Local Planning Authority.

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

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

3. The construction of the buildings hereby permitted shall not proceed above slab level until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the building in accordance with Aligned Core Strategy Policy 10.*

4. The construction of the buildings hereby permitted shall not proceed above slab level until details of windows, doors and balconies have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the building in accordance with Aligned Core Strategy Policy 10.*



5. The construction of the buildings hereby permitted shall not proceed above slab level until full details of hard and soft landscaping, have been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- (a) proposed finished levels;
- (b) means of enclosure, including gates; pedestrian access and circulation areas;
- (c) hard surfacing materials; minor artefacts and structures (such as furniture, play equipment, refuse or other storage units, signs and lighting);
- (d) planting plans (including specifications for cultivation and other operations associated with plant and grass establishment); a schedules of plants, (including the treatment of the northern edge of the undercroft car park and the area of land to the north of Eugene Street); a programme of implementation; and a landscape management plan, which shall include long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas;
- (e) treatment of the southern bank edge of the Tinkers Leen.

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

*Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with Aligned Core Strategy Policy 10.*

6. The construction of the buildings hereby permitted shall not proceed above slab level until full details of the treatment of the footways and street trees abutting the site on Crocus Street, Summer Leys Lane and Eugene Street have been submitted to and approved in writing by the Local Planning Authority.

No dwelling shall be occupied until the works have been implemented in accordance with the approved details.

*Reason: In the interests of the appearance of the development and pedestrian safety in accordance with Policy T3 and Policy 10 of the Aligned Core Strategy.*

7. The construction of the buildings hereby permitted shall not proceed above slab level until details and a timetable showing how at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources to be achieved, including details of physical works on site, have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policy 1 of the Aligned Core Strategy and Policy NE14 of the Local Plan.*



8. The construction of the buildings hereby permitted shall not proceed above slab level until full details of cycle parking provision has been submitted to and approved in writing by the Local Planning Authority.

No dwelling shall be occupied until the cycle parking for it has been provided in accordance with the approved details.

*Reason: To ensure that the layout of the development is satisfactory and to ensure that the layout of the development is satisfactory and to promote a sustainable element of travel in accordance with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.*

9. The construction of the buildings hereby permitted shall not proceed above slab level until full details of refuse storage provision have been submitted to and approved in writing by the Local Planning Authority.

No dwelling shall be occupied until the refuse storage facilities for it have been provided in accordance with the approved details.

*Reason: To ensure that the layout of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategy.*

### **Pre-occupation conditions**

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

10. No part of the development shall be brought into use until the biodiversity enhancement measures approved under ref. 16/02579/PDS4 have been implemented, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.*

11. Evidence verifying that all remediation work has been carried out in accordance with the scheme approved under ref. 14/01419/PDS4 shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is first brought into use.

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

12. No dwelling shall be occupied until the noise protection measures for that dwelling have been implemented in accordance with the details approved under ref. 16/02579/PDS4.

*Reason: To safeguard the amenities of future occupiers in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.*

13. The development shall not be occupied until the renewable/low carbon energy scheme approved under Condition 7 has been installed and is able to provide renewable/low carbon energy to serve the development.

*Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policy 1 of the Aligned Core Strategy and Policy NE14 of the Local Plan.*

14. Within 3 months of the first occupation of the building, a travel plan shall be submitted to the



Local Planning Authority for approval. It shall comprise a package of sustainable transport measures and initiatives that will be carried out at the site. . Once approved, the updated travel plan shall be implemented at all times.

Reason: To promote the use of sustainable means of transport to comply with Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan.

### **Regulatory/ongoing conditions**

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

16. Remediation work shall be carried out in accordance with the remediation scheme and programme approved under ref. 14/01419/PDS4. Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the Local Planning Authority subsequent to its discovery.

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

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

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:

Drawing reference 00110 REV P02  
Drawing reference 00111 REV P02  
Drawing reference 00112 REV P02  
Drawing reference 00113 REV P02  
Drawing reference 00114 REV P02  
Drawing reference 00115 REV P02  
Drawing reference 00116 REV P02  
Drawing reference 00117 REV P02  
Drawing reference 00118 REV P02  
Drawing reference 00120 REV P02  
Drawing reference 00121 REV P02  
Drawing reference 00122 REV P02);  
Other reference FRA 29.06.2016 (BWB)

*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.



