

REPORT OF CHIEF PLANNER

Site Of Mellors Court, Sullivan Close

1 SUMMARY

Application No: 16/01616/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Nottingham Community Housing Association

Proposal: 26 New dwellings and associated works.

The application is brought to Committee because it is a major application recommended for approval, but where planning obligations required by adopted planning policies are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 18th November 2016

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

- 3.1 The application site is currently a cleared vacant site, having formerly been the Mellors Court Residential Care Home. The site is located at the junction of Marmion Road with Thorneywood Rise and Sullivan Close. Previous general access to the site was from Sullivan Close, with a secondary access off Marmion Road.
- 3.2 The site is generally level but then falls by several metres to the east onto Marmion Road. The area of this fall is substantially covered with trees and other vegetation, which forms a dense green boundary to the Marmion Road edge of the site. There is a more moderate increase in levels to the west between the site and the adjacent properties of Walton Mews, Sullivan Close and Thorneywood Rise.
- 3.3 The surrounding area to the site is entirely residential in character, having a mix of generally two storey house types. It is designated as a 'Primarily Residential Area' in the Local Plan.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the redevelopment of the site with 22 two storey, two and three bedroom terraced dwellings, and a two storey block of 4 flats at the entrance of the site. The main access would remain at the existing point off Sullivan Close, being modified to suit the standard for the proposed residential use with a shared surface route in block paving. The existing secondary access off Marmion Road would be reinstated with a footpath and landscaping.
- 4.2 The layout of the dwellings would be as a short cul-de-sac of terraced dwellings arranged either side of a central spine road, leading to a further terrace of dwellings and turning head at the end of the road. The dwellings would each have a single parking space to the front, also with landscaping and boundary railings. There would be garden spaces to the rear, with passageway access also being provided through the terrace to the front.
- 4.3 The elevations of the dwellings are described to 'combine traditional forms and modern detailing'. The external walls are to be in a red brick with some panels of render, composite horizontal plank cladding, and reconstituted stone projecting string courses, window cills and heads.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

1, 14 - 16 Len Maynard Court
1 - 4 Porters Walk
1 Gilbert Gardens
1 - 9 Sullivan Close
1 - 4 Walton Mews, Sullivan Close
2, 16, 18, 20, 20A, 59, 59A Thorneywood Rise

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

One response has been received, which refers to how construction works may impact upon sleep due to night shift work of this neighbour.

Additional consultation letters sent to:

Pollution Control: No objection. The proposed development is on land which potentially could be contaminated. Recommend planning conditions relating to contamination remediation and verification. Recommend that the development includes an electric vehicle charging scheme.

Highways: No objection. Satisfied that the submitted revised layout plan addresses the highway issues that have been raised. A Section 278 Agreement with the Highway Authority will be required to facilitate the proposed access arrangements.

Drainage: No objection. Satisfied with the details of the proposed scheme for the drainage of the site.

Biodiversity: No objection. Recommend that hedgehog-friendly fencing is installed.

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 relevant policies of the development plan, which are set out below, 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 as long as it is not of high environmental value.
- 6.6 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 - Density.

H5 - Affordable Housing.

NE5 - Trees.

NE10 - Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategies (September 2014)

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 17: Biodiversity

Policy 19: Developer Contributions

Other Planning Guidance

Affordable Housing and Developer Contributions - Supplementary Planning Guidance

Provision of Local Open Space in New Residential Development Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Layout and Design
- (iii) Planning Obligation Waiver

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

- 7.1 The former use of the site was as a residential care home, prior to its demolition. The site falls within a 'Primarily Residential Area' in the Local Plan and as such the principal of its redevelopment for residential use is to be supported. The proposed mix of predominantly two and three bed terraced family dwellings, and a two storey block of four flats is considered to be compatible with the characteristics of the site and its surroundings, with the overall density of around 52 dwellings per hectare being acceptable. The proposed development would have good access to public transport and services. It is therefore considered that the proposed development accords with Policies ST1, H2 and Policy 8.

Issue ii) Layout and Design (Policy T3 and Policy 10)

- 7.2 It is considered that the proposed layout demonstrates that the density of the development is appropriate to the area and that it would provide a range of family sized dwellings. The layout of the proposed dwellings would be off a central spine road, which allows for the development to be inward looking and would provide a safe, secure, and accessible environment for residents. Separation distances between the proposed properties and those nearest neighbours on Sullivan Close and Thorneywood Rise are considered to be appropriate and no comments have been received from those neighbours in relation to the proposed layout or design of the development.

