



Nottingham City Council Planning Committee

Date: Wednesday 18 March 2020

Time: 2:30pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business:

Corporate Director for Strategy and Resources

Governance Officer: Kate Morris **Direct Dial:** 0115 876 4353

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** To Follow
Minutes of the meeting held on 19 February 2020, for confirmation
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a Site of the former Mechanics Arms Public House, Alfred Street North, St Ann's** 3 - 16
 - b Site of Eastglade Primary School, Whitcombe Gardens, Bestwood** 17 - 28
 - c Site of the former Woodborough Public House, Woodborough Road, St Ann's** 29 - 42

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above before the day of the meeting, if possible.

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WARDS AFFECTED: St Anns (May 2019)

Item No:

PLANNING COMMITTEE
18th March 2020

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Shell For Mechanics Arms And Flat Over , Alfred Street North

1 SUMMARY

Application No: 19/02365/PFUL3 for planning permission

Application by: Allan Joyce Architects Ltd on behalf of Framework Housing Association

Proposal: Erection of 16 supported living flats and associated management and training facilities following demolition of public house.

The application is brought to Committee due to significant public interest contrary to officer recommendation from local residents with two Ward Councillors having submitted written objections. In addition, it is proposed that the planning obligations typically required by adopted planning policies be waived in this case.

To meet the Council's Performance Targets this application should have been determined by 21st January 2020.

2 RECOMMENDATIONS

Subject to no additional representations being received by 24 February 2020 raising material planning considerations that have not already been addressed by this report, to **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 Director of Planning and Regeneration.

3 BACKGROUND

- 3.1 The application building is a two storey vacant public house on the corner of Alfred Street North and St Ann's Way. To the north across Alfred Street is a vacant community building; to the south and west, adjoining the site, and across St Ann's Way to the east, are two storey dwelling houses. The area is generally residential although to the north and east are some commercial buildings.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for a three and four storey, flat roofed building to provide sixteen one-bedroom, one-person supported living flats on the three upper floors with training and staff facilities on the ground floor. The new building would be located on the back edge of the St Ann's Way pavement (the pub is set back). Materials are brick, with a standing seam vertical clad section to upper floors on St

Ann's Way, and aluminium windows. A yard at the rear of the building would provide cycle and bin storage.

- 4.2 The proposed flats would provide safe short-term accommodation for residents; the applicants advise that residents stay in such accommodation for an average of six months. The communal areas on the ground floor would accommodate staff and provide space for one-to-one and group support and advice sessions with residents. The facility would be staffed 24 hours.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Planning consultation

- 5.1 Twenty neighbouring properties were notified by letter dated 28 October 2019. Following concerns raised by residents and Ward Councillors at a Public Meeting on 28 January about the level of consultation, seventy-three neighbouring properties (including those originally notified) were notified by letter dated 31 January 2020. The letters were sent to properties on Sherwin Walk, Welbeck Walk, Bangor Walk, Kilbourn Street and Alfred Street. A site notice was displayed on 29 October 2019. Press advertisement published on 30 October 2019. The consultation period expires on 24 February 2020 and any further objections received prior to Committee will be reported verbally.

Representations have been received from six individual residents. Objections to the proposal are as follows:

- Such a use, particularly in proximity to Mansfield Road and the city centre, would lead to increased anti-social behaviour and crime;
- Community safety concerns for residents walking past the site, particularly at night;
- The use would lead to parking problems;
- Such a use should not be located in a residential area;
- The use would lead to a fall in house prices (it is noted that this is not a matter for the planning system);
- Location close to the city centre will attract drugs, crime, violence and alcohol abuse;
- The children's play area at Heskey Park will be subject to anti-social behaviour;
- Whilst residents of the facility will receive support inside the building, that support will not be present when residents are outside the building;
- This is a vulnerable area where improvements have been made regarding crime and anti-social behaviour; building a facility for vulnerable people within a vulnerable area has the potential to reverse these improvements.

A petition with twenty-five signatures has been received objecting to the proposal. The petition notes existing problems of crime and anti-social behaviour in the immediate area and the concern that the proposed use will add to this. It is noted that there are already four hostel and similar uses in the area.

Nottingham Civic Society objects to the demolition of the former Mechanics Arms in Alfred Street North because it is a building worthy of Local List designation. If the loss of the Victorian building has to be accepted, the proposed replacement building is too large and occupies too much of the site. Its bulk creates an over-

bearing building that intrudes incongruously into the historic context, and does not defer to the strong local character of the area.

Ward Councillor Consultation

- 5.2 A letter was sent by Ward Councillors to 104 properties on 4 November 2019 advising them of the application, asking “are you happy with the plan to develop the former Mechanics pub into flats for service users needing supported living?”. The Case Officer has been provided with nine responses to this process. Of these, four object to the proposal, four are in favour and one is unsure. The responses in favour of the proposal note that the use will provide help for people in need, will lead to rehabilitation and provide housing for the homeless.

Ward Councillor David Liversidge has written to object to the proposal for the following reasons:

- It is on the edge of a large council estate that is very desirable and has a successfully integrated and stable community;
- There is a women's refuge in the vicinity;
- It is very close to Mansfield Road where there is a night time culture;
- It will add to the problems the area is experiencing from a minority of people causing antisocial behaviour and drug dealing in the area.

