

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Trent Basin And Land To East Of Trent Lane, Trent Lane

1 SUMMARY

Application No: 13/03029/PFUL3 for planning permission

Application by: Gerald Eve LLP on behalf of Blueprint (General Partner) Ltd And Homes And Communities

Proposal: Demolition of existing remaining buildings. Hybrid planning application for up to 160 dwellings comprising:
Full details for the erection of 41 dwellings comprising 35 houses and 6 apartments including landscaping, public open space and associated works (Phase 1); and Outline details for the erection of up to 119 dwellings (excluding Phase 1) including means of access (with matters of scale, landscaping, layout and appearance being reserved for later determination)

The application is brought to Committee because it is a major application, with complex phasing and Section 106 obligations, within the Waterside Regeneration Zone.

To meet the Council's Performance Targets this application should be determined by 14th March 2014

2 RECOMMENDATIONS

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

- (a) prior completion of a Section 106 Planning Obligation which shall include:
 - i) financial contributions towards affordable housing and education, subject to the submission of viability appraisals relating to each phase of development, with no contributions being made in relation to Phase 1.
 - ii) the provision of public access through the site to the section of riverside walkway and edges of the Basin, and unrestricted opportunity to continue the riverside walkway onto adjacent development sites.
 - iii) management and maintenance of public spaces, riverside path and future bridge at the mouth of Trent Basin
- (b) conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

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

3 BACKGROUND

- 3.1 The application site comprises 3.98 hectares of former industrial land, which surrounds Trent Basin on the north bank of the River Trent and to the west of Trent Lane. The majority of the site has been cleared of its buildings in the last 12 months, with only small clusters of industrial buildings remaining on Trent Lane and to the north of the site onto Daleside Road. The cleared part of the site has been levelled with a crushed stone surface.
- 3.2 The Trent Basin water inlet is rectangular in shape measures approximately 113 metres long by 36 metres wide and is to the west-of-centre of the site. There is a drop from the site level to the basin water level of approximately 3 metres.
- 3.3 The surrounding sites are primarily in business/light industrial uses, reflecting the established character and uses that operate within the Colwick/Daleside Road industrial estate. The exceptions to these uses are the Park Yacht Club and River Crescent apartments that front onto the River Trent to the east of the application site.
- 3.4 A resolution to grant Outline Planning Permission for a mixed use development of up to 2,200 dwellings and commercial uses on a larger site was determined by Committee in September 2007 (06/02216/POUT). This resolution was subject to the completion of a Section 106 agreement. However, this agreement was never concluded and the permission was not able to be issued.

4 DETAILS OF THE PROPOSAL

- 4.1 The submission is a hybrid application, meaning one that seeks full planning permission for part of a site and outline planning permission for the remaining part. In this instance the full submission element is for 41 dwellings, and the outline element is for up to a further 119 dwellings. Overall the application site is expected to provide up to a maximum of 160 dwellings, with the submission identifying that this would be likely to be implemented in five phases.
- 4.2 An illustrative masterplan and other images are provided to indicate the likely structure and character of development beyond the first full submission element of 41 dwellings (Phase 1). It is also suggested that these later phases would deliver a mix of house types including 2, 3, 4 and 5 bedroom dwellings. An indicative phasing programme also suggests the content of the subsequent phases as being:
 - Phase 2 = 24 dwellings
 - Phase 3 = 30 dwellings
 - Phase 4 = up to 46 dwellings
 - Phase 5 = up to 19 dwellings

However, the outline element of the submission only includes details relating to means of access off Trent Lane for approval at this stage, with matters of layout, scale, appearance and landscaping being reserved for later submission and determination.

4.3 The full submission element of Phase 1 would provide 41 dwellings, including a mix of houses and apartment types with 2, 3 and 4 bedrooms. The detailed configuration of the proposed dwelling types is:

- 4 x 2-bed
- 30 x 3-bed
- 6 x 3/4-bed
- 1 x 4/5-bed

The proposed houses are designed as 2/3-storey townhouses and include a mix of terraced and semi-detached properties in ten different house type designs. Each would have a private garden and an elevated terrace area. A single, 6-storey block of six apartments is proposed to the south-west corner of the Phase 1 site, adjacent to the mouth of the basin area and River Trent.

4.4 Car parking for Phase 1 provides for one space per dwelling and an additional 19 visitor spaces. The majority of dwellings are designed to include a parking space within the curtilage of each dwelling, with the remaining number being provided on-street.

4.5 Communal bin stores are provided in four locations to serve the majority of the dwellings. The apartments block is provided with its own bin store.

4.6 The proposed layout for Phase 1 also includes areas of public open space/public realm. A section of riverside walkway is provided, that can be continued on adjacent phases and sites. A landscaped amenity area adjacent to the walkway and river is also provided. Street trees are also provided throughout the proposed layout.

