

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**558 Woodborough Road, Nottingham**

**1 SUMMARY**

Application No: 14/02106/PFUL3 for planning permission

Application by: Marsh:Grochowski on behalf of Framework Housing Association

Proposal: Erection of 8 one-bed flats and associated works following demolition of existing buildings.

The application is returned to Committee because Committee resolved to defer a decision on 17 December to allow officers to seek to negotiate a revised design with the applicant.

To meet the Council's Performance Targets this application should have been determined by 1st December 2014

**2 RECOMMENDATIONS**

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

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

**3 BACKGROUND**

- 3.1 The application site is located on the east side of Woodborough Road, opposite Mapperley Crescent and proximate to the junction with St. Jude's Avenue. The site is currently occupied by a two storey building of which half has a pitched roof, with accommodation also in the roofspace, and the other half which has a flat roof. The building is currently vacant but has been previously used as three flats. The site has garden space to the rear. There is a single storey sandwich shop to the south of the site and a two storey building to the north that is in use as four flats. To the rear of the neighbouring flats is a terrace of four properties at Russell Court, which adjoin the rear of the site. The site is otherwise adjoined by the rear gardens of other neighbouring residential properties. There is a zebra crossing on Woodborough Road immediately outside the site.
- 3.2 Outline Planning Permission was granted in 2004 (04/01507/POUT) with the indication that the development could accommodate 9 flats in a two/three storey building including dormer accommodation within the roofspace. This permission has expired.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application initially proposed a development of ten one-bed flats, which was then revised to nine one-bed flats and has now been revised again to eight one-bed flats. Consultation has been carried out on the latest revision at the time of concluding this report.
- 4.2 The revised design proposes the erection of a two storey building with dormer accommodation within the roofspace. There would be three flats on the ground and first floors, one on the second floor, and one on the lower ground floor. The proposed building is set slightly back from the boundary of the site with Woodborough Road, which provides for a step in the front elevation. Its main entrance is onto Woodborough Road, leading through to a staircore that is placed towards the side/rear. There is a secondary entrance/exit at lower ground floor, which provides access to the building and to three car parking spaces and garden/amenity space that is proposed to the rear. A covered bike store and bin storage area is also proposed to the side/rear of the building, which is adjacent to the existing ramped vehicular access to the side of the building that is proposed to be retained and adapted, providing a vehicle entrance/egress point onto Woodborough Road. The proposed construction would be in red brick with a grey fibre cement slate roof and dark grey uPVC windows.
- 4.3 The site is currently overgrown to the rear and it is proposed that a number of existing trees to the rear would be removed, with a number of others also being retained.

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

### **Adjoining occupiers consulted:**

550 – 558(e), 562 (flats 1-4) Woodborough Road  
9 – 13(o) Querneby Road  
1 – 4 (consec.) Russell Court  
1, 8 Mapperley Crescent  
232 Ransom Road  
63 Private Road  
5, 17 St. Jude's Avenue

The application has also been previously advertised by a site notice and a press advert.

- 5.1 **Previous responses that were reported to Committee on 17 December raised the following issues/objections:**
- proposal would result in an over-concentration and would change the character of the local community.
  - enough Housing Association properties in the area already, which have a history of antisocial behaviour and poor management.
  - proposed development will multiply the anti-social problems and will affect the safety and security of the local community.
  - query what level of assistance/support there will be for tenants.
  - concerned for the safety of children, who would be using zebra crossing and walking directly past the new project to go to school every day.
  - not a good idea to house vulnerable adults/young people next to a public house.

- concern over extent of consultation and request for a public meeting (held on 10 November).
- height and style of proposed building is out of character with surrounding buildings.
- revised design is even more at odds with surroundings
- concern over height and relationship of building that may overlook private garden area and impact upon privacy.
- vehicle entrance is situated between a pedestrian crossing and a bus stop.
- not enough car parking spaces for the number of flats.
- query extent of refuse storage.

5.2 **Mapperley Park Residents Association:** concerned that there are a number of similar types of accommodation in the vicinity of this site and that clustering of this type of accommodation should not be too dense. Also concerned about getting the urban design right, using a perimeter block with secure private rear space. Suspect that residents of the scheme will suffer from the feeling of lack of control over their privacy. Units fronting Woodborough Road are positive and having the main entrance to the scheme off Woodborough road is the right solution. Raising the ground floor units above footpath level is also good. A small amount of 'defensible' frontage space would be useful.

