



Nottingham City Council Planning Committee

Date: Wednesday 16 December 2020

Time: 2:30pm

Place: To be held remotely via Zoom and live-streamed to:
<https://www.youtube.com/user/NottCityCouncil>

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



Director for Legal and Governance

Governance Officer: Kate Morris

Direct Dial: 0115 876 4353

- 1 Apologies for Absence**
- 2 Declarations of Interest**
- 3 Minutes** 3 - 16
Minutes of the meeting held on 18 November 2020, for confirmation
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a South-West Section of Bulwell Academy - Henry Mellish Site, Highbury Road** 17 - 42
 - b Sports Ground, Junction of Piccadilly and Brooklyn Road** 43 - 70

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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Nottingham City Council

Planning Committee

Minutes of the meeting held at Remote - To be held remotely via Zoom - <https://www.youtube.com/user/NottCityCouncil> on 18 November 2020 from 2.31 pm - 4.55 pm

Membership

Present

Councillor Michael Edwards (Chair)
Councillor Graham Chapman (Vice Chair)
Councillor Kevin Clarke
Councillor Gul Nawaz Khan
Councillor Maria Joannou
Councillor Pavlos Kotsonis
Councillor Sally Longford
Councillor AJ Matsiko
Councillor Lauren O`Grady
Councillor Ethan Radford
Councillor Wendy Smith
Councillor Cate Woodward
Councillor Audra Wynter

Absent

Councillor Leslie Ayoola
Councillor Toby Neal
Councillor Mohammed Saghir
Councillor Mohammed Sagir

Colleagues, partners and others in attendance:

Ann Barrett	- Legal Team Leader, Planning and Environment
Lisa Guest	- Principal Officer, Highway Development Management
Rob Percival	- Area Planning Manager
Nigel Turpin	- Team Leader, Planning Services
Martin Poole	- Area Planning Manager
Paul Seddon	- Director of Planning and Regeneration
Kate Morris	- Governance Officer

30 Apologies for Absence

Councillor Leslie Ayoola – Leave
Councillor Toby Neal – Council Business

31 Declarations of Interest

None

32 Minutes

The Committee confirmed the minutes of the meeting held on 23 September 2020 as a correct record and they were signed by the Chair.

33 Site Of Middletons Public House Trowell Road

Rob Percival, Area Planning Manager, introduced application number 20/01250/PFUL3 for planning permission by Swish Architecture Ltd on behalf of Swan Homes (Nottingham) Ltd. for the proposed demolition of the existing Public House and to construct 16 dwellings. The application is brought to the Committee because it has generated significant public interest that is contrary to the officer recommendation, and at the request of a Ward Councillor.

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

The following points were discussed:

- (a) The former pub that once stood on the site has now been demolished and the site cleared. The application is for 16 properties with a mix of two, three and four bedrooms. Frontages of the proposed development are to Bridge Road and Trowell Road with a short cul-de-sac for access to the properties in the internal part of the development;
- (b) The proposed development would see the two bedroomed units front onto Trowell Road with semidetached properties specifically designed for the two corner plots. The three and four bed roomed properties would be to the north of the site, with the 2 four bed properties being detached;
- (c) Following representation from the neighbouring day nursery the property nearest to the adjacent boundary will be stepped down to ensure that the development falls into scale with existing properties, and the rear dormer units that back onto the boundary with the nursery have also been removed;
- (d) The density of the development has been questioned, it is higher than the nearest adjacent housing, however this is more to do with the size of garden space in neighbouring properties and the development falls into acceptable standards for modern housing;
- (e) The development offers an opportunity to enhance the site and represents a good alternative use. The properties sit well within the development and the character of the development is in keeping with the area. There is a traditional style to the architecture ensuring the scheme fits well with existing buildings, but there is also uniqueness and individuality within the scheme, the details and materials proposed are of an appropriate quality and style for a prominent site;
- (f) Concerns have been raised around parking and traffic, specifically on Bridge Road and that existing on-street parking would be displaced. There is parking on the site for residents and visitor parking spaces are also provided;
- (g) In terms of sustainability, the developer is committed to going beyond building regulation minimums around water consumption and thermal qualities, and the scheme also meets the Council's new policy on water consumption. All properties will have electric vehicle charging points. Final details are to be agreed as per the proposed conditions;