# **DRAFT ONLY**

## **Not for issue**

3. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime).

4. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

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

6. The landscaping required by condition 5 shall incorporate native nectar and berry/ nut producing plants to enhance the biodiversity value of the site.

7. Taking into account the reduction of car parking spaces which would be available for residents it is recommended that future occupiers of the building are provided with a travel pack detailing the sustainable transport modes available. A central noticeboard should also be provided for residents to include sustainable transport choices to and from the site including bus information and pedestrian/cycle routes.

8. It is an offence under S148 and S151 of the Highways Act 1980 (as amended) to deposit mud on the Public Highway and as such you should undertake every effort to prevent it occurring.

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

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

#### **RIGHTS OF APPEAL**

Application No: 16/02688/PVAR3 (PP-05632781)

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

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

online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

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

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

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

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

## PURCHASE NOTICES

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

## COMPENSATION

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

**WARDS AFFECTED:** Mapperley

**Item No:**

**PLANNING COMMITTEE  
18th January 2017**

**REPORT OF CHIEF PLANNER**

**2 Private Road, Nottingham**

**1 SUMMARY**

Application No: 16/02151/PFUL3 for planning permission

Application by: Mr Andrew pike

Proposal: Single storey side extension. Increase in number of child places from 47 to 62.

The application is brought to Committee because it has generated significant public interest that is contrary to officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 14th November 2016

**2 RECOMMENDATIONS**

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

Power to determine the final details of the conditions to be delegated to the Chief Planner.

**3 BACKGROUND**

3.1 2 Private Road is a detached property located on a corner plot at the junction of Private Road and Mansfield Road. The property is currently in use as a day nursery and has associated car parking to the rear. The property falls within the Mapperley Park/Alexandra Park Conservation Area. There are a number of mature trees within the site. The site is enclosed by a brick wall along the Private Road and Mansfield Road frontages.

3.2 Planning permission was initially granted in June 1992 for a change of use of the property from flats to a private day nursery, including a series of alterations and extensions (Ref. 92/01372/PFUL3). A condition was imposed upon the permission restricting the number of children within the nursery to 25. An application to vary this condition and increase the number of children from 25 to 31 was approved in January 1997 (Ref. 96/01610/PVAR3). A further application to increase the number of children to 40 was refused in February 1998 (Ref. 97/01665/PVAR3) but was allowed on appeal. In 2008 permission was granted for a further increase in the number of children from 40 to 47 (Ref. 08/03643/PVAR3). Permission was granted in 2010 for single storey extensions to the building (Ref. 10/04015/PFUL3). The extensions have been completed and are occupied.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application seeks permission for a single storey extension to the north side of the building, in front of the existing side extension. The extension would facilitate an enlargement and reconfiguration of existing facilities. The proposal also includes an increase in the number of child places available at the nursery. The original proposal sought an increase from 47 to 70 places. Following negotiations, this has been reduced to 62 places.
- 4.2 The proposals also include alterations to the car park layout and the widening of the vehicular access into the site off Private Road.

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

### **Adjoining occupiers consulted:**

43 addresses were consulted on 11.10.16 as follows;

1, (rooms 1-8 and flats 1 and 2), 1A, 3 (flats 1-4), 4, 30 (flats 1 and 2) 30 Private Road  
476, 476A, 478, Grange Dental Clinic 480A Mansfield Road  
Flats 1-16, Warwick Mount, Mansfield Road  
Flats 1-12, Warwick Towers, Mansfield Road  
Sherwood Methodist Church, Devon Drive

A site notice was posted on 20.10.16 and a press advertisement was published on 19.10.16.