4.7 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 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

47 surrounding businesses and occupants have been individually consulted. The application has also been advertised by site notices and a press advert.

The following responses have been received:

Gunn And Moore, Trent Lane: Objection. Reservations on environmental grounds due to business activity and significant levels of traffic using Trent Lane, including buses, car transporters and other lorries. Believe the addition of 160 dwellings and the associated vehicles will have a significant detrimental impact on congestion particularly at the ends of Little Tennis Street and Little Tennis Street South junctions as well as at the roundabout on the Daleside Road/Trent Lane. Concern

over the safety of cyclists and pedestrians using Trent Lane and lack of local amenities which will have an adverse affect of inhabitants entering or leaving their dwellings on foot. Also concerned about the access during the construction period, as any significant access issues would have a devastating effect on business.

Town & Country Purpose Made Joinery (Nottingham) Ltd: Objection. Concern regarding potential disruption caused to business if residential development would result in any limits being imposed on operations. Also concerned over the increase in traffic where the surrounding roads are already heavily congested for most of the day, with vehicles already queuing down Little Tennis Street most evenings.

Additional consultation letters sent to:

Highways: No objection subject to conditions. The proposed accesses are acceptable in principle providing technical approval is sought for works within the highway either under a Section 278 agreement or a Section 38 agreement. Car parking is being provided to residential parking standards. Also encouraged by the applicants willingness to provide electric vehicle charging points. Disabled parking should be provided for the apartment block. Wish to see public cycle parking provided in accessible areas to allow good access to the waterside. The proposal for less formal pedestrian facilities (shared surface) is acceptable in principle, however the highway authority will need to ensure that pedestrian safety is not compromised. The application provides a potential link to the existing public rights of way network and can therefore take advantage of the proximity to the River Trent for sports, recreation and leisure activities. Tracking details (refuse and fire tender) are required for the whole proposal (41 dwellings) as well as access to private drives and parking courts to ensure highway safety. All highway and access should be built to adoptable standards.

Environment Agency: No objection. Consider that planning permission could be granted for the proposed development as submitted subject to planning conditions.

Pollution Control: No objection. Partial remediation works have been undertaken. However, further work is still required to make the site suitable for residential end use. Gas protection measures are required in all buildings on site and the clean soil is required in all landscaped areas, areas for recreation use, communal areas and garden areas. Regarding noise, proposed double glazing will be adequate as long as the noise environment does not change. Further noise assessments must be undertaken prior to each phase. Recommend planning conditions.

Housing Strategy: No objection. The Planning Statement states that affordable housing is not being delivered on viability grounds and, given the site and the standard to which the homes will be built, this is broadly acceptable. The proposed mix and layout for phase 1 is acceptable, as is the proposal for further development in phases 2 and 3, although the mix of housing delivered in the subsequent phases will need to be agreed.

Nottingham Regeneration Limited: No objection. Warmly welcome the proposed development. The larger Trent Basin site as a whole has been a longstanding development opportunity identified in the Nottingham Plan. NRL has attempted to work alongside a number of public and private sector owners for several years to bring forward a residential based redevelopment on the site. The proposed scheme would appear to present a viable development solution to what has hitherto been a

difficult site given the extent of abnormal costs associated with the sites former industrial use. The high density residential scheme proposed includes both a mixture of houses of differing sizes and apartments and is to be supported. The design would appear to deliver the quality aspirational housing that is required to kick start the overall development. NRL particularly welcomes the number of larger dwelling sizes that could attract families to the area. The sustainable/green credentials of the proposals are welcomed and should help attract occupiers. Welcome the scheme making maximum use of the waterside setting with most homes having a glimpse of the river and/ or basin and fully support the introduction of the public walkway along the waters edge. It is recognised that there is a need to create a new market for housing in what has been a largely industrial area and consider that it is entirely appropriate that a quality product and new open space/public walk should take priority when planning contributions are being considered. The latter phases can make appropriate contributions once the viability has been proven and market established

OPUN Design Review (14th August 2013): The Design Review Panel congratulated the applicant on a thoughtful, compelling vision for the development and a strong understanding of site context and sense of place. The Panel concluded that it is important to ensure that the development masterplan has a waterside character and identity which is as strong as possible, including the provision of physical and visual linkages to the basin and riverside; exploring a range of activities for the basin itself and utilising this to drive the character and identity of the site; ensuring that the courtyards / shared spaces are secure with attractive well designed boundary treatments to encourage their use as social and recreational places; and providing strong connections to the existing communities and recreational facilities. Other issues to be addressed included strengthening the vitality and activity at street level including the potential for live/work units; exploring different materials to treat the pavilions (and other key buildings) and careful consideration of the access and parking arrangements close to the water's edge, e.g. pavilion buildings.