**The following additional responses were also previously reported to Committee on 17 December:**

5.3 **Councillor Dewinton:** Concerns. Fully in support of the provision of supported housing and independent living accommodation in the city. However we need always to place these units in an area where they need be most effective both for their tenants and for neighbours – and to avoid saturation & subsequent problems. There are current issues with:

- 1) Saturation of area with ported housing accommodation, leading to subsequent problems of management. The extent of supported housing units in the immediate area could make good management of these proposed additional units difficult.
- 2) Intensity of Proposed Development – 10 flats for tenants attempting a sustainable lifestyle – harder to manage than a smaller number. Well-managed supported housing is welcome within our communities – but we need to ensure that the placement is not over intensive in any way, to the detriment of both service users & community.
- 3) Character of the Area – this is an area of popular family housing, with good schools and amenities. Whilst there have been flats at 558 Woodborough Road, a more suitable conversion would be to a smaller number of larger flats/houses: 2/4 units.
- 4) Impact on Community - Two Schools are within five minutes of this location. Large units of single accommodation, particularly for move on "independent living" can attract antisocial individuals or groups. Concern has already been raised in the community about such problems in relation to an adjacent provider of supported accommodation.
- 5) Residents have already had problems with existing units, with these concerns being expressed in responses to consultation on this application.

5.4 **Councillor Healy:** Request that application is determined by Planning Committee. Query if proposed development is contributing to balance of the community. Query design and layout of building in order that residents do not impact on surrounding area. Monitored CCTV should be a condition. Attractive modern building is positive in an area which is in need of regeneration.

5.5 **Housing Strategy:** The priority for the city, including this area, is family housing of a mix of tenures. However there is an identified need for a small amount of additional social housing that can support tenants with moderate needs that would not necessarily be met by more mainstream social housing. The intensive management that will apply to this scheme gives considerable assurance that a development of this sort will not have a detrimental effect on the local community. Furthermore it is being developed and managed by a local organisation, Framework HA, with a track record of effective management of housing schemes, most of which support individuals with much higher support needs than the client group this proposal will cater for.

There is a preponderance of supported housing in the area and also a number of houses in multiple occupation (HMOs) accommodating single people, and further provision of housing for high need groups would not be appropriate. Assurances should therefore be sought from Framework HA that the management of the properties will be maintained at the ratio proposed and that the scheme continues into the future to house people who do not have high support needs.

5.6 **Pollution Control:** No objection subject to conditions requiring an environmental noise assessment and sound insulation scheme, and implementation.

5.7 **Highways:** No objection subject to conditions. Proposal to use the existing access is acceptable, although the improvement alterations will still require a S278 agreement. Proposed details are to be carried out to ensure no queuing of vehicles or obstructions on the highway. Drainage details are also required.

5.8 **Nottingham Civic Society:** Objection. The ground floor is elevated above the street, requiring steps up to the main entrance, an unacceptable design solution for a new building where level access was achieved by the houses it is to replace. It appears that the ground floor is so elevated to make room for a lower ground floor level of accommodation on a the site which slopes away from Woodborough Road. This results in quite a bulky mass to the building when viewed from the neighbouring residential plots. Stepping the building down at the back is a traditional way of minimising its bulk from neighbouring viewpoints. Finally, the modern architectural language creates an abrupt, disjointed streetscape when viewed with the neighbouring terrace which exhibits an underlying coherence despite houses individually customised with varied building finishes.

5.9 **Any further responses to the consultation that is currently being carried out on the revised design will be reported to Committee.**