- 7.3 The use of a shared surface finish to the road and rational provision of car parking spaces to the fronts of the dwellings will minimise the impact of the access road upon the quality of the layout. The proposed number of car parking spaces is limited to one per dwelling, which is considered to be appropriate to the scheme and area in accordance with Policy T3, with bus routes also being nearby on Carlton Road.
- 7.4 Whilst being modest in their form, the design of the proposed dwellings is considered to be well mannered with their consistent appearance helping to provide an identity to the development. The front elevations are provided with the primary elements of detail and, when combined with the proposed frontage landscaping and railings, are considered to provide the development with a successful street scene. The careful selection of facing brick, roof tiles, and block paving will be important in order to achieve the desired outcome. Subject to conditions relating to those details, it is considered that the proposed development accords with Policy 10.

Issue iii) Planning Obligation Waiver (Policies ST1, H5, R2 and Policy 8 and Policy 19)

- 7.5 It is advised that the proposed development will comprise of a mix of rented and shared ownership properties. The applicant advises that the scheme has been allocated funding by the Homes and Communities Agency who require registered providers to charge affordable rents, which are 80% of the market rent (to include any service charge). Registered provider recycled grant is also to be used, with the remaining costs to be funded via a loan serviced through the rental charge.
- 7.6 The applicant has submitted a viability appraisal in support of their assertion that the proposed development would not be viable based upon the provision of the full range of planning obligations that the scheme would otherwise require. The planning obligations would require the provision of 5 on-site affordable dwellings and commuted sum payments that have been calculated as (i) Open space – £20,837.22, and (ii) Education - £47,036. The total commuted sum contribution would be £67,873.22. The viability appraisal advises that the proposed development produces a negative figure even after Homes and Communities Agency grant subsidy has been applied. This has been reviewed by the Council's qualified surveyor, who advises that it can be accepted as reasonable, justifying the waiving of the planning obligations.

Other Material Considerations

Pollution and Contamination (Policy NE9)

- 7.7 Pollution Control has no objection to the proposed development subject to planning conditions relating to contamination remediation and verification, which are included in the draft decision notice appended to this report. The concern of the neighbour in relation to noise disturbance during daytime construction is noted, although this is a matter that is regulated separately through pollution control legislation. It is therefore considered that the proposed development accords with Policy NE9.

Flood Risk and Drainage (Policy NE10, Policy 1)

- 7.8 The Drainage Team advise that the applicant's submitted drainage details are satisfactory and accord with Policies NE10 and 1.

8. SUSTAINABILITY / BIODIVERSITY (Policy NE5 and Policies 1 and 17)

- 8.1 The applicant advises that the houses will be highly insulated, with a fabric first approach being used to minimise energy consumption, thereby improving the sustainability of the development. The future potential of the use of PV panels on the roof is also noted and are to be provided if required to meet Building Regulations.
- 8.2 The Biodiversity Officer is satisfied with the submitted habitat survey and the recommendation in relation to hedgehog-friendly fencing is recorded as an advisory note on the draft planning permission. The retention, supplementation and management of the existing trees and dense vegetation onto Marmion Road is recognised and supported.

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

Great city- delivering quality housing for all.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 16/01616/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OAJUOGLYI3P00>

2. Neighbour, 10.9.16
3. Biodiversity, 12.9.16
4. Pollution Control, 27.9.16
5. Drainage, 20.10.16
6. Highways, 24.11.16

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategies (2014)

Affordable Housing and Developer Contributions - Supplementary Planning Guidance

Provision of Local Open Space in New Residential Development Supplementary Planning Guidance

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

NOMAD printed map



Nomad web map printed by a Nomad user at 09:55, 12/12/2016



Key

 City Boundary

Description

No map description

My Ref: 16/01616/PFUL3 (PP-05193580)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Pelham Architects
Mr Darron Waldram
12/14 Pelham Road
Nottingham
NG5 1AP
United Kingdom

Date of decision:

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

Application No: 16/01616/PFUL3 (PP-05193580)
Application by: Nottingham Community Housing Association
Location: Site Of Mellors Court, Sullivan Close, Nottingham
Proposal: 26 New dwellings and associated works.

