

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

**95 Talbot Street, Nottingham**

**1 SUMMARY**

Application No: 15/00888/PFUL3 for planning permission

Application by: Mr Simon Birch on behalf of Romiga Holdings LLP

Proposal: Demolition of existing derelict building and construction of new residential student development consisting of 77 beds in the form of Studios and multi bed accommodation units including communal areas to Lower Ground floor.

The application is brought to Committee because it is a major application for development on prominent site with important design and heritage.

To meet the Council's Performance Targets this application should have been determined by 30th June 2015.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to:

1. (a) The receipt of satisfactorily amended plans for the treatment of the elevation of the Wollaton Street/Talbot Street corner;
- (b) Prior completion of a section s106 planning obligation which shall include:
  - (i) a financial contribution of £31,004.05, to be used towards improvements to the site of the refreshment rooms at the Arboretum, in lieu of on-site open space provision;
  - (ii) a student management scheme;
  - (ii) a restriction on keeping private motor cars on site.
- (c) The indicative conditions substantially in the form of those listed in the draft decision notice at Appendix 1 to this report.

Power to determine the final details of both the terms of the planning obligation and conditions of the planning permission to be delegated to the Head of Development Management and Regeneration.

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

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

### **3 BACKGROUND**

- 3.1 The site is located within the City Centre and Canning Circus Conservation Area. It is triangular in nature and is occupied by former livery stables built in 1902 and fronting both Talbot Street and Wollaton Street. It is a prominent site resulting from the converging streets which focus upon Canning Circus at the centre of the conservation area. The tapering sites that exist in this area have given rise to some striking buildings, identified as focal points in the townscape on the proposals map of the Local Plan. The former Ben Bowers/1877 restaurant, a listed building at the junction of Derby Road and Wollaton Street, shares the context of the application to the south. To the west is the listed Canning Terrace which frames the entrance to the General Cemetery. A terrace of Victorian villas lies to the east of the site fronting onto Talbot Street. Wollaton Street descends steeply south-east towards the city centre resulting in level changes across the site. The immediate area is characterised by a mix of commercial uses and increasing amounts of residential, including a number of student accommodation schemes.
- 3.2 The existing building on the application site varies in height between 3 and 5 storeys. It has a strong corner feature comprising a prominent, decorated stone pediment facing onto Canning Circus. However, the building has been vacant for many years and is in a poor state of repair.
- 3.3 Planning permission was granted in July 2012 for a predominantly 6/7-storey high student accommodation building comprising 2 retail units to the lower ground/ground floors; 5 cluster flats and 47 self-contained units. At the time of preparing this report, this planning permission (11/01989/PFUL3) remains extant; however, none of the pre-commencement conditions have been discharged.

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

- 4.1 This application is seeking permission for a building of similar mass and scale to that previously approved on the site under 11/01989/PFUL3. It would be predominantly 6 stories rising to 7 stories from Wollaton Street due to the change in site levels and would again form student accommodation. The building would comprise communal facilities (gym; laundry; common room; trunk store and TV room); plant and a bin store on the lower ground floor with access from Wollaton Street. The upper ground floor would accommodate the reception area and office accessed from Talbot Street. A cycle store would also be positioned on this level along with actual units of accommodation. In total there would be 6 three bed units (59.3m<sup>2</sup>); 6 two bed units (38m<sup>2</sup>); 5 'super' studios (24.7m<sup>2</sup>) and 42 studios (19.1 – 20.9 m<sup>2</sup>) providing 77 bedrooms. The proposed accommodation sizes and layouts are the main change from the previous approval, along with the removal of the retail units and provision of communal facilities. The accommodation arrangement has been proposed on the basis of the success of the applicant's previous development at the nearby Talbot Studios. The smaller cluster flats are more popular and the super studios are favoured by overseas students as they can stay for the duration of their course and have sufficient space for storage.
- 4.2 The massing of the building would be predominantly 6 storeys, although the top three storeys would step down a floor each to 'meet' with the adjacent villas on

Talbot Street. The building is proposed to be finished with a white render and dark grey tile with accents of colour alongside the window openings. A metal banding is proposed to the top of the building to act as a lid and provide more definition.