Neighbours were re-notified on 30.11.16 following receipt of further information in support of the application. Letters were sent to the following addresses in addition to the above, following receipt of initial representations from occupiers of these properties;

1, 14 and 22 Victoria Crescent  
6, 10, 18, 18A, 19, 20, 20A, 21A, 22, 39, The Lanterns (42) and 48 Private Road  
1-3 Yew Close

76 representations via letter, email and on-line comment, were received in relation to the application, raising the following objections to the proposed development:

- An increase in the number of vehicles will cause further obstruction and congestion on Private Road, which due to its narrow width, already experiences bottlenecks with cars entering from Mansfield Road.
- Access to the site is already dangerous due to the narrow opening
- The proposals will increase the risk to pedestrian safety
- The increase in car parking spaces is not proportionate to the proposed increase in child places
- Commercial waste collections, once a week, impact on the residential area. An increase will exacerbate this
- The additional children will result in increased noise and disturbance for residential occupiers
- Increased activity on Private Road will impede upon other residents' right to free passage along Private Road
- The use is not sustainable or appropriate within a Conservation Area

- The road is un-adopted and as such residents are responsible for maintenance. Over- usage by the nursery impacts on other residents
- Users of the nursery park inconsiderately on Private Road, blocking access to neighbouring residential properties
- The increased car usage will impact on air quality
- The proposal will devalue property in the area
- Consultation in the local community should be wider
- The boundary wall on private Road is dangerous
- The extension would be detrimental to the appearance of the building
- Planning department are insensitive to commercial operations on Private Road e.g. Children's home
- Previous applications have been refused due to impact on the highway
- The original plans were poor
- The car park layout is poor and not operational
- Statements about staff parking are only recently found to be true, following the submission of the application. What is to stop them parking on the street again after the application has been determined.
- The information submitted with the application in relation to awards and government funding is not relevant.
- The nursery should be sited in an area which is accessible to its users on foot.

**Additional consultation letters sent to:**

**Pollution Control:** No objection.

**Highways:** No objection. It is important to note that Private Road is just that, private. Nottingham City Council does not have any control over Private Road. As such we can only object to this proposal if it was felt that the extension of the nursery was having a detrimental impact on the nearest public highway, being Mansfield Road. This proposal will not have a detrimental impact on the **public** highway.

Whilst the increase in child places at the Hollies Day Nursery raises no objections from a highways perspective, it is important to ensure that the car park operates satisfactorily in the interests of highway safety. The proposal to increase the size of the vehicular access point to the nurseries car park to 4.8 metres is welcomed as it will allow accessing and egressing vehicles to pass at the entry point and prevent vehicles having to wait on the highway until the access point is clear. The car park layout is considered to be satisfactory but it will be necessary to provide one disabled parking space and a condition to secure this is therefore recommended. The applicant has submitted a Travel Plan to indicate the travel choices of existing staff and parents and a survey of the number of vehicles in the car park at the busiest periods of the day. Based upon this information, it is accepted that the car park can accommodate all vehicles associated with the nursery even with the extension to the nursery.

**Conservation and Urban Design:** No objection. The scale, form and use of materials to match are such that the extension would have a minimal impact, both on the host building and the special character of the Conservation Area.

**Tree Officer:** No objection. A condition requiring the submission of an Arboricultural Method Statement is recommended.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

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.

Section 12 of the NPPF relates to the conservation and enhancement of the historic environment. Paragraph 131 of the NPPF advises that, in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

### **Aligned Core Strategy**

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change

Policy 10: Design and Enhancing Local Identity

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

BE12 - Development in Conservation Areas. Seeks to preserve or enhance the character and/or appearance of conservation areas.

NE5 - Trees. Seeks to protect existing trees and secure additional planting by the imposition of planning conditions or through planning obligations.

T3 - Car, Cycle and Servicing Parking. Seeks to minimise car parking levels on new development sites subject to criteria on neighbour amenity, public transport provision, generation of extra traffic, land use and likely levels of car ownership.

CE1 - Community Facilities. Allows for new or improved community facilities where they would be easily accessible by a choice of means of transport, where they are well located to the community they serve or within centres, where they are compatible with adjacent uses, where they would not cause congestion or adversely affect residential amenity.