## **6 RELEVANT POLICIES AND GUIDANCE**

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

ST1 - Sustainable Communities. Complies

H2 – Density. Complies

NE9 - Pollution Control. Complies

T3 - Car, Cycle and Servicing Parking. Complies

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

Policy A - Presumption in favour of sustainable development. Complies

Policy 1 - Climate change. Complies

Policy 8 – Housing Size, Mix and Choice. Complies

Policy 10 – Design and Enhancing Local Identity. Complies

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

### **Main Issues**

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Access and Traffic Impact

### **Issue i) Principle of the development** (Policies ST1, H2, and ACS Policy 8)

- 7.1 The application site is located within a primarily residential area where the provision of further residential development is considered to be appropriate.
- 7.2 Policy ST1 aims to secure the creation and maintenance of balanced communities, including a balanced mix of housing size, type, and affordability. The policy supports the use of previously developed land and buildings and development at an appropriate density to help support local services and to ensure the efficient use of land.
- 7.3 The justification for Policy ST1 states that concentrations of tenure or household types in a local area should be avoided and encourages diversification. It also advises that a mix of housing provision will be encouraged wherever site characteristics allow.
- 7.4 Policy H2 recognises that development should aim to be compatible with the characteristics of the site and its surroundings, whilst also recognising that higher densities will be particularly appropriate where there is a good level of accessibility, including public transport and services.
- 7.5 Policy 8 of the Adopted Core Strategy emphasises the need to develop sustainable communities and, in Nottingham's case, places further emphasis on the provision of innovative family housing on the fringes of the city centre and a broader mix of housing elsewhere. Policy 8 also recognises that the appropriate housing mix will be informed by a number of factors including local housing strategies, demographics, need and demand, site specifics and accessibility (amongst others).
- 7.6 Housing Strategy advises that, whilst family housing in a mix of tenures remains a priority, there is also an identified need for a small amount of additional social

housing that can support tenants with moderate needs that would not necessarily be met by more mainstream social housing.

- 7.7 Housing Strategy also advises that the intensive management by the applicant, Framework HA, gives considerable assurance that the development will not have a detrimental effect on the local community, subject to assurances in relation to the on-going management of the development and that it will continue to be used in future to house people who do not have high support needs.
- 7.8 The applicant, Framework HA, advises that the proposed flats are intended to provide 'move-on' homes for people with a low support need prior to making the step into totally independent accommodation. It is explained that the flats will be 'ordinary residences for people who wish to get on with their lives' and that tenancies are expected to be between six months and two years. Housing management and community liaison is to be on-going, with regular inspections and entrance CCTV also being provided.
- 7.9 It is not considered that the site would be particularly suited to family housing given its location immediately adjacent to Woodborough Road and its high traffic levels. The site is, however, located on a primary bus route and also benefits from its proximity to a range of local facilities.
- 7.10 The existing building has been last used as three flats and there are other properties that front onto this part of Woodborough Road that are also in flats use. Whilst not carrying any material weight in relation to this application, it is also noted that the expired Outline Planning Permission granted in 2004 had illustrated a larger building that was intended to contain up to nine flats.
- 7.11 The one-bed format of the proposed development is confirmed as being compatible with the need identified by Housing Strategy. The revised density of eight flats is also now considered to respond better to the characteristics of the site and its surroundings, with an improved layout also minimising any direct impact upon neighbouring properties (Issue ii below).
- 7.12 It is therefore considered that the principle of the proposed development of eight one-bed flats accords with Policies ST1 and H2 of the Local Plan and Policy 8 of the Adopted Core Strategy.

#### **Issue ii) Layout and Design (ACS Policy 10)**

- 7.13 The design of the proposed building has been substantially revised, with a further flat also having been removed through the reduction in the scale of the proposal.
- 7.14 The proposed design now has a villa type form that is more in character with the form of other properties in the area, including a more conventional forward sloping pitched roof with dormer windows. There is distinct principal element to the front elevation, with a secondary element being set back adjacent to the vehicular entrance to the side. Expressed eaves to the roof, projecting bay windows to the ground floor, and recessed brickwork panels between the ground and first floor windows also provide further modelling to the façade.
- 7.15 The revised design reduces the height of the proposed building to one which is now similar in height to the pitched roof element of the existing building. The height and form of the proposed development is considered to relate better in scale to the

street scene of this part of Woodborough Road and also manages the transition between the taller neighbour at No.562 and the other lower single storey neighbour at No.554-556.

- 7.16 It is considered that the revised design has improved the appearance of the proposed development, with the associated reduction in scale also making an important contribution to this change. It is considered that the proposed design provides an appropriate level of interest to the street scene of the area through its form and composition. It is appropriate that further details of individual elements and materials are provided under planning conditions in order that the quality of finish is ensured throughout construction.
- 7.17 The provision of covered secure cycle parking and bin storage areas to the rear of the site is noted and considered appropriate in relation to the number of one-bed flats that is proposed and, in terms of cycle parking, also recognises that only a limited number of car parking spaces is proposed.
- 7.18 It is therefore considered that the layout and design of the proposed development accords with Policy 10 of the Adopted Core Strategy.

### **Issue iii) Access and Traffic Impact (Policy T3)**

- 7.19 The site has a current vehicular access off Woodborough Road to the south of the existing building. The application proposes that this access is reused and is suitably adapted to allow for vehicles to enter and leave the site safely, including a set-back gated entrance. Three car parking spaces are proposed to the rear of the site which, given the one-bed format of the proposed accommodation, management by Framework HA, and accessible location on a primary bus route, is considered to be an appropriate level for the proposed eight flats. Whilst it is clear that it would be possible to accommodate further parking to the rear of the site, Highways have no objections to this provision subject to conditions and any additional provision would be at the expense of the remaining garden area to the rear and including existing trees that are to be retained. It is, therefore, considered that the proposed development accords with Policy T3.

