

REPORT OF CHIEF PLANNER

St Thomas Mores RC Church, Glenwood Avenue

1 SUMMARY

Application No: 16/02298/PFUL3 for planning permission

Application by: Rev Anthony Cordes

Proposal: Extensions to existing church, Proposed separate church hall and carpark.

The application is brought to Committee due to it generating significant public interest that is contrary to the officer recommendation. To meet the Council's Performance Targets this application should have been determined by 1st December 2016 but an extension of time has been agreed until 13.02.2017.

2 RECOMMENDATIONS

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

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

3 BACKGROUND

3.1 The site comprises the grassed area and existing car park within the grounds of the St Thomas Mores RC Church, on the corner of Glenwood Avenue and Bramcote Lane. The site contains the church and the presbytery at 70 Bramcote Lane. To the north west of the site there is a new housing development, which has been built on land previously associated with the church, and to the north east is a graveyard. There is an existing access road off Glenwood Avenue which serves the parking area for the church and the new housing. The car park was approved along with the new housing development. It is noted that the site is an Archaeological Constraints Area, as identified in the Local Plan. There are known to be badger setts within the vicinity of the site.

4 DETAILS OF THE PROPOSAL

4.1 Planning permission is sought for the erection of a new church hall with associated

combined parking for the church and the church hall, and extensions to the existing church. The church hall is proposed to be located to the south east of the church, and to the west of the presbytery. The plans have been amended from the original application with the design of the church hall being altered, the position of the building brought forward in line with the existing church, and the parking and access to the church hall amended. The proposal includes 18 car parking spaces, as well as two disabled spaces for the church hall and two for the church (22 in total). A pedestrian access is proposed directly off Glenwood Avenue, with a landscaped area to the front of the church hall.

- 4.2 The church hall is proposed to be built on the existing car park with the new car park extending into the grassed area to the south east of this.
- 4.3 Single storey extensions are proposed to each side of the existing church.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 29 neighbour notification letters were sent to nearby occupiers on Glenwood Avenue, Bramcote Lane, Eastcote Avenue, and once the dwellings were occupied, the new properties on St Thomas More Close. The period for comment expired on 26.03.2017
- 5.2 19 representations in total have been received in objection to the proposal and one in support.
- 5.3 Objections on the original plans are as follows:
- The proposal would further erode the green space that has already been lost due to the housing development
 - The proposal would generate additional traffic and would exacerbate the existing issues with parking during the construction of the residential development, during church services, and school drop off/collection times
 - The increase in developed land would impact on the wildlife habitat, including badgers, birds and foxes
 - The scheme should include planting to soften and screen the development
 - Concern about noise from the building. Suggest restriction in operating hours and sound proofing of the building
 - The vehicular access is inadequate
 - Restrictions should be made (and adhered to), relating to the hours of construction work
- 5.4 Comments on the amended plans, including those received when the occupiers of newly built dwellings on St Thomas More Close were consulted, are summarised below:
- The proposal is in some respects worse than the original, with the building

- brought closer to the properties on Glenwood Avenue
- The building will impact on views from the neighbouring properties
- The reduction in the number of parking spaces (from the original scheme) would increase pressure on Glenwood Road for parking. There would be a shortfall in spaces compared to the capacity of the church hall
- Locating the access to the car park to the rear of the site may impact on the badger's habitual routes
- Question the provision for planting around the site perimeter to screen the building and car park
- Question what specification is included for sound proofing the building. Given the types of function held at the church hall, it could generate significant noise
- The major concern is traffic. The road entrance to the community centre would be shared with St Thomas More Close. There is already a traffic issue around school drop off and pickup time, and the community centre would exacerbate this issue
- Suggest that parking permits may be required if the community centre is approved to improve safety for children playing in the street
- The new building would significantly change the character of the area
- The church hall would alter the Close by definition by introducing a public building into the Close
- The existing badger sett was disrupted in the development of the housing and this would further disrupt the badger's habitat
- The site is an existing ecological zone and should not be developed