Ward Councillor Sue Johnson has written to object to the proposal for the following reasons:

- Concern regarding the decision process by which the City Council has contributed funding to this project;
- This area forms part of a police intense investigation regarding street and crack house drug dealing;
- Existing problems in this area due to vulnerable homeless individuals dispersed from the city centre;
- Existing residents and families will need to pass the proposed building to reach Mansfield Road and the city centre, exposing them to anti-social behaviour;
- Anti-social behaviour will spill over from the site onto nearby streets and the recently improved Heskey Park;
- St Anns is already a deprived area with crime and anti-social behaviour and the proposal will add to these issues.

Public Meeting

- 5.3 A public meeting was held on 28 January 2020, attended by approximately twenty-five residents and by the three St Anns Ward Councillors. All residents and Councillors attending the meeting made clear their opposition to the proposal. The concerns raised have mostly been covered above. A further concern expressed is that St Anns has a high crime rate but the situation is improving; the area around the application site in particular has been the subject of recent police action. Given that the area is improving but remains vulnerable to crime, the proposed use has the potential to damage recent progress.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection subject to the provision of cycle spaces.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (2014):

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Local Plan Part 2 - Land and Planning Policies (January 2020)

Policy CC1: Sustainable Design and Construction

Policy HO4: Specialist and Adaptable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy LS4: Public Houses outside the City Centre

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in New Development

Policy IN4: Developer Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The loss of the public house is acceptable.
- (ii) The impact of the proposal on neighbouring occupiers is acceptable.
- (iii) The scale and design of the building is appropriate for this location.
- (iv) Planning obligations.

Issue (i) Loss of the public house (ACS Policy 10 and LAPP Policies LS4 and DE2)

- 7.1 A nomination was made in 2016 for the Mechanics Arms / Pride of Erin public house to be included on the List of Assets of Community Value. The nomination was rejected as it appeared from the evidence provided that this pub's actual and current use did not further the social wellbeing and interests of the local community and did not satisfy the statutory tests set out in sections 88 a) to d) of the Localism Act 2011. The criteria of Policy LS4 are considered to be met: alternative public house are available locally and the pub did not constitute a service of particular value to the local community nor would its loss result in a detrimental impact on the character and vitality of the area. The site has been for sale for some time with no interest in purchase as a viable public house. The proposal is thereby acceptable in terms of Policy LS4 of the Local Plan Part 2.
- 7.2 The potential heritage value of the public house has been considered and the conservation officer has noted that the building does not have sufficient architectural or cultural value to be included on the Local List. The building is not in a conservation area and the site is sufficiently remote from the listed former mill on Alfred Street, which is sufficiently robust in its own appearance, not to have any detrimental impact. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policy DE2 of the Local Plan Part 2.

Issue (ii) Impact of the proposal on neighbouring occupiers (ACS Policies 10 and 14 and LAPP Policies HO4 and DE1)

- 7.3 The proposed sixteen self-contained single-person flats would provide safe short-term accommodation for residents, primarily as 'move-on' accommodation between homelessness and permanent accommodation. The applicants advise that residents stay in such accommodation for an average of six months. The communal areas on the ground floor would accommodate staff and provide space for one-to-one and group support and advice sessions with residents. This would be a managed facility staffed 24 hours. The intention of this type of facility is to encourage independence and to replace 'hostel' type accommodation. The applicant Framework is a charity providing housing, health, support, and care services across the East Midlands and South Yorkshire. Framework have a track record of managing facilities well and recent investigations by council officers into their current facility in the Arboretum has shown that it is well managed and not a significant source of concern to local Councillors or the Police. The design of the building places the entrance on Alfred Street North so that pedestrian access to and from the building would most likely to be to the west, along Alfred Street, to access city centre facilities, rather than to the east into the residential area of St Anns. It is not considered that the proposed use would compromise the amenity of

existing local residents to such a significant degree that planning permission should be refused as contrary to part b) of Policy HO4. The proposal is also in accordance with Policy HO4 part e) regarding satisfactory management arrangements in place to ensure amenity of nearby occupiers is maintained.