Pedals: Keen to support this planning application, particularly in view of the fact that it clearly takes account of the need to extend the riverside path on the north bank of the Trent further from Meadow Lane lock etc. towards Trent Lane and Colwick Park, etc. Also very much hope that this application, and possible further phases of this housing development, will help towards the implementation of a new pedestrian and cycle bridge across the Trent between Trent Lane and The Hook (Lady Bay, West Bridgford).

Heritage and Urban Design: No objection. The development is encouraged in terms of the quality of design and as a catalyst to future riverside development. The quality of the public realm, building heights and density of development reflects the overall vision for the waterside frontage. The proposal also reflects the submitted masterplan, which appropriately demonstrates how future phases could be continued. Shared surfaces, tree planting and a variety of car park solutions will help to reduce the dominance of car parking and hard surfaces within the development, which is particularly important close to the water edge. The buildings themselves are exciting, imaginatively designed and contemporary in style with an interesting mix of materials.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraph 49 states that the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm can not be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

ST2 - A Successful Economy.

H2 - Density.

H3 - Appropriate Housing Types.

H5 - Affordable Housing.

MU6 - Waterside Regeneration Zone.

MU7 - Waterside Regeneration Zone Sites. (MU7.2 Trent Lane Basin)

BE1 - Design Context in the Public Realm.

BE2 - Layout and Community Safety.

BE3 - Building Design.

BE4 - Sustainable Design.

R2 - Open Space in New Development.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 - Car, Cycle and Servicing Parking.

Waterside Regeneration Interim Planning Guidance – November 2001

Trent Lane Planning Brief – January 2002

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

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

Issue (i) Regeneration (Policies ST1, ST2, MU6, and MU7/MU7.2)

- 7.1 The application site falls within the Waterside Regeneration Zone and is an allocated site for mixed use redevelopment (MU7.2).
- 7.2 Policy MU6 states that development proposals which contribute to the creation of a vibrant mixed use riverside quarter in the Waterside Regeneration Zone will be promoted and encouraged. Other strategic criteria that are to be considered when reviewing development proposals, include the provision of comprehensively designed schemes; mixed use sustainable neighbourhoods that connect to the waterside and with each other; housing in a mixture of house types, sizes and affordability; modern business accommodation and high quality offices and

workshop space; integrated transport measures; recreation, amenity and nature conservation aspects of the River Trent corridor.

- 7.3 Policies ST1(d) and Policy ST2 both support the use of previously developed land in the context of the formation of sustainable communities (Policy ST1d) and a successful economy (Policy ST2), with Policy ST2 also supporting the assembly and opening up of access and decontamination of land where necessary.
- 7.4 The ambition of the previous outline planning application for the larger site has not been realised and, in the meantime, the challenges to developing sites of this nature and size have increased significantly. In clearing and decontaminating the majority of the site, the HCA as joint applicant has provided the conditions where the redevelopment potential of the site can be better appreciated, and particularly its waterside setting including both the River Trent and Trent Basin. Whilst the proposal is for the single use redevelopment of the site for housing, it is recognised that opportunity to provide a mix of uses on adjacent sites in future developments is still be capable of being realised as part of the wider regeneration of the area. At this point in time it is appropriate to encourage the proper start to regeneration of the area through the provision of a development of good quality mixed housing that is to an appropriate density, layout and design, as one that will provide the suitable basis for the further phased regeneration of the Waterside area. In this respect, it is considered that the proposed development substantially accords with Policies ST1, ST2, MU6, and MU7/7.2.
- 7.5 The Waterside Regeneration Interim Planning Guidance and Trent Lane Planning Brief provide strategic guidance in relation to the redevelopment of the area. These documents were prepared in 2001 and 2002 and should be afforded moderate weight. It is noted that the Trent Basin area would be redeveloped as the hub of a major new riverside community with a mix of uses including housing, leisure, and retail. The proposed development is for the single use redevelopment of the site for housing. As above, it is considered that it is appropriate to encourage the proper start to regeneration of the area, which is in accordance with the overall aims of these documents.

Issue (ii) Density and Layout (Policies H2, H3, BE1 and BE2)

- 7.6 The proposed overall density of the whole development would be 45 dwellings per hectare, with the density of Phase 1 being slightly higher at 47 units per hectare. This is a moderate density that is considered to be appropriate to the site's location and would be significantly lower than the previous 2007 mixed use proposal. It is also consistent with Policy H2, which envisages the density of new housing development as being in the range of 30-50 dwellings per hectare.
- 7.7 The illustrative masterplan provided indicates that the site could be developed in a total of five phases, to be completed incrementally over a period of 5 – 10 years. Each phase is logically connected to the next and cumulatively represents a well considered and comprehensive layout that, if implemented, will provide the area with its own sense of place and character. The illustrative masterplan also indicates that a clear hierarchy of streets and connections would be formed, with buildings being used as markers to create appropriate gateways and focal points in the street scene. Visual links to the wider environment, including views to the River Trent and into the city towards Greens Mill are also recognised and are considered particularly important.