5.5 The applicant has submitted a response to the concerns raised by the objectors, which are summarised below:

- Reassurance that it is not the intention for the social centre to be functioning for disorderly or noisy behaviour. The possibility of renting the hall out in the future is not discounted, but this will be done with due care and mindfulness with regard to our neighbours
- We envisage the social centre being used after or before the timing of an event in the church, therefore not 'doubling up' on car parking
- We have fully complied with all that has been asked with regard to protecting the badgers on the land. The last survey has concluded that no harm will come to the badger population from the area of the new build. It has also been stated that the badgers are not using the area of the new build for foraging to any meaningful extent. Any digging closer to the site of any badger areas would be fully supervised and licensed and would only involve the periphery of the new development
- There is soon to be a traffic calming measure involving the painting of yellow lines down one side of Glenwood Avenue which we hope will help to calm the traffic. The new car park for the church will more than accommodate our parishioners for weekday Mass times. Furthermore, we would envisage the social centre having events outside the Mass times, not concurrently
- Sympathise with the inconvenience of having construction traffic

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection.

Highways: No objection to the proposal. There are no parking standards for church buildings or ancillary buildings. Consider the proposed parking layout would be acceptable. Satisfied with the explanation received by the applicant relating to the proposed use of the church hall building as ancillary to the main church building, and it is not the intention to have separate events in each building at the same time. Request a condition preventing the church hall from being used for a separate function during a church service, to ensure that adequate parking is available within the car park.

Drainage: No objection. The application form states that surface water will be drained to the main sewer. This is not acceptable. There should be no increase in piped surface water run-off relative to the site's previous use. The applicant will need to demonstrate how they will achieve this, using Sustainable Drainage Systems (SuDS).

Biodiversity Officer: Comments received on the proposal in relation to badgers and bats are detailed in the body of the report.

Wildlife Trust: Recommend that the application is refused due to concerns about the potential for a net loss in foraging habitat for the badgers living in nearby setts. Concern that any lighting on the new building should not be directed towards the location of the setts. Recommend a bat survey relating to the extensions to the church building.

Archaeology: An archaeological field evaluation should be required prior to determination of this proposal. This is because of the potential for archaeological features and deposits of Roman, medieval and post-medieval date within the proposed development area. The field evaluation will help establish whether the planning application is acceptable from an archaeological perspective and whether further archaeological work is required as a condition of planning permission. This could consist of further archaeological excavation and/or a watching brief during the breaking of ground.

6 RELEVANT POLICIES AND GUIDANCE

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. Planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise; the NPPF is a material consideration.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 Para 118 of the NPPF indicates that Planning Authorities should aim to conserve

and enhance biodiversity. If significant harm cannot be avoided, mitigated or compensated then planning permission should be refused.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

T3 - Car, Cycle and Servicing Parking.

NE3 - Conservation of species.

NE5 - Trees.

NE9 - Pollution.

CE2 - Community Facilities.

BE16 – Archaeology

Aligned Core Strategy (September 2014):

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 10: Design and Enhancing Local Identity.

Policy 12: Local Services and Healthy Lifestyles.

Policy 14: Managing Travel Demand.

Policy 17 – Biodiversity.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main issues

- (i) Principle of the development;
- (ii) Visual impact on the street scene;
- (iii) Impact upon neighbouring occupiers;
- (iv) Highways impacts;
- (v) Impact on Protected Species.

(i) Principle of the development (Local Plan policies CE2, Aligned Core Strategy policies A and 12)

- 7.1 The proposed development is to be sited on a car park and an open grassed area adjacent to and within the ownership of St Thomas Mores church. This formed part of a much larger site that has recently been subject to a housing development. The land is not part of the Open Space Network in the Local Plan, but rather identified as 'white land'. There is therefore no objection in principle to the proposed development, provided that it complies with the other policies of the development plan. The scheme would also provide a community facility, which is supported by Local Plan policy CE2 and Aligned Core Strategy Policies A and 12.

(ii) Visual impact on the street scene (Aligned Core Strategy policy 10)

- 7.2 The proposed church hall is considered to be of an appropriate scale and design. The proposal has been amended from the original scheme in terms of the design and layout. The amended design of the building is now considered to better reflect aspects of the existing church building, but with a more contemporary character. The layout of the scheme is also improved with the building brought forward in line with the existing church and the introduction of a pedestrian access to the front of the site.
- 7.3 The parking area is moved to the side, leaving an area for landscaping to the front of the building. Additional landscaping can be secured by condition to soften the appearance of the car park. An area of green space will remain along the boundary with Bramcote Lane. A condition is recommended to requiring details of materials to be submitted for approval before work commences.
- 7.4 The extensions to the church are small scale and would not have a harmful visual impact on the street scene. In conclusion it is considered that the proposal is acceptable in terms of policy 10 of the Aligned Core Strategy.