- 7.4 This type of facility needs to be in a location where residents can access a range of services and the application site is well located in this regard. It would be a purpose-built facility and is close to public transport routes on Mansfield Road. In this, the proposal would comply with Policy HO4 parts a) a satisfactory residential environment can be achieved for the benefit of the intended occupants and d) the site is accessible to public transport and other services.
- 7.5 Concern has been raised about the location of other hostel and supported accommodation in the area, and although some do exist (for different client groups) these are not in the immediate vicinity and the proximity is not dissimilar than would be expected in any edge of city location. This type of facility needs to be in a location where residents can access a range of services and the application site is well located in this regard. Due to the limited availability of sites, facilities of this nature are almost always located in the vicinity of other residential properties and it is in itself a residential use; the fact that this area contains other residential properties is not a reason to consider it inappropriate. Tackling homelessness is a high priority for the Council and Framework are a key partner providing commissioned services to clients with complex needs. The Council Plan contains a commitment to help homeless people get off the streets. Of the 407 commissioned bed spaces for homeless people in Nottingham citywide, only 17 are located in St Ann's in just seven properties. Framework in particular have 247 bed spaces of supported accommodation, only 4 of which are within St Ann's, in just two properties. The proposal thereby complies with Policy HO4 part c) the use would not result in over-concentration of similar uses in any one area leading to a material change in character.
- 7.6 Given the nature of the intended occupiers, it is unlikely that many residents of the flats would be car owners. This is a sustainable location close to facilities and to public transport routes, encouraging the use of sustainable transport by residents and staff. For a location this close to the city centre, there does not appear to be a substantial problem of on-street parking. The proposal, with a planning condition to ensure the provision of cycle spaces, is considered to be acceptable in terms of its likely impact on the highway network and parking conditions in the area.
- 7.7 The new building would be 1.5m higher than the neighbouring house on St Ann's Way and would be closer to that neighbouring than the existing public house. The windows in the facing side elevation of the house are understood to serve non-habitable rooms. The rear section of the new building would be set away from the boundary and contain obscurely glazed bathroom windows. The impact of the new building on number 78 St Ann's Way is therefore considered to be acceptable in terms of privacy, daylight, sunlight and outlook. The pub currently extends up to the boundary with the neighbouring house at the rear on Kilbourn Street. The roof of the new building would be approximately 0.8m lower than the existing ridge of the pub roof.
- 7.8 In conclusion, the proposal is considered to be acceptable in accordance with Policies 10 and 14 of the Aligned Core Strategies and Policies HO4, TR1 and DE1 of the Local Plan Part 2.

Issue (iii) Scale and Design (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.9 The proposed building is four storeys high on St Anns Way and the adjacent house is two storeys. The proposed building would at this point be set below pavement level by approximately 1m below pavement level at this point and the adjacent house is set higher due to the change in levels. The flat roof of the new building would therefore be 1.5m higher than the ridge of the house. On Alfred Street North, the proposed building is three storeys high and its roof would be 0.3m below the ridge of the neighbouring house on Kilbourn Street. It is considered acceptable for buildings on corners in this area to have a certain presence; this is the case with the community building to the north, the mill buildings to the west and the newer student accommodation on Kilbourn Street. The scale of the building is considered to be acceptable in design terms. The elevations repeat the contemporary quality that is represented by other recent developments on the opposite side of Kilbourn Street, with a simple fenestration pattern being enhanced by the use of larger sized window openings, with reveals and modest detailing. Breaks in the roofline are also provided to suit the gradient of the street. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

Issue (iv) Planning Obligations (LAPP Policies EN2 and IN4)

- 7.10 A policy compliant planning obligation for the proposed development would be expected to provide a contribution of £15,312 to enhance existing areas of open space, or else make provision for additional areas of open space within the locality.
- 7.11 A City Council Delegated Decision was made in December 2019 to allocate Section 106 affordable housing contributions, from the agreement linked to Woodhouse Park (planning ref. 13/01703/POUT), to grant fund Framework to provide new affordable housing. The applicant has submitted a viability appraisal which shows that the scheme would not be viable without the grant fund provided by the City Council because Framework do not undertake projects which have an internal rate of return below their borrowing rate of 4.5%.
- 7.12 The viability appraisal shows that the scheme would be able to support an open space contribution of £15,312 whilst retaining an internal rate of return above 4.5%. Nevertheless, the rate of return of 5.25% provided by the scheme is only marginally above the borrowing rate and substantially below the return that would be expected by a private developer. It is also the case that, as a charitable organisation, Framework do not seek to make a profit and that the viability appraisal does not include contingency figures. The grant of £500,000 provided by the City Council comprises Section 106 Affordable Housing funding and it is not considered appropriate to effectively require this money back via a planning obligation to be redirected to public open space.
- 7.13 It is considered that given its contribution to Council key objectives and its compliance with other Policies of the Local Plan, it is acceptable on balance that good reason exists to depart from policy IN4 and that no planning obligation be sought in respect of open space.

8. SUSTAINABILITY / BIODIVERSITY

Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation

measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan Part 2. It is not considered that there are any biodiversity implications.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

- 10.1 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

- 13.1 The proposal contributes to meeting Theme Three of Nottingham's Housing Strategy 2018-2021: the challenge of homelessness prevention and providing specialist and supported housing.
- 13.2 The proposal contributes to meeting key objective of the Nottingham City Council Plan 2019-2023: build or buy 1,000 Council or social homes for rent.

14 CRIME AND DISORDER ACT IMPLICATIONS

The proposed building will provide accommodation for the homeless, which will allow for better behaviour management; this should have a positive impact on Crime and Disorder, anti-social behaviour and fear of crime.

15 VALUE FOR MONEY

None.

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

1. Application No: 19/02365/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZRI19LYJO100>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

NOMAD printed map



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0 0.015 0.03 km



Key



City Boundary

Description

No description provided



My Ref: 19/02365/PFUL3 (PP-08231824)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Allan Joyce Architects Ltd
16-20 Bath Street
Nottingham
NG1 1DF

Date of decision:

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

Application No: 19/02365/PFUL3 (PP-08231824)
Application by: Framework Housing Association
Location: Shell For Mechanics Arms And Flat Over , Alfred Street North, Nottingham
Proposal: Erection of 16 supported living flats and associated management and training facilities following demolition of public house.