- 7.8 Streets within the scheme will give priority to residents and pedestrians, with narrow carriageway widths with passing spaces at intervals being used to keep traffic slow. The provision of street trees and raised planting beds to the front of houses will also provide landscape features and appropriate interest to the street.
- 7.9 The provision of a hard landscaped edge to the Basin will provide an accessible edge to this key feature, being continued onto a section of riverside walkway that is to be established as a key element of public realm within the scheme. The riverside walkway is also to be continued along the riverside frontage of the site and onto adjacent future development sites. A replacement pedestrian footbridge over the mouth of the Basin will also be provided as part of a later phase of this development. Pockets of informal open space are also to be included at points along the riverside and within the site, with the Basin in particular being considered as a key element of public realm, potentially including a floating garden that would be designed to sit within the Basin and with moorings being provided around the edge.
- 7.10 The layout of Phase 1 accords with the principles of the illustrative masterplan for the whole scheme and proposes a layout of 41 dwellings in a clear and strong urban form. The houses all address the street and the principal street is structured in a manner to provide interest along its length. The siting of the proposed apartments building at the end of the street and adjacent to the mouth of the Basin also adds strength and character by providing an appropriate focal point within the scheme and marker along its riverside edge. Vehicular and alternative pedestrian accesses are provided to rear courtyard areas, which are to be gated for security and to encourage their use as shared communal spaces. Recycling and waste areas are also provided via a number of communal bin stores that are located along the primary street and are to be disguised using timber shuttering.
- 7.11 It is considered that the proposed density and layout of Phase 1 of the development is appropriate to the site and area and accords with Policies H2, H3, BE1 and BE2 of the Local Plan.

Issue (iii) Scale and Design (Policy BE3)

- 7.12 Phase 1 of the proposed development comprises ten different house types to a townhouse typology. The heights of the townhouses are either two or three storeys. The exception to this general scale is the apartment block at six storeys. The floorspace of the townhouses range from 92m² to 126m², with the majority providing three bedrooms.
- 7.13 All of the buildings are to have brickwork and render façades, with different colours and types of brickwork being used to distinguish architectural elements. Samples of the brick that are to be used have been provided and are considered to be of good quality and suited to the varied design of the buildings. The use of a consistent palette of good quality materials is also important to help create the desired sense of character and place to the development.
- 7.14 Roof terraces are to include timber canopies and screens to add further elements of interest and solar shading at appropriate points on the south facing elevations of a number of the townhouses.
- 7.15 At present there are no significant aspects to the site and surrounding area that could be used to guide the proposed scale and design of the development. It is,

however, clear that the proposals for Phase 1 of the site have been carefully considered with the intention of ensuring that an appropriate quality of development can be established and continued across later phases. Accordingly, the townhouse buildings are of modest scales that are suited to their potential market that could range from families to young cohabiting adults and downsizing couples, whilst their design is varied yet controlled through the use of a wider range of house types and a limited palette of good quality materials.

- 7.16 The six storey apartment block is designed to be a larger, taller version of the townhouse typology, which is considered to be appropriate to its position at the head of the Basin and prominence along the riverside.
- 7.17 It is considered that the proposed scale and design of the development is appropriate to the site and area and, in association with the aspects of density and layout above, will create a cluster of distinctive contemporary dwellings that will also guide the future quality of later phases and wider regeneration of the waterside area. The proposed development is, therefore, considered to accord with Policies BE1, BE2 and BE3.

Issue (iv) Highway Impacts (Policy T3)

- 7.18 A Transport Assessment has been submitted as part of the application documentation and this has been reviewed by Highways. The Assessment concludes that the application site is accessible and that residents would have access to a number of sustainable transport modes. The Assessment also concludes that the existing transport infrastructure around Trent Lane and on Daleside Road demonstrates sufficient capacity to meet the needs of the site without any significant impact on the highway network. Highways have raised no objections to the findings of these reports and accordingly it is not considered that any significant off-site highway improvements are necessary in relation to the proposed development.
- 7.19 The comments of the neighbouring business in relation to the increase of traffic and safety of users on Trent Lane and Daleside Road are noted, but are not considered to affect the conclusion reached on the highway network implications of the proposed development.
- 7.20 Highways are also satisfied that the proposed accesses into the larger site are satisfactory and that the highways layout of Phase 1 is acceptable subject to minor points of clarification and appropriate planning conditions. It is, therefore, considered that the proposed development accords with Policy T3.