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

- 7.5 The closest neighbouring properties (not including the Presbytery, which is located within the application site), are located approximately 30m away on the opposite side of Glenwood Avenue. It is therefore considered that the proposal would have an acceptable on these neighbours in terms of its scale and appearance. Furthermore, it is not felt that the immediate outlook from the properties on Glenwood Road would be significantly compromised by a modest, single storey church hall building.
- 7.6 Concern has been expressed from neighbouring residents in terms of noise disturbance. Given the nature of the use, and the separation distance to neighbouring properties, it is not considered that proposal would have a significant impact in this regard. A condition will be imposed to restrict opening hours of the building to between 9am and 10pm, also excluding use when there is a service or event on at the church. Environmental Health have raised no objection in this regard and it is also noted that noise disturbance is regulated by other legislation within their control. Concerns expressed about parking shall be addressed below.

The proposal therefore complies with Policy 10 of the ACS.

(iv) Highways impacts (Local Plan policy T3 and Aligned Core Strategy and Policy 12)

- 7.7 A significant level of concern has been expressed by neighbouring residents relating to the proposals impact on existing parking issues in the vicinity. It is noted that there would be a total of 22 parking spaces provided within the site, which is a reduction from the existing 28 space car park.
- 7.8 The agent and applicant have provided justification, as requested by the Highways, for the loss of spaces by confirming that the building is to be used predominantly as an ancillary facility for the church and Parish, and is unlikely to be in use at the same time as church services. Any requests to use the church hall for other groups would have to be considered by the Parish Pastoral Council.
- 7.9 Highways have raised no objection and requested a condition to ensure that no more than one event can take place at any one time to ensure there is not pressure for on street parking around the site as a result of the introduction of the church hall.
- 7.10 A Construction Method Statement will be required by condition to mitigate any impact upon existing on-street parking and neighbours' amenities during the construction period.
- 7.11 The plans have also be amended to show the rear access road widened to 5.5m as a response to comments by Highways requesting that this should be sufficiently wide to allow cars to pass when entering and leaving the site. The agent has confirmed that due to the nature and intended use of the church hall, the access road is likely to see either incoming or outgoing traffic movements grouped together, rather than continual two-way movements. Regardless, the increased width will allow two-way traffic.
- 7.12 The proposed parking arrangements are therefore considered to be acceptable and to comply with Local Plan Policy T3.

(v) Impact on Protected Species (NPPF, Aligned Core Strategy Policy 17 Policy NE3 of the Local Plan)

- 7.13 A number of badger setts are present within the vicinity of the application site, which were surveyed in detail and diverted as part of the housing development at St Thomas More Close. Concern has been expressed by neighbouring residents and The Wildlife Trust in relation to the impact of the development on the badgers.
- 7.14 Badgers and their setts are protected under the Protection of Badgers Act 1992. A Badger Report has been submitted for this application to assess the impact of the proposed development on the nearby setts. The report shows that there are no setts within the application site. The report states that no evidence of latrines, pathways, snuffle holes or foraging was observed within the development site, or within the grounds of the Presbytery to the east of the development site. Therefore, the consultant's report concluded that the proposal is unlikely to affect the foraging

resource for this local clan.

- 7.15 The Report addresses the potential impact on the setts during construction works and concludes that because the proposal would only include the stripping of the topsoil, the sett would not need to be closed during construction. However, it is recommended that a Natural England License should be obtained due to the fact that the works are within 30m of the setts. Mitigation measures could include the thickening up of the hedge between the application site and the setts.
- 7.16 It is noted that a significant part of the development area is already a car park, and that some green space would remain to the south east of the new car park.
- 7.17 The original application for the housing development (13/01515/PFUL3) also included a new church to be erected on the grassed land up to Bramcote Lane, to which the current application relates. This application was refused primarily due to the impact on badgers not being adequately addressed, but there was also some concern that the design quality of the proposed new church had not been adequately demonstrated. This application was challenged on appeal and although dismissed regarding the impact on the badgers, the inspector concluded that the new church was acceptable, thereby establishing in principle a much larger building on the application site now in question. At that time the Inspector specifically stated that the new church would be a reasonable distance from the main sett and therefore it would not be required to be closed. Subsequently, whilst the housing scheme was revised and approved following the submission of a further application, the new church was not pursued further.
- 7.18 Council's Biodiversity Officer has commented on the proposal and on the Badger Report submitted as part of the application. Concerns are expressed about some of the information in the report, which states that the adjacent new housing development has not impacted on the existing badger setts. However, it is noted that the level of activity has changed since before the development of the housing estate, therefore there is a question mark over whether the buffer/foraging route to the east of the new houses has been implemented and if this is available for foraging. It is noted that this is not within the current application site area but assurances on this matter can be pursued with the developer of the housing scheme.
- 7.19 The Biodiversity Officer notes that the Badger Report has identified setts within 30m of the development boundary and one active sett entrance within 20m of the proposed works. These need to be included within a method statement for closure under licence as per recommendations from Natural England. This should also include surrounding habitat enhancement for badgers, including safeguarding of the remaining grassland and the hedgerow should be retained and be secured from removal in the future with a commitment to enhancement. A condition will be added in this regard.
- 7.20 It is also recommended that a bat survey should be carried out relating to the works on the church building. This has been requested of the applicant and an update will be provided at Committee.