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 the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) details of all external materials;
 - b) details of boundary railings;
 - c) details of a scheme for the sustainable urban drainage of the site, designed to reduce the surface water discharge rate/impermeable surfaces by 30%.
 - d) a travel plan detailing the provision and promotion of sustainable transport measures for use by residents, staff and visitors.

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

Reason: To ensure that the appearance of the site is satisfactory and to avoid flood risk in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies CC3 and DE1



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Not for issue

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of the Local Plan Part 2.

Pre-occupation conditions

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

3. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no flat shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the flats or the completion of the development whichever is the sooner; and
 - c) 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 and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Local Plan Part 2.

4. No flat shall be occupied until the bin storage and cycle parking shown on the approved plans has been provided and the site has been enclosed in accordance with the approved details.

Reason: To ensure that the appearance of the site is satisfactory and in the interests of the living conditions of residents of the development and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan Part 2.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 22 October 2019.

Reason: To determine the scope of this permission.

Informatives

1. 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.

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: 19/02365/PFUL3 (PP-08231824)

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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Not for issue

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Wards Affected: Bestwood

Item No:
Planning Committee
18th March 2020

Report of Director of Planning and Regeneration

Site Of Eastglade Primary School, Whitcombe Gardens

1 Summary

Application No: 19/02811/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Nottingham City Homes

Proposal: Construction of 106 homes.

The application is brought to Committee as it is proposed that the planning obligations typically required by adopted planning policies be waived in this case.

To meet the Council's Performance Targets this application should be determined by 20th March 2020.

2 Recommendations

GRANT PLANNING PERMISSION subject to the indicative 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 Director of Planning and Regeneration.

3 Background

The application site is a long cleared former school and playing fields. The wider area is entirely residential in character and the site is well connected to its surroundings by roads and footpaths. The site has substantial changes in level, the greatest fall being from north to south (approximately 17 metres), with a lesser fall from east to west. Having been vacant for many years, the site is overgrown and there are a number of mature trees on the site.

4 Details of the proposal

Planning permission is sought for one hundred and six new dwellings. These would comprise sixty-three 2-bed houses, twenty 3-bed houses and twenty-three 1-bed flats. Houses and flats are all two storey. Vehicular access is at two locations – from the north via Padgham Court and from the south via Cottam Gardens. The majority of houses face one of two access roads running west to east across the site or shared surfaces leading from those roads. The flats are located in the northern part of the site adjacent to the access road from Padgham Court. Off-street parking is provided either in front of or at the side of houses at a ratio of one or two spaces per 2-bed dwelling and two spaces per 3-bed dwelling. Parking is provided adjacent to the flats at one space per unit.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

One hundred and twenty six neighbouring properties were notified by letter dated 19 December 2019. The letters were sent to properties on Albert Ball Close, Yates Gardens, Casper Court, Dolphin Court, Hillgrove Gardens, Henning Gardens, Whitcombe Gardens, Anderson Court, Padgham Court, Leiston Gardens, Ranskill Gardens, Farmlands Close and Valley Farm Court. Site notices were displayed on 20 December 2019 and 28 January 2020. Press advertisement published on 27 December 2019. The consultation period expired on 21 February 2020. No representations have been received from neighbouring occupiers.

Nottingham Local Access Forum has noted that footpaths within the application site should be protected during construction and left in good condition being re-surfaced if necessary.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection.

Lead Local Flood Authority: No objection.

Nottingham University Hospital NHS Trust (NUH NHS Trust): A financial contribution is requested for additional secondary healthcare services to meet patient demand.

6 Relevant policies and guidance

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (2014):

- Policy 1 - Climate Change
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 14 - Managing Travel Demand
- Policy 17 - Biodiversity
- Policy 19 – Developer Contributions

Local Plan Part 2 - Land and Planning Policies (January 2020)

- Policy CC1 - Sustainable Design and Construction
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy CE6 - Health Facilities
- Policy EN2 - Open Space in New Development
- Policy EN6 - Biodiversity
- Policy EN7 - Trees
- Policy IN2 - Land Contamination, Instability and Pollution
- Policy IN4 - Developer Contributions
- Policy SA1 – Site Allocations

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Trees and Biodiversity.
- (iv) Impact on Residential Amenity.
- (v) Planning Obligations.