Other Material Considerations

Flood Risk and Drainage (Policy NE10)

- 7.21 The application site is identified to fall within Flood Zones 1 and 2. The Flood Risk Assessment submitted with the application concludes that the proposed development is not at significant flood risk. Appropriate mitigation measures are to be included as part of the development of the site, including the setting of minimum floor levels at 24.60m AOD. It is considered that the proposed development accords with Policy NE10.

Pollution and Contamination (Policies NE9 and NE12)

- 7.22 Pollution Control is satisfied that the noise assessment and contamination reports submitted with the application provide sufficient assurances that the site is able to be redeveloped for housing. Verification that development works have been implemented in accordance with the report recommendations is required, and further conditions are recommended in relation to the phased approach to development. It is, therefore, considered that the proposed development accords with Policies NE9 and NE12, subject to the conditions included in the draft decision notice that is appended to this report.
- 7.23 The concerns of the neighbouring joinery business in relation to noise levels from their operations potentially affecting residents of the development have also been considered in the submitted environmental noise assessment, resulting in no additional requirements.

Planning Obligations: (Policies ST1, H5, and R2):

- 7.24 It is proposed that the development of Phase 1 would not be viable if the provision of affordable housing or financial contributions towards aspects such as public open space were to be included. The applicant has provided a viability appraisal that demonstrates the impacts that these aspects would have on the scheme and it is concluded that a sufficient case has been made to waive these in the interests of promoting the regeneration of the site and wider area. The applicant has agreed that further viability appraisals would be submitted in association with subsequent applications for the approval of reserved matters of later individual phases of development, with the viability threshold being set at 23% return on Gross Development Value in order to provide clarity to future development partners. Commuted sum contributions would be made to the Council on development profits above this threshold and would, therefore, be determined on a phased submission basis.
- 7.25 It is considered that the priority in this instance should be to encourage and support the redevelopment of the site and it is recommended that the mechanism for future viability review on these terms should be agreed.
- 7.26 The provision of public access through the site to the section of riverside walkway and edges of the Basin is to be included within the S106 agreement, as is the unrestricted opportunity to continue the riverside walkway onto adjacent development sites.

8. SUSTAINABILITY / BIODIVERSITY (Policy BE4)

The application proposes a 'fabric-first' approach to minimise energy consumption. The proposed development of highly efficient dwellings has been measured to achieve a target annual consumption equal to approximately 14% less than that of a comparable-sized dwelling of regular construction. This is to be achieved through super-high insulation, absolute air tightness and the orientation of buildings to harvest the sun's energy through south-facing windows. This measure is also independent of renewable energy technologies, which are able to be installed at the purchasers' request. It is considered that a 'fabric-first' approach is an appropriate means to achieve carbon reduction targets and, subject to a requirement to implement the development using this approach, is in accordance with Policy BE4.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 13/03029/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MXQJS5LYCB000>

2. OPUN Design Review, 14.8.13

3. Pedals, 9.1.14

4. Town & Country Purpose Made Joinery (Nottingham) Ltd., 14.1.14

5. Housing Strategy, 14.1.14

6. Gunn and Moore Ltd., 15.1.14

7. Highways, 17.1.14

8. Pollution Control, 4.2.14

9. Nottingham Regeneration Limited, 4.2.14

17 Published documents referred to in compiling this report

National Planning Policy Framework

Nottingham Local Plan (November 2005)