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

### **Adjoining occupiers consulted:**

87 – 93 (odds), 118 – 120 Talbot Street; 52, 175 – 193 (odds) Wollaton Street; 106 –128 Derby Road; 1A and 3A Canning Chambers; 2-8 Canning Terrace; 1 and 3 Canning Circus

Site Notice displayed 14<sup>th</sup> April 2015 and advertised in the press 22<sup>nd</sup> April 2015.

No representations have been received.

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

**Pollution Control:** No objections subject to the imposition of relevant conditions in relation to noise and an advisory note in relation to contaminated land.

**Highways:** No objection subject to conditions requiring dropped kerbs to be reinstated, a construction management plan and the provision of secure, covered cycle parking.

**Drainage:** To be reported.

**Biodiversity and Notts Wildlife Trust:** The submitted bat survey is over 3 years old and a new survey should be carried out.

**Housing Strategy:** No objection to the derelict property at 95 Talbot Street being brought back into use as purpose built student accommodation.

Comments have been received from the Derby Road Regeneration Steering Group. Accept the ground floor may not work as retail, leisure or office space, but there is a need for a more sympathetic design for the site given it is a gateway building into the city. Looking at 128 Derby Road with its clock face and curved frontage, the proposed building looks harsh to say the least.

## **6 RELEVANT POLICIES AND GUIDANCE**

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

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

enhancing the natural environment and support the transition to a low carbon future.

- 6.3 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.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

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

BE12 - Development in Conservation Areas.

BE13 - Demolition in Conservation Areas.

E4 - Previously Used Employment Sites.

H6 - Student Housing.

NE3 - Conservation of Species.

NE9 - Pollution.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

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

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 5 – NottinghamCity Centre

Policy 10 – Design and Enhancing Local Identity.

Policy 19 – Developer Contributions

#### **Other Planning Guidance**

NottinghamCity Centre Urban Design Guide

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

### **Main Issues**

- (i) Use for student accommodation.
- (ii) Scale and design of proposed development.
- (iii) Amenities of future and neighbouring occupiers.
- (iv) Highways

**Issue (i) Use for student accommodation** (Policy H6 of the NLP and Policy 5 of the ACS & Building Balanced Communities SPD)

- 7.1 The application site, which is currently vacant, falls within the defined city centre conveniently located within a short walking distance of Nottingham Trent University campus and the city centre amenities. 95 Talbot Street is conveniently located within a short walking distance of Nottingham Trent University campus and city centre amenities. It is considered that the provision of further good quality purpose-built accommodation on this street will attract students that would otherwise occupy houses of multiple occupation outside of the city centre. The principle of student accommodation has been accepted in the previous planning permission for the redevelopment of this site. Accordingly, it is considered that the proposed student accommodation use complies with the Building Balanced Communities Supplementary Planning Document, Policy H6 of the Local Plan, and Policy 5 of the Aligned Core Strategy regarding the location of student accommodation development.

**Issue (ii) Scale and design of proposed development** (Policy BE12 of the NLP and Policy 10 of the ACS)

- 7.2 The scale and mass of the proposed building at predominantly 6 storeys is similar to the scheme permitted in 2012. Although, the revised scheme would be taller than the existing building on the site and therefore more prominent, the scale and mass is considered to be acceptable and appropriate on this highly visible site which is one of the main gateways to the City Centre. The stepping down of the proposed building follows the fall of Wollaton Street and ensures the building retains an appropriate scale when viewed in the context of the more domestic scale villas to the rear (east).
- 7.3 The proposed building is of modern design and would be constructed with a palette of modern materials including dark tiles/cladding to lower ground/ground and feature panels; white and contrasting colour cladding to upper floors; powder coated aluminium window frames and glazed balustrade to balconies/terraces. This palette of materials is considered to be appropriate to this location which on the north side of Canning Circus is dominated by render finished buildings. The building is of similar architectural style to the previous approval, with the substitution of cladding for render. Talbot Street is an area which has recently been vastly improved by the construction of the new Student Accommodation building to 116 Talbot Street, and further regeneration of the area is currently under-way. Adjacent

to this site are the two large linked white rendered Georgian houses at 93 Talbot Street used as offices, and next to these is a car parking area on two levels with an insitu concrete raised deck with garaging/storage below. Apart from 93 and 116 Talbot Street the majority of the buildings are 1960's style brick and rendered facades with glass curtain walling which have little architectural merit.