Issue (i) Principle of the Development (ACS Policy 8 and LAPP Policies HO1 and SA1)

- 7.1 The site is allocated in the Local Plan Part 2 as Site Allocation SR03 Eastglade, Top Valley – Former Eastglade School Site, its proposed use being “residential (C3, predominantly family housing) with a proportion of the site retained as open space”. This allocation establishes the residential development of the site. All 106 properties will be affordable housing meeting part of the Nottingham City Council and Nottingham City Homes’ plan to provide high quality homes for affordable rent across the city. The proposal is therefore considered to be acceptable in accordance with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

Issue (ii) Design and Impact on the Streetscene (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.2 The primary challenge in developing this site has been the changes in levels and relating the new dwellings to the existing. The scheme has been through a number of iterations with substantial input from the council's urban design team. Vehicular access is at two locations – from the north via Padgham Court and from the south via Cottam Gardens. The majority of houses face one of two access roads or shared surfaces leading from those roads. This layout allows the main north-south changes in level to be addressed by a gabion retaining wall running between gardens. It is considered that the layout of the development now responds well to the challenges of the site.
- 7.3 The new buildings are to a common architecture, with different properties having individual features, varying materials and detailing such as brick headers, arches and cills. Houses are to be constructed in red and buff brick with pitched tile roofs. Corner units respond to their location with doors and windows on side elevations to increase surveillance and add interest. Front gardens are enclosed by railings. The combination of proposed dwelling types and detailing will provide an appropriate quality of built finish to the development and the development will have its own identity within the area. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

Issue (iii) Trees and Biodiversity (ACS Policies 10 and 17 and LAPP Policies DE1, DE2, EN6 and EN7)

- 7.4 The proposal involves the loss of eleven individual trees, including two category A (high quality) trees, as well as several groups of smaller trees. The loss of these trees is, however, felt to be acceptable as their amenity value tends to be from within the site and the trees considered by the Tree Officers to be the most important are to be retained and there is considerable scope to plant replacement trees in the areas of public open space to be retained. These areas of public open space are located primarily in the northwest and southwest of the site, are to be managed by Nottingham City Homes and are considered to enhance the development itself as well as footpath routes through the site. Appropriate conditions regarding tree planting and landscaping can ensure the provision of native species and plants attractive to pollinators. The proposal is thereby considered to be acceptable in accordance with ACS Policies 10 and 17 and LAPP Policies DE1, DE2, EN6 and EN7.

Issue (iv) Impact on Residential Amenity (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.5 Having regard to the layout of the development, the scale of the proposed buildings, and the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Sufficient parking is provided. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

Issue (v) Planning Obligations (ACS Policies 8 and 19 and LAPP Policies EN2, HO3 and IN4)

- 7.6 The proposal meets the affordable housing requirements of Policy HO3 (Affordable Housing) as all properties provided by the development will be affordable. The proposed development would however ordinarily be expected to provide a contribution of £191,129 to enhance existing areas of open space, or else make provision for additional areas of open space within the locality to comply with Policy EN2 (Open Space in New Development)..
- 7.7 The applicants have submitted a viability appraisal which shows that the proposed development is unviable. The combination of a low value residential area coupled with high construction costs from site abnormalities (the slope and requirement for extra drainage, retaining walls and an extensive cut & fill exercise) produces a negative development appraisal. Removing the profit element, finance costs and marketing fees etc the negative land value reduces to -£3.6 million. It is considered on balance that given the development's contribution to Council key objectives (in relation to affordable housing) and its compliance with other Policies of the Local Plan, that good reason exists to depart from policies IN4 and EN2 and that no planning obligation should be sought in respect of open space.
- 7.8 With regard to the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities). Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request that have been the subject of separate discussions with the NUH NHS Trust. However, given the viability issues referred to above, it is clear that the scheme cannot support developer contributions; again, given the scheme's contribution to Council key objectives, it is proposed that no NUH NHS Trust contributions are sought.

8. Sustainability

The buildings would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. The majority of the houses will have roof-mounted pv panels. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP. Ground, groundwater and ground gas remediation, an environmental noise assessment and a sound insulation scheme as requested by the pollution control officer can be required by condition to comply with Policy IN2. The drainage scheme has been agreed by the Lead Local Flood Authority.

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

- 13.1 The proposal contributes to meeting key objective of the Nottingham City Council Plan 2019-2023: build or buy 1,000 Council or social homes for rent.

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: 19/01743/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2NPHQLYLVG00>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)