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

### **Main Issues**

- (i) Impact on the character and appearance of the Mapperley Park/Alexandra Park Conservation Area
- (ii) Impact on residential amenity
- (iii) Impact on highway and pedestrian safety
- (iv) Parking
- (v) Impact on trees

### **Issue (i) Impact on the character and appearance of the Mapperley Park/Alexandra Park Conservation Area (Section 12 of the NPPF and Policy BE12)**

- 7.1 Policy BE12 seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. The existing building at 2 Private Road is a 19<sup>th</sup> century detached villa that has been altered and extended a number of times to provide additional floorspace. The most significant elevation faces west onto Mansfield Road and has essentially retained its historic form. The proposed extension is a small single storey addition with a lean-to roof which would be seen immediately to the left of the principal elevation and would run across the north elevation. Its scale, form and use of materials to match are such that it would have a minimal impact, both on the host building and the special character of the Conservation Area. It is therefore felt that the proposed extension would comply with policy BE12 of the Nottingham Local Plan and section 12 of the NPPF.
- 7.2 As the day nursery is an established commercial use, it is not considered that the proposals to increase the number of child places, would have any significant additional impact upon the character of the Mapperley Park/Alexandra Park Conservation Area, particularly given the presence of a further commercial use (Dental Clinic) on the opposite corner of Private Road and Mansfield Road.

### **Issue (ii) Impact upon residential amenity (Policy 10 of the ACS)**

- 7.3 Concerns have been raised by neighbouring residents regarding the proposed increase in the number of child places. The original increase to 70 places was felt to be over-intensive, particularly when considering the smaller, incremental increases in the size of the nursery over the last 20 years or so. Taking account of the concerns raised by residents, a smaller increase was negotiated with the applicants and a total of 62 places is now proposed, representing a 32% increase overall. Whilst the proposed addition of a further 15 child places will result in some increase in comings and goings to and from the property, the nature of the operations of a day nursery is such that they do not have a fixed start and finish time. The arrivals and departures from the nursery would therefore be staggered within drop-off and collection windows of approximately 2 hours. As such, it is not considered that the consequential impacts upon neighbouring residential occupiers would be significantly greater than the existing situation. A condition to restrict child places to 62 is recommended as it is considered that any further increase in numbers could have a material impact upon the amenities of neighbouring occupiers and upon traffic and parking
- 7.4 The proposal also includes the provision of an extension to the property which would provide additional space for the extra children. The property has substantial

outdoor play space to the front of the building, on the Mansfield Road frontage. Given the location of the property on the corner of Private Road and Mansfield Road, which is a main arterial route into the city, a level of background noise during the daytime is to be expected. As such, it is not considered that the increase in child places would result in significant additional noise and disturbance for neighbouring residential occupiers.

- 7.5 The proposed extension would be single storey and in keeping with the height of the existing single storey extensions to the side of the property. Given its location within the site, it is not considered that it would have any detrimental impact upon neighbouring properties in terms of overbearing impact or impact upon light.
- 7.6 Residents are concerned that the proposed increase will result in more waste and more waste collections. They state that the nursery already have a weekly commercial waste collection which is more frequent than the fortnightly domestic collections. Whilst an increase in numbers may result in some additional waste, it is not anticipated that this will warrant any further waste collections. A weekly commercial waste collection is considered to be reasonable in a residential area. In view of the above it is considered that the proposed development would comply with policy CE1 of the Local Plan and Policy 10 of the Aligned Core Strategy.

**Issue (iii) Impact upon highway and pedestrian safety (Policy 10 of the ACS)**

- 7.7 Private Road is un-adopted and is maintained at the expense of the residents of Private Road. As such, the Highway Authority does not have control over the road. Notwithstanding this, the Highway Authority still has a duty to consider highway and pedestrian safety. The majority of objections received in relation to the proposed development relate primarily to impact upon the traffic and congestion on Private Road, claiming that the existing situation is poor and will only be exacerbated by the proposals. One of the main contributing factors to this is the narrow access into the site, which means that cars cannot enter and egress the site simultaneously.
- 7.8 In response to these concerns, the applicant has put forward proposals to increase the width of the vehicular access to 4.8m to allow simultaneous entry and egress. Taking account of this and the lesser increase in child numbers which is now proposed, it is not considered that the proposed development would have any significant additional impact upon highway safety. The widening of the access would also provide greater visibility for pedestrians accessing or exiting the site. Given the narrow width of Private Road and the location of the site on a corner, vehicles generally, do not approach the site at great speed. As such, it is not considered that the proposal would significantly increase the risk to pedestrian safety.
- 7.9 The applicant has provided data in relation to the travel methods of its customers. Whilst the majority do arrive by car, some do use public transport and arrive on foot. A recent Officer observation of the site during the peak drop off period has confirmed this to be accurate. As such, whilst the number of child places will increase, this is unlikely to translate to an equivalent increase in the number of vehicles arriving at the site. Similarly, additional nursery places may be taken up by siblings of children who already attend the nursery.
- 7.10 In view of the above, whilst it is acknowledged that the proposals may have some impact upon the number of cars arriving at the site during peak drop-off and collection times, it is felt that the lesser increase to 15 additional places will go