- 7.4 The current building on the site is in a poor state of repair and has been vacant for many years; as such it does not make a positive contribution to the special character of the Conservation Area. It is not considered that conversion of the existing building would be economically viable and within the context of the surrounding architecture the proposed re-development is considered to be appropriate in order to enhance the character and appearance of the Canning Circus Conservation Area and in line with Policy BE12 of the Local Plan and Policy 10 of the Aligned Core Strategy.
- 7.5 The retail units in the previous scheme have been omitted from the ground floor corner, and it is no longer proposed to have balconies above. The combined effect of these changes has been to reduce the significance and quality of the important corner elevation when compared with the approved scheme. Officers are currently in discussions with the applicant in order to secure further changes to this key element of the proposals. It is recommended that any approval of planning permission is subject to satisfactory amended plans for the treatment of the elevation on the Wollaton Street/Talbot Street corner being submitted and approved. Subject to this, design of proposed development would accord with Policy BE12 of the NLP and Policy 10 of the ACS.

**Issue (iii) Amenities of future and neighbouring occupiers** (Policy NE9 of the NLP and Policy 10 of the ACS)

- 7.6 It is not considered that adverse overbearing impact or loss of natural light would result to neighbouring properties from the erection of the proposed building. The nature of the area is of close knit development and relatively tall buildings, which are exacerbated in certain locations by the change in ground levels.
- 7.7 The property immediately to the rear of the site, 93 Talbot Street, is in use as a House of Multiple Occupation (HMO). There are principal windows facing the application site and there would be habitable windows and communal terrace areas to the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floors of the proposed building. It is not considered that adverse direct overlooking would result due to the terraces and windows being above the height of 93 Talbot Street.
- 7.8 Due to the location of the site at the junction of two heavily trafficked roads Pollution Control have recommended the imposition of a condition requiring the submission of an environmental noise assessment and implementation of any necessary noise attenuation measures prior to occupation to ensure that future residents are not adversely affected by noise levels on the site. Subject to such a condition the proposal would accord with policy NE9 of the NLP and Policy 10 of the ACS.

**Issue (iv) Highways** (Policy T3 of the NLP)

- 7.9 The proposed development makes no provision for on-site parking. The surrounding highway is highly restricted by Traffic Regulation Orders. Although there is unlikely to be any parking displacement from the development by any car

owners, loading and unloading at the beginning and end of terms will take place. A loading bay exists adjacent to the proposed building.

- 7.10 It is intended that a student management agreement will be provided as part of the S106 planning obligation. It is intended that a clause within the S106 will aim to ensure that student occupants do not keep or use their cars within the city and that drop off-arrangements are dealt with appropriately. This has become a successful deterrent to student car use and is common to all major student accommodation developments within and around the city centre. There is a secure bike store proposed on the ground floor, this is another incentive to encourage sustainable travel.
- 7.11 Subject to appropriate highway conditions, it is considered that the proposed development accords with Policy T3.

#### **Other Matters** (Policy R2 of the NLP, Policy 19 of the ACS)

- 7.12 The building would occupy the total ground area of the site with no open space provided for amenity. It is therefore considered necessary and reasonable to secure a financial contribution through a s.106 agreement for the provision of offsite open space in line with the requirements of Policy R2 of the Local Plan. This is to be spent on the landscaping of the former refreshment rooms public house site, which has not previously benefited from Section 106 contributions.
- 7.13 Provision for local employment and training during the construction and operation of the development has been offered by the Developer. In the circumstances these matters will be incorporated included in the Section 106.

#### **8. SUSTAINABILITY / BIODIVERSITY** (Policy NE3 of the LP and Policy 1 of the ACS)

- 8.1 An energy statement provided with the application shows that through the use of either a Combined Heat and Power (CHP) unit or Photovoltaic cells a minimum of 10% of the buildings required energy could be provided by renewable sources. It is not considered necessary to insist that the applicant specifies exactly which renewable energy method they will ultimately use as a condition would be included on any planning permission to ensure this commitment to renewable energy is carried out and the proposal would comply with Policy 1 of the Aligned Core Strategy.
- 8.2 A biodiversity survey carried out on the site in relation to the previous application concluded that there was no evidence of roosting bats internally or externally. Demolition works have commenced on site, pursuant to the 2012 planning permission and conservation area consent, and the building now has no roof. It is understood that the demolition has been proceeding in line with the method statement submitted with the previous application, and as far as officers are aware, no protected species have been affected during the course of demolition.