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)



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2. Prior to the commencement of the development, a Remediation Strategy based on the Phase I Desk Study & Phase II Geo Environmental Site Assessment carried out by Met Engineers (Ref 13375/5040 August 16 Rev A & 13375/5040 October 16) which includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a) Results of gas monitoring programme.
- b) A Remediation Plan, based on a) and phase I & II reports, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

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

3. The development shall not be commenced until details of all external materials including cladding, bricks and tiles have been submitted to and approved in writing by the Local Planning Authority.

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

4. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

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

5. Unless the Local Planning Authority has agreed in writing to an alternative timetable for the submission of details and subsequent implementation, no above ground development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, hedges and shrubs, the tree pits/trenches and aeration pipes, and a timetable for the implementation of the scheme.

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

Pre-occupation conditions

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



6. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.
- Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.*
7. No part of the development hereby permitted shall be occupied until the approved vehicular and pedestrian access road has been implemented. These areas shall be retained for the life of the development.
- Reason: In the interests of general highway safety and in accordance with Policy 10 of the Aligned Core Strategies.*
8. The approved development shall not be occupied unless the approved drainage scheme has been implemented in accordance with the details that are approved as part of this consent.
- Reason : In the interests of sustainable development and to reduce flood risk to third party properties in accordance with Policy NE10 of the Nottingham Local Plan.*
9. No residential unit shall be occupied until arrangements for the future maintenance and management of the communal landscaped areas, including the area between the rear of Plots 05-12 and Marmion Road, have been submitted to and approved by the Local Planning Authority. Thereafter the approved arrangements shall be implemented at all times unless varied with the further written consent of the Local Planning Authority.
- Reason: In order to ensure the on-going management and maintenance of these areas within the approved development in the interests of the residential amenity of future occupants of the dwellings in accordance with Policy 10 of the Aligned Core Strategy.*
10. No individual dwelling shall be occupied until the parking provision for that dwelling has been completed and is available for use.
- Reason: In the interests of the amenity of occupants of the development and in accordance with Policy T3 of the Nottingham Local Plan.*
11. No dwelling shall be occupied until the redundant access to the site from Marmion Road has been reinstated to a footway and landscaped verge.
- Reason: In the interests of pedestrian and general highway safety in accordance with Policy 10 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.*
12. No individual dwelling shall be occupied until the boundary enclosure associated with that dwelling has been completed in accordance with approved details.
- Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy 10 of the Aligned Core Strategy.*

Regulatory/ongoing conditions

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

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

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

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
As listed on Drawing Issue Sheet reference 2232, received 2 December 2016

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. Speed Limit Order

If the new road is to be adopted, the adjacent 20mph Speed Limit Order will need to be amended to incorporate the new section of road. If this work is not undertaken the new road would become a 30mph speed limit by way of street lighting. Not only would this be contrary to the council objective of introducing 20mph speed limits on residential roads, but it would also necessitate additional speed limit terminal signing.

The Authority currently estimates the cost of a Speed Limit Order at £6,000. Any required repeater signing on the new length of road should be provided and installed by the developer.

4. Section 278 Agreement

The works to facilitate the new vehicular access point on Sullivan Road would be subject to a Section 278 Agreement.

Planning consent is not consent to work on the highway. To carry out the off site works to create the new vehicular access off Sullivan Close associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278



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Agreement and you should contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk 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.

5. Section 38 Agreement

If the developer wishes to have the completed road on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)) whereby, following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling. The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers.

The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk in the first instance.

6. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the

site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions and refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

7. Electric Vehicle Charging Points

It is recommended that the each dwelling is provided with electric vehicle charging point. A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

8. Hedgehog-Friendly Fencing

It is requested that hedgehog-friendly fencing is used to the garden boundaries of the approved development. This is a simple as leaving a 15cm gap beneath timber fencing between the ground and the bottom of the fence panels, or if this is not possible, then having holes measuring 15cm x 15cm in the corner of each fence so that hedgehog can pass safely and easily between the back gardens.

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

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

RIGHTS OF APPEAL

Application No: 16/01616/PFUL3 (PP-05193580)

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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