- (h) The two bedroom properties are single aspect, the rooms further back in the properties are utility type rooms and en-suites, which are more appropriate for being internal. The use of light wells on the staircase areas brings natural light further into the properties;
- (i) The scheme is compliant with and meets policy requirements for Section 106 contributions;
- (j) Committee members agreed that the scheme was attractive and fitted well within the local area. They agreed that the size of the units is appropriate for families, that materials proposed are of good quality and that the landscaping and layout was sympathetic to the area. They were pleased to see innovation around reducing water consumption and noted that the scheme would work towards carbon reduction too;
- (k) Councillors raised concerns about the use of render alongside brickwork on the properties due to the likelihood of it staining and looking less attractive over time. Although the use of render on these properties is not extensive materials can be agreed as part of the conditions after further negotiation with the developers;
- (l) Committee members also raised further concerns regarding the light levels for the internal areas of the single aspect 2 bedroomed properties. Officers confirmed that the properties were of a depth that light would still penetrate and that the light wells would bring additional light to the internal parts of the properties, internal rooms would be bathrooms and en-suites and utilities rooms rather than living areas;
- (m) Solar panels are not currently part of the developers package for sustainability measures. There is the opportunity to continue negotiation for these within the conditions of the planning permission and officers will raise this with developers for consideration;
- (n) Committee members questioned who would be responsible for the maintenance of the landscaped areas around the development and in particular, the areas in front of the houses. Officers confirmed that it is the intention of the developer to set up a management company that will be responsible for the general maintenance of the landscaping within the development. The areas directly outside the units will be accessible to the residents and can be used for planting boxes and seating etc;
- (o) Each unit will have an allocated parking space ensuring that all residents will have access to an electric vehicle charging point. There will also be additional communal/visitor parking on site in addition to these allocated spaces.

Resolved

1) to grant planning permissions for the reasons set out in the report subject to:

- (a) prior completion of a Section 106 Planning Obligation to secure:**
 - (i) A financial contribution of £121,680 towards off-site Affordable Housing provision;**

no affordable housing, nothing for the elderly, the disabled or for larger families;

Martin Poole, Area Planning Manager, introduced application number 19/01270/PFUL3 for planning permission by Steven Milan on behalf of GR No. 8 LTD for the construction of 45 new dwelling houses and associated infrastructure. The application is brought to Committee because it is a major development with important land use considerations and which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 10th September 2019.

Additional information, amendments and changes to the item since the publication of the agenda were included in an update sheet, which was appended to the agenda published online. It included one third party letter of correspondence received from the Registry Office, one property on Kersall Drive on behalf of 3 other dwellings with no internet access, and a statement from the developer.

The following points were discussed:

- (f) This is the site of the former Henry Mellish School situated on Highbury Road and Kersall Drive with the Heathfield Primary school situated behind it. The site has been cleared and has a mature tree line between the main part of the site and Highbury Road, there are existing gates and a wall along this boundary. The proposed development consists of 45 residential dwellings with a mix of two and three bedrooms. The developer has been working with the Council for some time and the split of two and three bedrooms properties is considered to meet a need for housing for smaller families;
- (g) The development is served by two access points onto Kersall Drive, access to the development via Highbury road will be pedestrian access only, the only vehicular access to the development will be via Kersall Drive. This is a change from the original scheme submitted in 2019. Highways colleagues have reviewed the revised scheme and whilst recognising the local residents concern they have confirmed that there is no harm caused to highway safety by this access;
- (h) The plans show recent additions to the development including street trees and road surfacing changes. These are features added since the original scheme was submitted in 2019 in response to concerns about the shared space;
- (i) The materials currently shown on CGI images and in the proposals are buff coloured bricks with darker grey brick details. The developer has confirmed that they are willing to work with Planning Officers around details of the scheme through conditions of planning permission and this will include considering an alternative palette of materials. The CGI does not show the distinction in road surfaces that the developer has proposed as part of the shared space, but these are detailed in the plans submitted;
- (j) Once the development is complete the road will be adopted by the Council. It is normal that the issue of lighting and water drainage are addressed through

the adoption process, and the planning process would not normally seek to consolidate these issues;