### **Other Matters (Policy NE9)**

- 7.20 Pollution Control is satisfied that noise assessment and sound insulation are able to be dealt with by planning conditions. Therefore, it is considered that the proposed development accords with Policy NE9.

## **8. SUSTAINABILITY / BIODIVERSITY (ACS Policy 1)**

- 8.1 The application proposes a 'fabric-first' approach, providing an energy efficient design and technical detailing to reduce regulated energy demand resulting in a 12.8% reduction in carbon emissions.

## **9 FINANCIAL IMPLICATIONS**

None.

**10 LEGAL IMPLICATIONS**

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

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: would provide high quality and sustainable development.

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

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 14/02106/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NB3Y5KLYCB000>

2. Pollution Control, 29.9.14

3. H. Phillips, 30.9.14

4. Nottingham Civic Society, 30.9.14

5. M. May, 1.10.14

6. V. Pupavac, 4.10.14

7. V. Pupavac, 5.10.14

8. Cllr. Healy, 6.10.14

9. N. Steel, 7.10.14

10. D. Main, 7.10.14

11. S. Bertolaso, 10.10.14

12. Cllr. Dewinton, 10.10.14

13. Highways, 10.10.14

14. D. Webster, 13.10.14

15. K. Coates, 15.10.14

16. Mapperley Park Residents Association, 10.11.14

17. Housing Strategy, 21.11.14

18. M. May, 24.11.14

19. K. Coates, 24.11.14

20. N. Steel, 27.11.14

21. M. May, 28.11.14



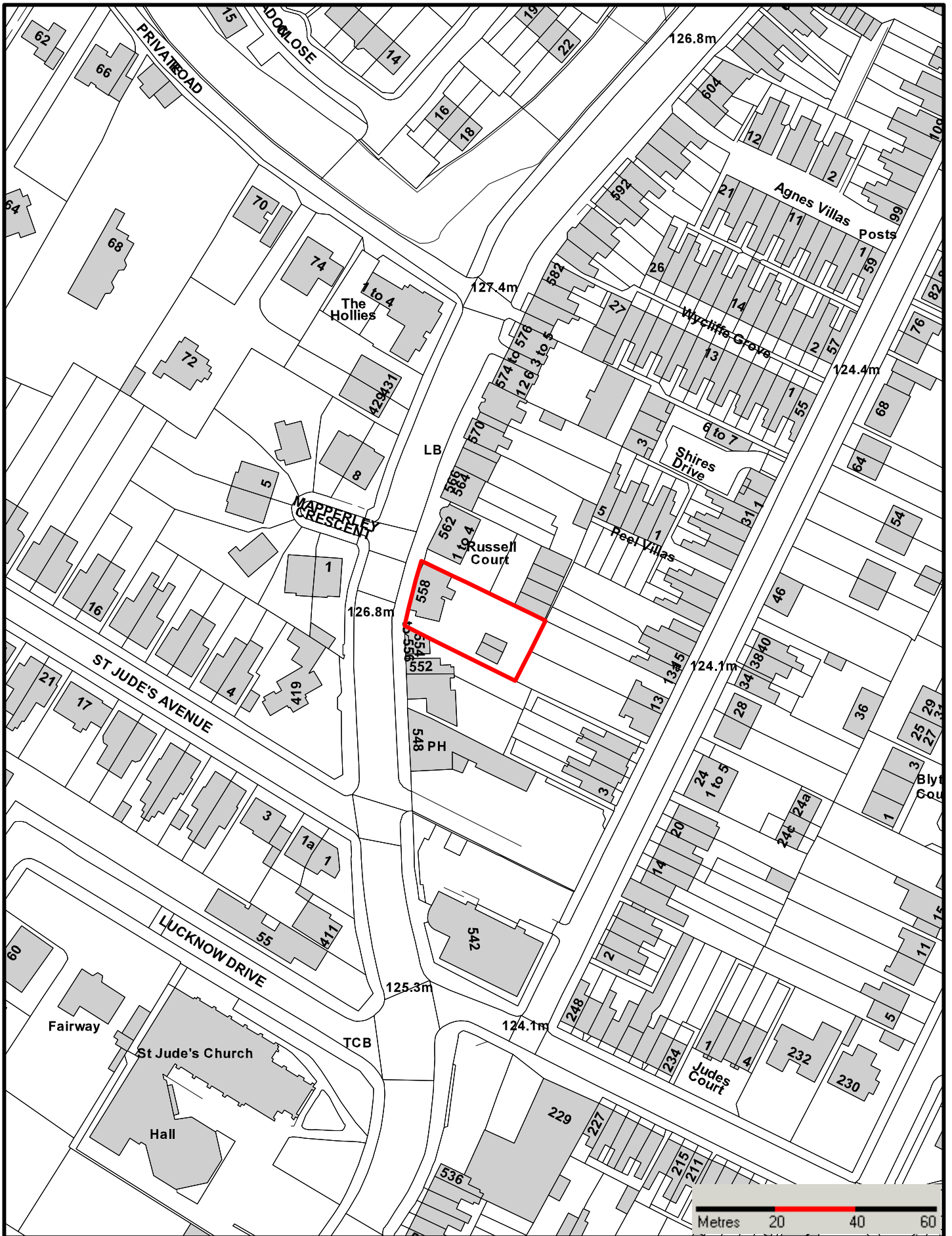
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.