Other matters (Local Plan policies NE5, NE9, NE12 and BE16 and Aligned Core

Strategy policy 1)

- 7.21 It is noted that the site is within an archaeological constraints area. Comments have been received from the City Archaeologist who recommends a field study be carried out prior to the decision on this application. However, it is considered that the same approach should be taken as was the case with the housing development on the adjacent land, with a condition imposed requiring an archaeological watching brief to take place before works commence. It is noted that part of the current site, the existing car park, was included in the housing scheme and it is here where the church hall is proposed.
- 7.22 To address the comments from the Drainage, a condition requiring details of surface water drainage will be imposed.
- 7.23 A pre-commencement condition requiring a bat survey would ensure that no works are carried out on the church extension prior to any necessary mitigation measures being carried out if bats are found to be present.

8. **SUSTAINABILITY/BIODIVERSITY** (Local Plan policies NE3 and Aligned Core Strategy policy 1)

- 8.1 Surface water drainage is to be based on SUDs principles.

9 **FINANCIAL IMPLICATIONS**

None.

10 **LEGAL IMPLICATIONS**

- 10.1 Whilst the issues raised in this report are primarily ones of planning judgement, both bats and badgers (which are present on or near this site) are protected species .
- 10.2 The presence of a protected species is a material planning consideration if the proposal when carried out would be likely to result in harm to the species or its habitat. In such circumstances Circular 6/2005 indicates that where there is a reasonable likelihood of protected species being affected by development that ecological surveys should be carried out before the planning permission is granted and only exceptionally should they be required by condition. In this case a badger survey has been carried out in relation to the badgers and a bat survey has been requested.
- 10.2 The planning authority has a duty under the Conservation of Habitats and Species Regulations 2010 to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of the authority's functions. A number of species (including all bats) are given protection under the Habitats Directive by prohibiting, amongst other things, the deterioration or destruction of their breeding sites and resting places and the deliberate disturbance of the species, particularly during the period of breeding, rearing, hibernation and migration (Article 12). The Protection of Badgers Act 1992 prohibits certain activities in relation to Badgers and

the likelihood of disturbance of the sett or adverse effects on foraging grounds are capable of being material planning considerations.

- 10.3 Where disturbance, harm to or destruction of a protected species or its habitat is likely to occur Developers may apply to Natural England for a licence under a separate regime to control and mitigate the activity. Case law has established that planning permission should ordinarily be granted except where the planning authority concludes that the proposed development would be both likely to infringe Article 12 and be unlikely to be licensed by Natural England. This is reiterated in paragraph 118 of the NPPF which indicates that planning authorities should aim to conserve and enhance biodiversity and that if significant harm cannot be avoided, mitigated or compensated then planning permission should be refused.
- 10.4 In considering this application therefore, Councillors will need to assess what harm, if any, is likely to be caused to both protected species and their habitats and ensure that sufficient measures are in place to mitigate or compensate for any harm likely to occur.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

None.

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: 16/02298/PFUL3- link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Biodiversity officer observations received 06 July 2017
Highway observations – final comments received 8 June 2017
Drainage officer observations received 10 November 2016
City Archaeologists observations received 3 November 2016
Badger Report submitted by applicant dated March 2017

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

National Planning Policy Framework (March 2012)

Contact Officer:

Kathryn White, Case Officer, Development Management.