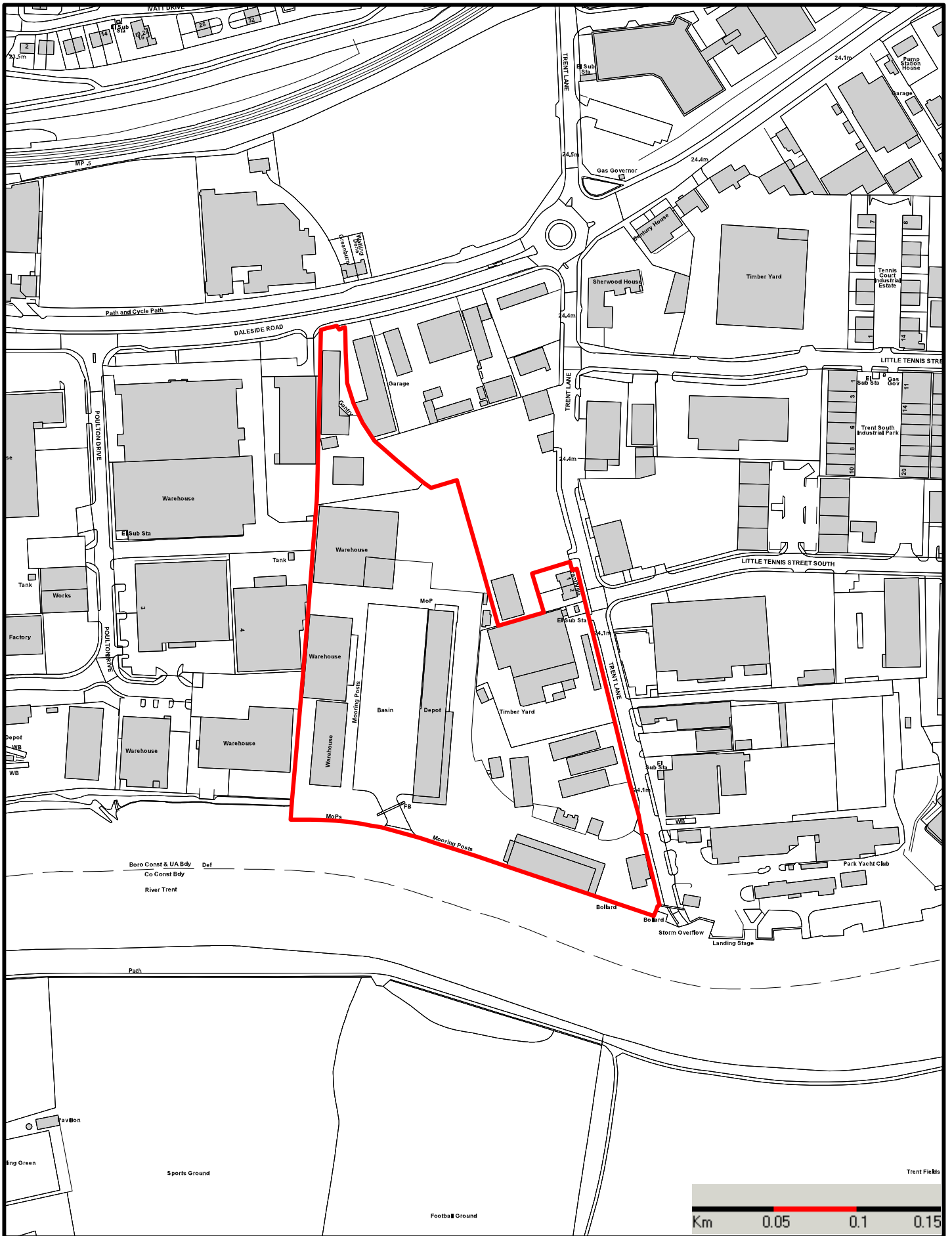
Waterside Regeneration Planning Guidance – November 2001

Trent Lane Planning Brief – January 2002

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Nottingham
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Date of decision:

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

Application No: 13/03029/PFUL3 (PP-02929511)
Application by: Blueprint (General Partner) Ltd And Homes And Communities
Location: Trent Basin And Land To East Of Trent Lane, Trent Lane, Nottingham
Proposal: Demolition of existing remaining buildings. Hybrid planning application for up to 160 dwellings comprising:
Full details for the erection of 41 dwellings comprising 35 houses and 6 apartments including landscaping, public open space and associated works (Phase 1); and Outline details for the erection of up to 119 dwellings (excluding Phase 1) including means of access (with matters of scale, landscaping, layout and appearance being reserved for later determination)

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. Phase 1 of the development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>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.</i>
2. Applications for the approval of Reserved Matters relating to the layout, scale, appearance and landscaping of subsequent phases of development (Phases 2-5 on the illustrative masterplan) shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. <i>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.</i>
3. The subsequent phases of development (Phases 2-5 on the illustrative masterplan) shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.



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DRAFT ¹ ONLY
Not for issue

Continued...

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)

4. The development of subsequent phases of development other than Phase 1 shall not be commenced until a phasing plan for the entire development has been submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include reference to the different phases of housing and the provision of roads, surface water drainage, public open space and other areas of public realm/amenity land (including public realm within the Trent Basin water area and pedestrian bridge across the mouth of Trent Basin), and a timetable for implementation. Thereafter the development shall be implemented in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policies R2, BE1, BE2, BE3 and BE5 of the Local Plan.

5. No development of each phase shall take place, including any works of demolition, until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:

1. Details of temporary site entrances for construction traffic purposes.
2. Provision to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.
3. Adequate precaution to prevent the deposit of mud and other similar debris on the adjacent public highways.
4. A routing agreement associated with each phase of construction. All vehicles associated with the development shall access the site in accordance with the approved routing agreement.

The Construction Management Plan for each phase of development shall be implemented in accordance with the approved details.