Email: [jim.rae@nottinghamcity.gov.uk](mailto:jim.rae@nottinghamcity.gov.uk) Telephone: 0115 8764074



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**Nottingham**  
City Council

**My Ref:** 14/02106/PFUL3 (PP-03632790)  
**Your Ref:**  
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Marsh:Grochowski  
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NG1 1HS

Date of decision:

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

Application No: 14/02106/PFUL3 (PP-03632790)  
Application by: Framework Housing Association  
Location: 558 Woodborough Road, Nottingham, NG3 5FH  
Proposal: Erection of 8 one-bed flats and associated works following demolition of existing buildings.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

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

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.*

3. Other than the demolition of the existing buildings, no development shall commence until an environmental noise assessment and sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB L<sub>Amax</sub>(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

*Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.*

4. Other than the demolition of the existing buildings, no development shall commence until further information regarding the disposal of surface water drainage has been submitted to and approved in writing by the Local Planning Authority in consultation with the drainage section of the Highway Authority. The information shall detail as a minimum seek to demonstrate how run-off rates will be reduced by 30% by use of SUDS techniques which can include swales, attenuation tanks, and green roofs.

*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 Nottingham Local Plan.*

5. Other than the demolition of the existing buildings, the development shall not be commenced until details of all external materials to be used in the construction of the approved building have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory and to comply with Policy 10 of the Adopted Core Strategy 2014.*

6. Before any above ground development commences, large-scale elevation and section drawings to show the detailed design of the following elements of the building (e.g. scale 1:50 and/or 1:20) shall be submitted to and approved in writing by the Local Planning Authority:

- a) Window reveals;
- b) Recessed brick panels;
- c) Parapet/eaves;

- d) Entrance door and canopy;
- e) Bay windows.

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

*Reason: In order to ensure an appropriate quality of appearance of the approved development and in accordance with Policy 10 of the Adopted Core Strategy 2014.*

**Pre-occupation conditions**

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

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

*Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.*

- 8. The surface water drainage scheme to be submitted and approved under Condition 4 of this consent shall be implemented in accordance with the approved details before the development is first occupied.

*Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy NE10 of the Nottingham Local Plan.*

- 9. The approved development shall not be occupied until details of the covered cycle and bin store areas have been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the approved development is first occupied.

*In order to ensure the appropriate design and provision of these facilities in the interest of the amenity of occupants of the approved development and surrounding area, in accordance with Policy 10 of the Aligned Core Strategy.*

- 10. The approved development shall not be occupied until details of the boundary enclosure of the rear site with neighbouring properties has been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the approved development is first occupied.

*In the interest of ensuring the appropriate enclosure of the site and amenity of the occupants of the approved development and neighbouring properties, in accordance with Policy 10 of the Aligned Core Strategy.*

- 11. The sight lines on each side of the vehicular access shall be provided at the time of development and shall be retained.

*Reason: In the interests of highway safety and in accordance with Policy T3 of the Nottingham Local Plan.*

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**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 14009(PP)02 revision B  
Drawing reference 14009(PP)03 revision C  
Drawing reference 14009(PP)01 revision A

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

## **Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

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

4. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it from occurring.

5. As the proposal includes works adjacent to the highway, the Highways Network Management Team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway will occur. Please contact them on 0115 876 5238 at the earliest convenience.

6. Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

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

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.



**DRAFT <sup>5</sup> ONLY**  
**Not for issue**

Continued...

## **RIGHTS OF APPEAL**

Application No: 14/02106/PFUL3 (PP-03632790)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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