Email: Kathryn.white@nottinghamcity.gov.uk Telephone: 0115 8762529

St Thomas Mores RC Church



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Key

-  City Boundary
-  Planning Application Polygons

Description

16/02298/PFUL3

My Ref: 16/02298/PFUL3 (PP-05528939)
Your Ref:
Contact: Ms Kathryn White
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Mr Dan Page
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Date of decision:

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

Application No: 16/02298/PFUL3 (PP-05528939)
Application by: Rev Anthony Cordes
Location: St Thomas Mores RC Church , Glenwood Avenue, Nottingham
Proposal: Extensions to existing church, Proposed separate church hall and carpark

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

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

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



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Not for issue

Continued...

3. No development involving the breaking of ground shall take place within the site boundaries unless a written specification for the implementation of an archaeological watching brief, during the course of the development, has first been submitted to and approved in writing by the Local Planning Authority. The specification shall include arrangements for:

(a) the recording of any finds made during the watching brief and for the preparation of a final report;

(b) the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and

(c) proposals for the publication of a summary of the final report in an appropriate journal.

The archaeological works approved under this condition shall be carried out in accordance with the approved specification.

Reason: In order to safeguard archaeological resources in accordance with Policy BE16 of the Local Plan.

4. Notwithstanding the details contained within the application, the development hereby permitted shall not be commenced until details of surface water drainage, to include the provision of SUDSs, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Policy NE10 of the Local Plan and Policy 1 of the Aligned Core Strategy.

5. The development shall not be commenced until such time that a Construction Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out the provision to be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.

Reason: To ensure that the amenity of the neighbouring residents is maintained to comply with Policy 10 of the Aligned Core Strategy.

6. Prior to the commencement of development, a Method Statement shall be submitted to and approved in writing by the Local Planning Authority, setting out the mitigation measures to be put in place to ensure that the badgers in the vicinity of the site are protected. This shall include, but not limited to; surrounding habitat enhancement for the badgers, safeguarding of remaining grassland, and hedgerow retention. The mitigation measures shall then be put in place in accordance with the approved Statement.

Reason: In order to ensure badgers are protected in accordance with Local Plan policy NE3 and Aligned Core Strategy Policy 17.

Pre-occupation conditions

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

7. The development shall not be occupied until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, have been submitted to and approved in writing by the Local Planning Authority. The details shall include a maintenance and management plan, with a timetable for implementation.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.



<p>8. The development shall not be occupied until details of the proposed lighting scheme for the building and car parking area have been submitted to and approved in writing by the Local Planning Authority, which shall be implemented only in accordance with the approved plans.</p> <p><i>Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy and ensure minimal disturbance to badgers in accordance with Local Plan policy NE3 and Aligned Core Strategy Policy 17.</i></p>
<p>10. No part of the development shall be occupied until the drainage plans have been implemented in accordance with the details approved by the Local Planning Authority.</p> <p><i>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 to comply with Policy NE10 of the Nottingham Local Plan.</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>11. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within 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.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.</i></p>
<p>12. The church hall hereby permitted shall not be in use outside the hours of 0900 hrs to 2200 hrs on any day.</p> <p><i>Reason: To ensure that the development would not result in noise disturbance to neighbouring properties in accordance with Policy 10 of the Aligned Core Strategy.</i></p>
<p>13. In order to prevent pressure for on-street parking, all events and meetings taking place in the church hall hereby approved, shall be limited to times when there is not a church service taking place.</p> <p><i>Reason: In the interests of highway safety and to protect the amenity of neighbouring residents in accordance with Local Plan policy T3 and Aligned Core Strategy Policies 10 and 14.</i></p>
<p>14. The church hall shall only be open between the hours of 0900 and 2200 Monday to Saturday and 0900 and 2000 on Sundays and Bank Holiday.</p> <p><i>Reason: In order to protect the amenity of neighbouring residents in accordance with Policy 10 of the Aligned Core Strategy.</i></p>
<p>Standard condition- scope of permission</p>
<p>S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents: Elevations reference 1000/07D dated 7 February 2017, received 7 February 2017 General reference 1000/09C, received 17 January 2017 General reference 100/08B, received 17 January 2017</p>

Reason: To determine the scope of this permission.

Informatives

1. Construction Works

Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk to ensure all necessary licences and permissions are in place.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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

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

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

RIGHTS OF APPEAL

Application No: 16/02298/PFUL3 (PP-05528939)

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.