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

6. The development of each phase shall not commence until details of the external materials of the buildings within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.

7. Other than Phase 1, the development of each phase shall not commence until details of all hard surface treatments within that phase, including the roads, foot/cycle paths and parking areas, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.

8. The development of each phase shall not commence until details of the finished floor levels of each dwelling and all roads within that phase, including street-scene cross sections, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with Policy BE3 and NE10 of the Nottingham Local Plan.

9. Other than Phase 1, the development of each phase shall not commence until details of the means of enclosure for the site and individual dwellings within that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.

10. Other than Phase 1, the development of each phase shall not commence until a landscaping scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species (with a focus on the use of native species) and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.

11. The development of each phase shall not commence until a surface water drainage scheme for that part of the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme to be submitted for each phase of development shall:

1. Undertake infiltration testing in accordance with BRE 365 guidance prior to any works commencing.
2. Demonstrate the utilisation of holding sustainable drainage techniques. Should permeability testing find that infiltration into the ground is not a viable means of disposing surface water from the site, an alternative surface water drainage strategy will be required and must incorporate a minimum of two forms of SuDS treatment in accordance with CIRIA C697 'The SuDS Manual'.
3. Demonstrate via the submission of suitable drainage calculations that the total surface water discharge from the proposed development will be limited to 30% betterment than the equivalent Brownfield runoff rate up to and including the 1 in 100 year storm event plus an appropriate allowance for climate change. (Please note that a Brownfield discharge rate will not be permitted unless it can be established that the site currently benefits from a positive outfall).
4. Confirm that either no development will be located over or within the combined sewer easement that the combined sewer will be re-routed around any proposed developments (subject to approval from Severn Trent Water).
5. Clarify how the surface water drainage scheme will be maintained and managed in perpetuity.
6. Consider overland flood flow routes through the site and the finish floor levels and the soffit level of the proposed bridge shall be set no lower than 600mm above the 100 year plus climate change flood level, i.e. 24.60m AOD.
7. Incorporate a 3m - 5m wide easement within the proposed development layout.

The approved surface water drainage scheme shall be implemented in accordance with the approved details before the phase of development to which it relates is completed.

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.

12. The development of each phase shall not commence until such time as a scheme to dispose of foul and surface water relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be implemented as approved.

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.

13. The development of each phase shall not commence until details showing how the gas protection measures required in the Remediation Strategy by WYG dated Nov 2012 (A077194) are to be incorporated into the buildings have been submitted to and approved by the Local Planning Authority. The development of each phase shall be implemented in accordance with the approved details.

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

14. The development of each subsequent phase (Phases 2-5 on the illustrative masterplan) shall not commence until a further Noise Assessment relating to that phase has been submitted to and approved by the Local Planning Authority. This 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 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 Nottingham Local Plan.

15. The development of each subsequent phase (Phases 2-5 on the illustrative masterplan) shall not commence until details of a sound insulation scheme, including the glazed areas of the property and any complementary acoustical ventilation scheme, has been submitted to and approved by the Local Planning Authority. The sound insulation and complementary acoustical ventilation scheme approved by the Local Planning Authority shall be installed prior to occupation any dwelling of the associated phase of development.

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

16. The development of each phase shall not commence until an ecological enhancement strategy for each phase or whole site has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement strategy shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

1. Aim to enhance, where possible, the ecological value of the Trent Basin and River Trent.
2. Demonstrate that the landscape and planting plan aims to integrate and attract wildlife and wildlife features into the site post construction.
3. That only native plant species of local provenance or of genuine native British provenance are used in the landscaping of the site.
4. That the design of the development encourages the linking of habitats through the design of the site and the planting plan.
5. Wild areas are to be provided on site which are less managed. This could include retained grassland left unmanaged with the provision of hibernacula, such as log piles, for small mammals, amphibians, reptiles and invertebrates.
6. The provision of SUDS mechanisms designed not only to retain water on site but to provide wetland habitats.
7. Where appropriate bat boxes / bat bricks should be incorporated into the design of the new buildings with planting near access points.
8. Opportunities for the provision of wildlife ponds and gardens and the creation of vegetated buffers around site boundaries and water bodies should be fully considered.

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

17. The proposed 'Meanwhile Use' of areas of the pending the development of later phases of the approved development shall not be commenced until a Remediation Strategy for that area of the site has been submitted to and approved by the Local Planning Authority. The Remediation Strategy shall have regard to the Ground Investigations already undertaken for the site.

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

18. The proposed 'Meanwhile Use' of areas of the pending the development of later phases of the approved development shall not be commenced until a Verification Report has been submitted and approved by the Local Planning Authority, providing evidence that any Remediation Works required under the approved Remediation Strategy have been implemented.