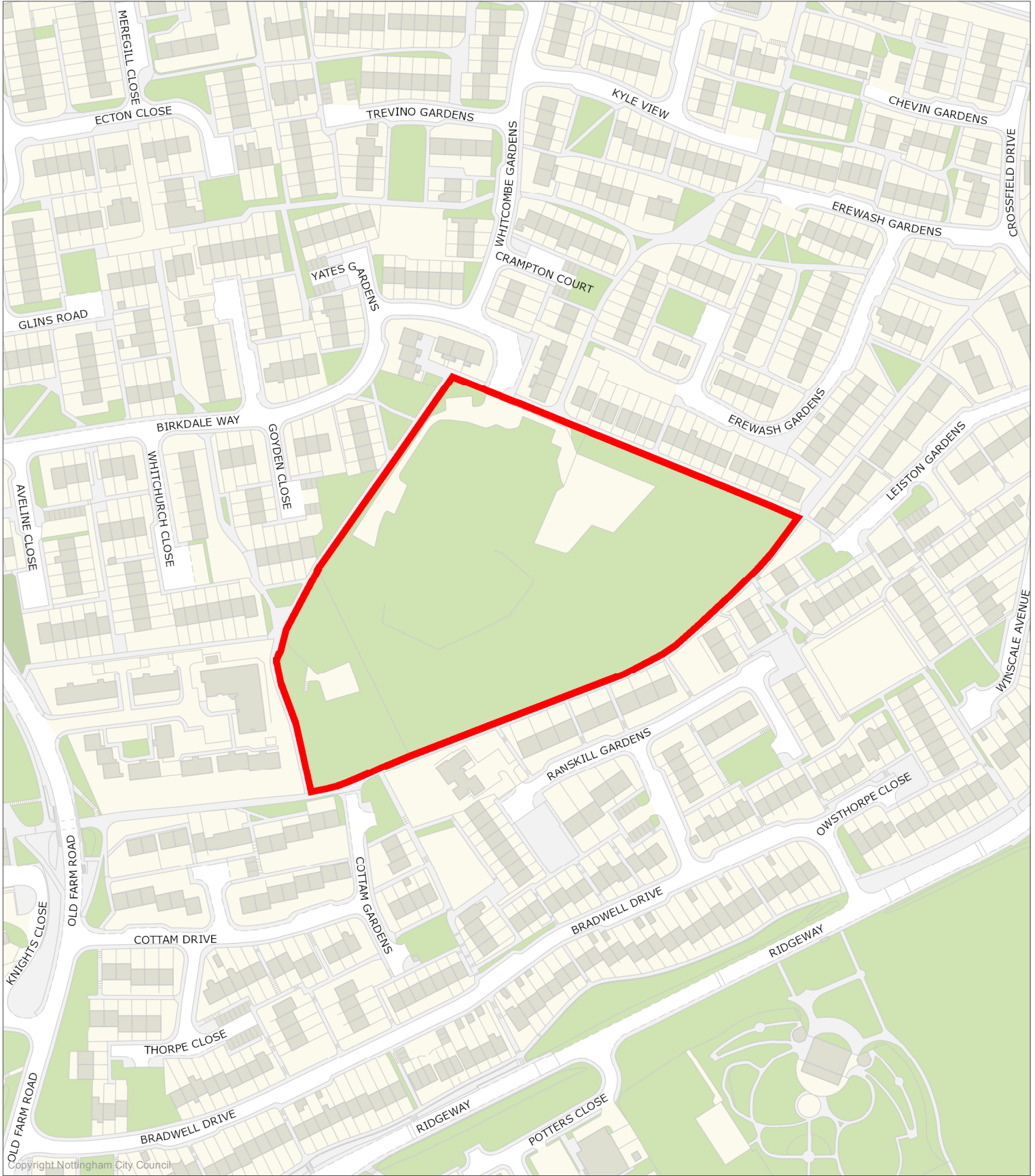
Aligned Core Strategies (September 2014)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076


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Key

 City Boundary

Description

No description provided

My Ref: 19/02811/PFUL3 (PP-08359713)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Pelham Architects
FAO: Mr Simon Henderson
12-14 Pelham Road
Sherwood Rise
Nottingham
NG5 1AP

Date of decision:

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

Application No: 19/02811/PFUL3 (PP-08359713)
Application by: Nottingham City Homes
Location: Site Of Eastglade Primary School, Whitcombe Gardens, Nottingham
Proposal: Construction of 106 homes.

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 an Arboricultural Method Statement prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations', 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. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure the protection of trees during the construction period and in accordance in accordance with Policy EN7 of the Local Plan - Part 2.

3. The development shall not be commenced until details of an electric vehicle charging scheme, making provision for each property, including a timetable for its implementation has been



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Not for issue

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Continued...

submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable.

Reason: In the interests of sustainable development in accordance with Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan - Part 2.

Pre-occupation conditions

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

4. A landscaping and planting scheme shall be provided for the development. In particular
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) 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
 - c) 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 and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

5. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:

- a) the roads serving the development have been provided and surfaced;
- b) the individual parking spaces have been provided and surfaced;
- c) the house plots have been enclosed.

Reason: In the interests of the living conditions of future and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan - Part 2.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 17 December 2019.

Reason: To determine the scope of this permission.

Informatives

1. 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.

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.

3. Highways

1. 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 Network Management. 0115 876 5238 or email Highway.Agreements@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

2. 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.

3. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

4. A Section 38 Agreement is required and 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. 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 Network Management on 0115 876 5293.

5. 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. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

6. Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed; please contact Highways Network Management on 0115 876 5293 to instigate the process. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

7. To discuss PROW details further the applicant should contact John Lee 0115 8765246.

8. Please contact Rasita Chudasama 0115 8763938 Rasita.Chudasama@nottinghamcity.gov.uk to seek advice on the electric vehicle charging points (EVCP).

9. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway.

10. The development shall not be fully operational until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated to the satisfaction of the City Council as highway authority. Dropped kerbs and ramps, suitable for wheelchairs and prams, shall be provided at the time of development in the footways at all major pedestrian crossing points, at road junctions, and at footway crossings in accordance with details to be agreed in writing with the City Council as highway authority.

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: 19/02811/PFUL3 (PP-08359713)

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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Not for issue

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WARDS AFFECTED: St Anns (May 2019)

Item No:

**PLANNING COMMITTEE
18 March 2020**

Report of Director of Planning and Regeneration

Site of The Woodborough Public House, Woodborough Road

1 Summary

Application No: 19/01743/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Tuntum Housing

Proposal: Residential development of 17 houses and 11 flats (comprising 8 x 2b4p Houses, 8 x 3b5p Houses, 1 x 4b7p House, 10 x 1b2p Flats, 1 x 2b4p Flat).