#### **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: Providing a high quality and sustainable development.

Working Nottingham: Securing training and employment for local citizens through the construction 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: 15/00888/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NLTD62LYCB000>

2. Pollution Control
3. Highways
4. Housing Strategy
5. Biodiversity
6. Notts Wildlife Trust

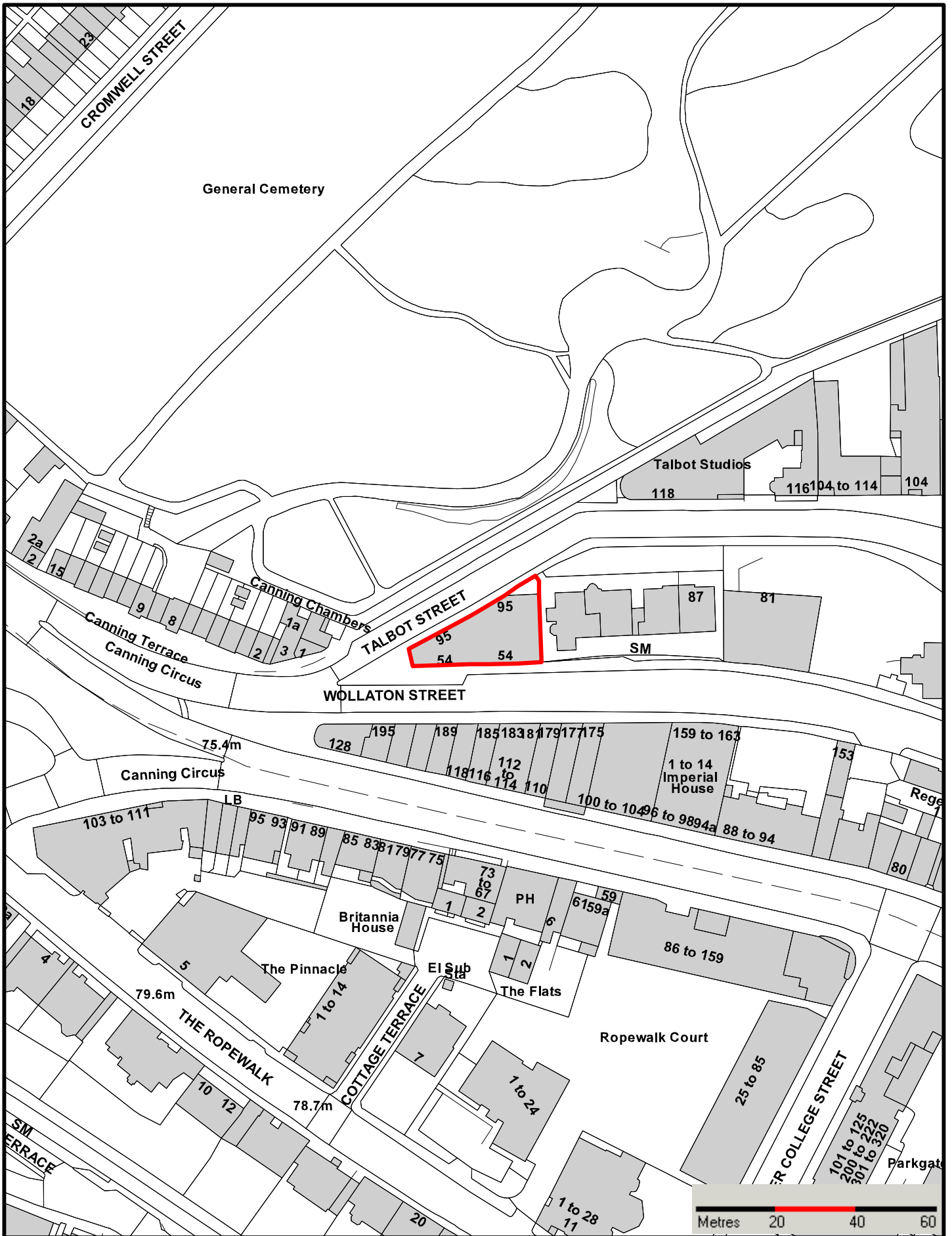
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)  
Building Balanced Communities Supplementary Planning Document  
Planning Guidance for the Provision of Open Space Within Developments  
Supplementary Planning Guidance  
NottinghamCity Centre Urban Design Guide