some way to overcoming residents concerned. The proposed works to improve the site access will also address current problems of congestion on Private Road. As such, the proposal is considered to comply with Policy 10 of the Aligned Core Strategy. A condition to control the details of the widening of the access is recommended.

- 7.11 One resident has raised concern that the proposal would reduce air quality in the area due to increased traffic. As discussed above, the increase in traffic to the site is unlikely to be so significant as to have a significant and material impact upon the air quality on Private Road.

#### **Issue (iv) Parking (Policy T3 of the Local Plan)**

- 7.12 A revised parking layout has been submitted. Local residents are concerns that the number of additional spaces to be provided (3) is not proportionate in percentage terms to the increase in number of children. Firstly, the number of additional child places has been reduced since consultation with residents were carried out, taking the percentage increase down to 32%. Residents have quoted the percentage increase in car parking spaces as 25%. Given that evidence has been provided by the applicant to demonstrate that not all children arrive at the nursery by car, the level of parking proposed is sufficient.
- 7.13 Highway Officers have noted that none of the car parking spaces are appropriate for use by disabled persons. A minimum of 1 car parking space should be provided for disabled parking and marked out accordingly. A condition to secure this is recommended. Highway Officers have confirmed that the car park has been laid out appropriately to allow vehicles to access and egress all spaces safely.
- 7.14 Some concern has been raised in relation to the shortage of spaces in the car park due to staff parking and in relation to users of the nursery parking in the street. The applicant has submitted a Travel Plan to indicate the travel choices of existing staff and parents and a survey of the number of vehicles in the car park at the busiest periods of the day. Provided this is a true reflection of the travel choices and times of travel of the staff and parents of the nursery, then it is accepted that the car park can accommodate all vehicles associated with the nursery even with the extension to the nursery. Residents are also concerned that staff have changed their parking habits since the submission of the application, now parking away from the site or arriving on foot in order to mask problems. The changes are considered to be positive and any future deviation from the current arrangement cannot be speculated.

#### **Issue (v) Impact on Trees (Policy NE5 of the Local Plan)**

- 7.15 The proposal would not result in any direct harm to trees within the site. A condition requiring the submission of an Arboricultural Method Statement is recommended to ensure that trees will be adequately protected throughout the development.

#### **Other Matters**

- 7.16 Residents have raised concern in relation to the impact upon property value. This is not a material planning consideration and as such cannot be afforded weight in the determination of this application. Some residents also feel that the extent of consultation on this application was not sufficient. Consultation was carried in line with statutory requirements for development in a Conservation Area; immediate

neighbours were notified, a site notice was displayed on Private Road and the application was advertised in the local press. Further letters were sent to anyone who had registered interest in the application initially, following receipt of additional information. Consultation deadlines were also extended to allow more time for residents to respond. It is felt that the consultation carried out is sufficient.

- 7.17 The boundary wall on Private Road is of concern to a number of local residents. The Dangerous Structures team within the Council were contacted when this issue was first raised during the consultation process and an inspection of the wall was carried out by engineers. Engineers concluded that the wall is partly retaining and in a poor condition, with eroded brickwork, but appears to be in a stable condition. Action can only be taken if the condition of the wall is such that it represents a danger to the general public. Engineers have advised that they will continue to carry out regular inspections of the wall when in the area.
- 7.18 One resident referenced a children's home on Private Road and the Council's approach to commercial development on Private Road. The Children's home in question did not require planning permission. Irrespective of this, the application site is an established day nursery and the Local Planning Authority is required to assess the proposed development on its own merits.
- 7.19 Finally, concerns have been raised by residents in relation to additional information submitted by the applicant including details of awards and government policy. These documents have been submitted to support the application as a means of justification for the increased numbers. However, the application has been considered against National and Local Planning Policy only, in addition to any other materials considerations. The policy in relation to childcare provision has not informed this recommendation.