The application is brought to Committee as it is proposed that the planning obligations typically required by adopted planning policies be waived in this case.

To meet the Council's Performance Targets this application should have been determined by 6th November 2019.

2 Recommendations

GRANT PLANNING PERMISSION subject to the indicative 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 Director of Planning and Regeneration.

3 Background

3.1 The application site is located at the junction of Woodborough Road and Robin Hood Chase. It comprises, at its western end, the cleared site of the former Woodborough public house, an area of grass and trees between the Chase and Fountainedale Court and, at its eastern end, a car park accessed from Lupin Close. The site is generally flat, with a brick retaining wall addressing the slope of Woodborough Road from north to south, as well as between the application site and Robin Hood Chase. Fountainedale Court, which the site partly surrounds, is a two storey block of flats, garages and a shop. There are a high number of mature trees ranged across the site.

4 Details of the proposal

4.1 Planning permission is sought for seventeen houses and eleven flats. These would comprise eight 2-bed houses, eight 3-bed houses, one 4-bed house, ten 1-bed flats and one 2-bed flats. The houses are two storey and face into the site with their rear elevations onto Robin Hood Chase. The flats are two storey on Manning Street and three storey on Woodborough Road. Materials are primarily red brick with blue brick

areas on the three storey flats and some render panels. Vehicle access is from Manning Street, where a central hard surfaced and soft landscaped parking area provides parking for and pedestrian access to houses and flats. The existing car park off Lupin Close is to be retained. Thirty-two parking spaces are to be provided. The dwellings would have railings to their fronts and a timber close-boarded fence would sit above the existing brick wall to provide privacy for rear gardens from the Chase. Trees along the Chase and around the Lupin Close car park are to be retained; trees are to be lost on the former pub site but a number of new trees are proposed within the courtyard on that part of the site.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

- 5.1 Forty-one neighbouring properties were notified by letter dated 8 August 2019. The letters were sent to properties on Woodborough Road, Manning Street, Fountainedale Court, Raglan Close and Westville Gardens. A site notice was displayed on 8 August 2019. Press advertisement published on 14 August 2019. The consultation period expired on 4 September 2019.

One objection has been received, on grounds of overcrowding, noise and general disruption. Two representations have been received supporting the regeneration of this derelict site.

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions regarding ground, groundwater and ground gas remediation, environmental noise assessment, sound insulation scheme and electric vehicle charging points.

Highways: No objection.

Lead Local Flood Authority: No objection following receipt of revised drainage strategy.

Nottingham University Hospital NHS Trust (NUH NHS Trust): A financial contribution is requested for additional secondary healthcare services to meet patient demand.

6 Relevant policies and guidance

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (2014):

- 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

Local Plan Part 2 - Land and Planning Policies (January 2020)

- Policy CC1 - Sustainable Design and Construction
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy EN2 - Open Space in New Development
- Policy EN6 - Biodiversity
- Policy EN7 - Trees
- Policy IN2 - Land Contamination, Instability and Pollution
- Policy IN4 - Developer Contributions

7. Appraisal of proposed development

Main Issues

- (i) Principle of the Development.
- (ii) Design and Impact on the Streetscene.
- (iii) Impact on Residential Amenity.
- (iv) Planning Obligations.

Issue (i) Principle of the Development (ACS Policy 8 and LAPP Policies HO1 and HO3)

- 7.1 The site has no specific allocation in the Local Plan Part 2 and is in an established residential area. Policy HO1 (Housing Mix) of the Local Plan and Policy 8 of the Aligned Core Strategies encourage development of sites outside the city centre with family housing, of which there is an identified shortage. Policy HO3 (Affordable Housing) encourages the provision of affordable housing through a range of

mechanisms; the applicant is a registered provider of social housing and this entire development will comprise affordable housing. The proposal is therefore considered to be acceptable in accordance with Policy 8 of the Aligned Core Strategies and Policies HO1 and HO3 of the Local Plan Part 2.

Issue (ii) Design and Impact on the Streetscene (ACS Policy 10 and LAPP Policies DE1, DE2 and EN7)

- 7.2 The new buildings are to a common architecture, with different properties having individual features, shifts in materials and detailing such as stone headers, surrounds and cills. Houses are to be constructed in red and blue brick with pitched grey tile roofs, and some use of render to break up the street scene. The layout of the development responds well to the site levels and constraints. Corner units respond to their location with doors and windows on side elevations to increase surveillance and add interest. The combination of proposed dwelling types and detailing will provide an appropriate quality of built finish to the development and the development will have its own identity within the area. Whilst the proposal involves the loss of some trees on the former pub site, these are not considered to have sufficient value on the streetscene to warrant protection, and the proposal incorporates new tree planting. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1, DE2 and EN7 of the Local Plan Part 2.