**Contact Officer:**

Mrs Rachel Gaskell (Mon, Tue And Fri), Case Officer, Development Management.  
Email: [rachel.gaskell@nottinghamcity.gov.uk](mailto:rachel.gaskell@nottinghamcity.gov.uk). Telephone: 0115 8764052





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**Nottingham**  
City Council

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Date of decision:

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

Application No: 15/00888/PFUL3 (PP-04065005)  
Application by: Romiga Holdings LLP  
Location: 95 Talbot Street, Nottingham, Nottingham City  
Proposal: Demolition of existing derelict building and construction of new residential student development consisting of 77 beds in the form of Studios and multi bed accommodation units including communal areas to Lower Ground floor.

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 works including site clearance shall be commenced 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, site security, traffic & pedestrian 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 on the strategic highway network within the vicinity of the site, in accordance with Policy T3 of the Local Plan.*



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**Nottingham**  
A city we're all proud of

**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

Continued...

3. No part of this development hereby permitted shall take place until further drainage details have been submitted to and approved by the Local Planning Authority.

*Reason: In the interests of highway safety and sustainable development in accordance with Policy BE4 of the Local Plan.*

4. No development shall commence until an environmental noise assessment and details of sound insulation and acoustic ventilation measures, designed to protect residential occupiers of the development from noise, have been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating.

The submission shall include 1/3rd octave band analysis, shall specify all assumptions made (e.g. glazing and façade areas) and shall be designed to achieve the following internal noise levels:

(i) Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.

(ii) Not more than 45dB LAmax (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

Where noticeable low frequency noise is present the submission shall also be designed to achieve the following internal noise levels:

(i) Not exceeding NR 30 for living rooms between the hours of 07.00 and 23.00

(ii) Not exceeding NR 25 bedrooms between the hours of 23.00 and 07.00.

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

5. No part of this development hereby approved shall take place until the applicant has submitted to, and received approval in writing from the Local Planning Authority, details of a sound insulation scheme, including the glazed areas of the property and any complementary acoustical ventilation scheme.

*Reason: In the interests of residential amenity in accordance with Policy NE9 of the Local Plan.*

6. Prior to the commencement of development details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority.

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

**Pre-occupation conditions**

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

<p>7. The approved development shall not be occupied until the sound insulation scheme and complementary acoustical ventilation scheme, which are required to be approved under Condition 5 of this permission, have been installed.</p> <p><i>Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Local Plan.</i></p>
<p>8. The approved sustainable measures that form part of this consent and achieve a minimum of 10% of the building's energy needs shall be implemented before the development is first brought into use.</p> <p><i>Reason: In order to ensure that these measures are incorporated into the approved development, in the interests of the sustainable development of the site and in accordance with Policy BE4 of the Local Plan.</i></p>
<p>9. No part of the development hereby permitted shall be occupied until such time that all of the redundant accesses on Talbot Street and Wollaton Street have been reinstated as footway with full height kerbs to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: In the interests of pedestrian safety, in accordance with Policy T3 of the Local Plan.</i></p>
<p><b>Regulatory/ongoing conditions</b> (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>10. Any doors and windows on the ground floor must open into the curtilage of the site and not out onto the public highway.</p> <p><i>Reason: In the interests of pedestrian safety in accordance with and Policy 10 of the Aligned Core Strategy.</i></p>
<p><b>Standard condition- scope of permission</b></p>
<p>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 AMENDED</p> <p><i>Reason: To determine the scope of this permission.</i></p>

**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.

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

5. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

To carry out the permanent off-site works associated with the planning consent on Wollaton Street and Talbot Street, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd).

To relocate the existing street name plate from the building to be demolished, to the new building's Wollaton Street elevation it will be necessary for the building owner to enter into a way leave agreement with Nottingham City Council. Please contact the Conveyancing Team on 0115 876 4371 to commence the process.

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

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

## **RIGHTS OF APPEAL**

Application No: 15/00888/PFUL3 (PP-04065005)

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.