## **8. SUSTAINABILITY / BIODIVERSITY**

Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1.

## **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**

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

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 16/02151/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ODMWO8LYIML00>

2. Conservation Officer comments dated 10.11.16

3. Highway Officer comments dated 19.12.16

4. 1 x representation received 22.10.16

5. 5 x representations received 27.10.16

6. 4 x representations received 31.10.16

7. 3 x representations received 1.11.16

8. 1 x representation received 2.11.16

9. 1 x representation received 3.11.16

10. 2 x representations received 4.11.16

11. 7 x representations received 7.11.16

12. 3 x representations received 8.11.16

13. 3 x representations received 9.11.16

14. 2 x representations received 14.11.16

15. 3 x representations received 17.11.16

16. 2 x representations received 30.11.16

17. 1 x representation received 5.12.16

18. 1 x representation received 8.12.16

19. 2 x representations received 10.12.16

20. 6 x representations received 12.12.16

21. 1 x representation received 13.12.16

22. 3 x representations received 14.12.16

23. 1 representation received 15.12.16

24. 21 x representations received 19.12.16

25. 2 x representations received 21.12.16

26. 1 x representation received 23.12.16

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

Nottingham Local Plan (November 2005)

Aligned Core Strategies (2014)

National Planning Policy Framework (2012)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059

# NOMAD printed map



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## Key

 City Boundary

**Description**  
No map description

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**My Ref:** 16/02151/PFUL3 (PP-05301401)  
**Your Ref:**  
**Contact:** Mrs Zoe Kyle  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Mr andrew pike  
31 grange road  
nottingham  
ng54fu  
United Kingdom

Date of decision:

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

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Application No: 16/02151/PFUL3 (PP-05301401)  
Application by: Mr andrew pike  
Location: 2 Private Road, Nottingham, NG5 4DB  
Proposal: Single storey side extension. Increase in number of child places from 47 to 62.

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Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

**Time limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Pre-commencement conditions**

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

2. Notwithstanding the details shown on the submitted plans, the development hereby permitted shall not commence until details of the car park layout, which shall include provision of one disabled parking space, has been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interest of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*



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3. Notwithstanding the details shown on the approved plans, the development hereby permitted shall not commence until large scale drawings to demonstrate the alterations to the vehicular access, including alterations to the boundary wall and any replacement gates, have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and to protect the character and appearance of the Conservation Area in accordance with Policy 10 of the Aligned Core Strategy and Policy BE12 of the Local Plan.*

4. 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 and NE6 of the Local Plan.*

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

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

5. Unless the Local Planning Authority has otherwise agreed in writing to the use of alternative materials, the walls of the extension hereby permitted shall be finished with render of a colour and texture to match that used on the walls of the existing building and the roof of the extension hereby permitted shall be constructed from tiles of a colour, size, texture and pattern to match those used on the roof of the existing property.

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

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

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

6. The day nursery, as extended or otherwise, shall not accommodate more than 62 children at any time.

*Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy 10 of the Aligned Core Strategy.*

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

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Drawing reference PLANS AND ELEVATIONS revision amended, received 29 November 2016  
Drawing reference PROPOSED CAR PARK LAYOUT, received 29 November 2016  
Other reference PLANNING STATEMENT, received 29 November 2016

*Reason: To determine the scope of this permission.*

#### **Informatives**





1. 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.

2. The applicant is advised to contact the Tree Officer, Edmund Hopkins on 0115 8764054 (edmund.hopkins@nottinghamcity.gov.uk) in respect of condition 4.

3. 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.

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

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



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## **RIGHTS OF APPEAL**

Application No: 16/02151/PFUL3 (PP-05301401)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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