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

19. Notwithstanding the details included in the approved drawings for Phase 1 of the development, no development shall commence until details of public cycle parking facilities within this phase of development have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the development is first occupied.

Reason: In the interests of ensuring the appropriate provision of public cycle parking facilities within the approved development.

20. Notwithstanding the details submitted on the approved layout drawings of Phase 1 of the development, no development shall commence until details of temporary turning spaces at each carriageway terminal leading to the next phase of the development have been submitted to and approved by the Local Planning Authority, to ensure that refuse and emergency tender vehicles can manoeuvre safely on the highway. The approved details shall be implemented before the development is first occupied.

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

Pre-occupation conditions

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

21. No building within any phase of the approved development shall be occupied until a Verification Report providing details and proof of any Remediation Works required for that phase, under the approved Remediation Strategy by WYG dated Nov 2012 (A077194), has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

22. No dwelling shall be occupied until the means of enclosure have been erected in accordance with details to approved under Condition 8, and the parking provision for that dwelling (surfaced in accordance with the details approved in relation to Condition 6) has been completed and is available for use.

Reason: In the interests of the appearance of the development in accordance with Policies BE3 and T3 of the Nottingham Local Plan.

23. No phase of the approved development shall be occupied until the name and contact details of the Travel Plan Coordinator has been provided to the Local Planning Authority. The actions and measures contained within the approved Residential Travel Plan (BWB - Transport and Infrastructure Planning , 6.12.13) shall be implemented at all times, which also includes annual resident travel surveys, submitting annual travel plan updates to the Local Planning Authority, and invoking remedial measures in the event of any shortfall in the progress towards agreed targets..

In the interests of promoting sustainable travel.

24. No part of the approved development shall be occupied until the following works have been implemented in accordance with details to be submitted and approved in advance by the Local Planning Authority:

1. Footway crossings at each vehicular access
2. Alterations to footway crossings
3. Reinstatement of any redundant footway crossing and/or damaged or altered areas of footway or other highway.

Reason: In the interests of highway safety.

Regulatory/ongoing conditions

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

25. The approved landscaping scheme for each phase of the approved development shall be carried out in the first planting and seeding seasons following the occupation or completion of the development of that phase, whichever is the sooner, and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE5 of the Nottingham Local Plan.

26. The glazing recommended in Noise Assessment by BWB dated 11/10/2013 (ref:NTH2085/Noise Assessment/V1) shall be installed prior to occupation of the each dwelling within in Phase 1 of the approved development.

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

27. In the absence of a comprehensive risk assessment, piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling can introduce direct pathways by which contamination can impact the underlying groundwater and therefore in the interest of Policy NE10 of the Nottingham Local Plan..

28. All new public rights of way and sustainable transport routes crossing the site shall be constructed to adoptable standards.

In order to ensure the appropriate standard of construction of these routes.

29. All garages associated with the dwellings on all phases of the approved development shall be provided with garage doors that do not open out onto the highway or private parking court areas.

Reason: In the interests of highway safety and the convenience of occupants of the approved development.

30. The integral garage parking spaces within the dwellings of the approved development shall not be used for any other purpose other than for parking provision for these dwellings.

Reason: In the interests of ensuring that an appropriate level of parking provision is retained within the approved development.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 13 December 2013.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.
3. The noise assessment shall be undertaken with regard to BS 7445:2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.
4. BS8233 gives an approximate relationship between NR & dBA as $NR = dBA - 6$. This is specifically an approximation 'in the absence of strong low frequency noise'. Therefore it is appropriate and reasonable to assess internal noise levels, where low frequency noise is noticeable, using the NR curves specified.
5. The Environment Agency is the responsible authority for consenting works to Major Watercourses and should be consulted regarding consent for works.

Should infiltration testing confirm that infiltration into the ground is not a suitable means of disposing surface water from the site, the EA would not object in principle to the proposal to discharge surface water to the River Trent at the reduced Brownfield rate.

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

Suds involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF and CIRIA 697 Guidance.

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

Evidence shall be provide that there is an existing positive outfall from the site. It would be preferable to undertake an assessment of the route and condition of the existing surface water drainage network (assuming that one is present) as the existing drainage network (assuming that one is present) may be dilapidated and may in fact be providing an element of attenuation.

6. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

7. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

8. As part of the development proposals, alterations to the existing highway are required and 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.

9. The Highway Authority 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. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree which is in line with the 6Cs Regional Design Guide. For further information regarding the collection of commuted sums the applicant should contact Mrs Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

10. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottingham City Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Liz Hiskens in the Highway Programmes Section on 0115 876 5293.

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

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

RIGHTS OF APPEAL

Application No: 13/03029/PFUL3 (PP-02929511)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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