Issue (iii) Impact on Residential Amenity (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.3 Having regard to the layout of the development, the scale of the proposed buildings, and the relationship with the site boundaries and neighbouring residential properties, it is considered that the proposal would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. Sufficient off-street parking is provided. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

Issue (iv) Planning Obligations (ACS Policies 8 and 19 and LAPP Policies EN2 and IN4)

- 7.4 A policy compliant planning obligation for the proposed development would be expected to provide a contribution of £51,461 to enhance existing areas of open space, or else make provision for additional areas of open space within the locality.
- 7.5 The applicants have submitted a viability appraisal which shows that, even with no developer contribution toward public open space, there would be a scheme deficit of £599,012. The costs of the scheme are funded through loan finance (which is supported by the net rental income received over the cashflow period) and any other subsidy or grant which the scheme can attract. It is considered, given its contribution to Council key objectives and its compliance with other Policies of the Local Plan, that good reason exists to depart from policy IN4 and that no planning obligation be sought in respect of open space.
- 7.6 Regarding the requested contribution for the NUH NHS Trust, it is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities). Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries

and issues arise from the request that have been the subject of separate discussions with the NUH NHS Trust. However, given the viability issues referred to above, it is clear that the scheme cannot support developer contributions, and that again, given the scheme's contribution to Council key objectives, it is proposed that no NUH NHS Trust contributions are sought.

8. Sustainability / Biodiversity

- 8.1 The building would need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP. Ground, groundwater and ground gas remediation, an environmental noise assessment and a sound insulation scheme as requested by the pollution control officer can be required by condition so as to comply with Policy IN2 of the LAPP. An appropriate landscaping scheme can ensure the provision of new trees and planting which includes native species attractive to pollinators, in accordance with Policy 17 of the ACS and Policy EN6 of the LAPP.

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

The proposal contributes to meeting key objective of the Nottingham City Council Plan 2019-2023: build or buy 1,000 Council or social homes for rent.

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

Application No: 19/01743/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online->

17 Published documents referred to in compiling this report

Nottingham Local Plan Part 2 (January 2020)
Aligned Core Strategies (September 2014)

Contact Officer:


Mr Phil Shaw, Case Officer, Development Management.
Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

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Key
 City Boundary

Description
 No description provided

My Ref: 19/01743/PFUL3 (PP-08036289)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Pelham Architects
FAO: Mr David Parker
12-14 Pelham Road
Sherwood Rise
Nottingham
NG5 1AP

Date of decision:

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

Application No: 19/01743/PFUL3 (PP-08036289)
Application by: Tuntum Housing
Location: Site Of The Woodborough Public House, Woodborough Road, Nottingham
Proposal: Residential development of 17 houses and 11 flats (comprising 8 x 2b4p Houses, 8 x 3b5p Houses, 1 x 4b7p House, 10 x 1b2p Flats, 1 x 2b4p Flat).

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. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) details of the external materials of all new buildings;
 - b) details of the design and materials of the enclosure of the site and plots, including walls, railings, fences and retaining walls;
 - c) details of all new hard surfacing materials;
 - e) details of bat and bird boxes, hedgehog friendly fencing and bat friendly street lighting;
 - f) details of an electric vehicle charging scheme including one charging point per domestic unit (ie dwelling with dedicated off street parking) and one charging point per 10 parking spaces (unallocated parking).

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

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Local Plan Part 2.

3. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.

- b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

- c) A Remediation Plan, based on a) and b) above, 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).

- d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) 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: In the interests of public health and safety in accordance with Policy IN2 of the Local Plan Part 2.



4. The development shall not be commenced until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

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

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

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

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

Reason: In the interests of the living conditions of future occupiers of the development in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan Part 2.

5. Prior to commencement of the development, a Construction Traffic Management Plan shall be submitted to and approved in writing to the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site boundaries during the construction period. Vehicles delivering to the site area cannot be permitted to wait/park on the highway. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan Part 2.

6. The development 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 EN7 of the Local Plan Part 2.

Pre-occupation conditions

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

7. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) 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
 - c) 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 and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

8. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:
- a) the dwellings have been enclosed and the parking spaces provided;
 - b) bat and bird boxes, hedgehog friendly fencing and bat friendly street lighting have been provided;
 - c) the scheme of sustainable drainage has been implemented;
 - d) the electric vehicle charging scheme has been implemented.

Reason: In the interests of the living conditions of future and neighbouring occupiers, in the interests of biodiversity and in the interests of sustainable development in accordance with Policies 1, 10 and 17 of the Aligned Core Strategies and Policies DE2, EN6, CC1 and CC3 of the Local Plan Part 2.

9. No dwelling shall be occupied until the following have been 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.
 - c) Verification that the approved sound insulation scheme has been implemented and is fully operational

Reason: In the interests of public health and safety and in the interests of the living conditions of future occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and IN2 of the Local Plan Part 2.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission



S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 7 August 2019.

Reason: To determine the scope of this permission.

Informatives

1. 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.

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.

3. 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, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) 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 & 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.

4. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

Verification that the approved sound insulation scheme has been implemented shall include;

- The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
- example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
- photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

5. Highways:

a) 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.

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

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

d) For further information regarding potential rights of way issues surrounding this site, the applicant should contact John Lee, the City Council's Rights of Way Officer on 0115 8765246.

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: 19/01743/PFUL3 (PP-08036289)

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/pcs.

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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