- (k) Some of the concerns raised are around the lack of affordable housing within the scheme. The obligation on the developer to provide 20% affordable housing will either be met through onsite provision or through section 106 contributions and this will be negotiated. The scheme will be fully compliant with the affordable housing policy;
- (l) Committee members raised concerns about the design of the shared space and the street scene, they were pleased to see some strips across the road for speed reduction, but felt that the space had not been designed as a shared space and that these elements had been added on later. They were concerned about the relatively featureless straight road and how that may affect accessibility and safety for visually impaired people, the elderly and young children. They suggested that more features indicating to drivers and pedestrians that it is shared space should be considered. Officers advised Committee members that as part of the road adoption process any shared road space would go through a safety audit to assess safety for all users. This will be the case for this scheme and any recommendations from the audit can be agreed by conditions, this would include details that announce the start of the shared space to both pedestrians and to motorists;
- (m) A Committee member suggested that additional trees on the north and east side of the development would be beneficial as an established and mature tree line already exists along the boundary with Highbury Road;
- (n) A Committee member praised the inclusion of solar panels within the scheme but questioned how many units would benefit from them, as the report was not specific. Officers advised that this was still under negotiation with the developers and would be settled within the conditions;
- (o) Committee members acknowledged that local residents were accepting of a scheme of housing on the site and that they recognised the need for housing. They agreed that the site would be a good site for housing and that the need for family housing across the city is a growing need. They further acknowledged that as a result of being a site with relatively low land value there was a need to maximise good design to ensure that the scheme is viable;
- (p) Concerns were also raised about the limited architectural features on the units, particularly the gable ends where there appears to be a lot of blank brick walls which are generally discouraged where possible in design. They also felt that the pink coloured drives were not desirable and not in keeping with the area. Officers agreed that the detailing to the eaves was not as big as some other schemes but that the detailing proposed fitted within the scheme and provided an acceptable level of detail to the build. The blank walls seen on the CGI are not representative of the build, the plans show that these would be other properties but have been omitted from CGI to allow better view of the street scene. On the plans, end wall will feature windows where appropriate rather than remaining featureless. These features are in keeping with the locality;

- (q) Committee members also felt that an entrance with more prominence would be beneficial to the development and asked that this be considered;

Resolved to defer consideration of this item to a future meeting to address concerns raised by the Committee including, but not limited to:

- **Road design**
- **Issue around trees**
- **Material palette**
- **Fuller information around highway safety**
- **Proper consideration of design for the entrances to the site.**

Councillor Kotsonis abstained from the vote.

Councillor Clarke voted against deferring the item.

The meeting was adjourned at 15:50 and was reconvened at 16:00

35 Sports Ground Junction Of Piccadilly Brooklyn Road

Prior to the Committee's consideration of this item and with the permission of the Chair, Councillor Sam Gardiner addressed the Committee in his role as a Ward Councillor for Bulwell Forest and made the following points:

- (a) This scheme was initially submitted as a planning application in summer 2019, Ward Councillors held extensive public consultation and a number of concerns were raised at the time. This application has since been brought forward to Committee with little or no revision designed to address concerns raised by residents;
- (b) Residents accept that this site will be used for housing, they recognise the need for more housing and agree that the site should be used for suitable housing, but they want to see a suitable scheme which fits in with the local area;
- (c) The Local Plan states that application should not include entrances and exits onto the site of Jesmond Road, but this is what is currently being proposed. The Housing Policy Framework, paragraph 102, states that transport should be a consideration at an early stage of the planning process and during public consultation. Concerns around the parking issues were raised, specifically about increased congestion and increased on street parking. Although residents accept that the scheme includes allocated parking this will exacerbate existing on street parking issued by reducing the available space with the creation of driveways;
- (d) National Planning Framework Policy, paragraph 127, states that decisions on planning should add to the quality of the area, not just for the short term but for the life of the development and should be sympathetic to the character and history of the surrounding area. Materials proposed for this development do not match those used in the local area and the development is neither sympathetic to, nor in character with the surrounding area;

- (e) Other concerns raised include the proximity of the development to the existing monastery, impact on local schools, and design features such as small windows;

Martin Poole, Area Planning Manager, introduced application number 19/01271/PFUL3 for planning permission by Steven Milan on behalf of GR No. 9 LTD for the construction of 57 new dwelling houses and associated infrastructure. The application is brought to Committee because it is a major development with important land use considerations which is not fully policy compliant and which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 5th September 2019.

Additional information, amendments and changes to the item since the publication of the agenda were included in an update sheet, which appended to the agenda published online. It included five (two from the same household) further third party letters of correspondence.

The following points were discussed:

- (f) The proposed development is situated on sports field on Jesmond, Brooklyn and Piccadilly Roads and is surrounded by residential buildings. The Poor Clare Monastery sits to the south of the development. The existing site is currently grass land.
- (g) The proposed development is for a mix of two and three bedroom houses fronting on to Jesmond and Brooklyn Roads, with access to a small shared space cul-de-sac from Jesmond Road. The Local Plan suggests a strong preference for internal access to the site to be taken from either Piccadilly or Brooklyn Roads, it does not rule out access from Jesmond Road. Access from this road represents best use of the space and Highways colleagues have reviewed this and have found the access from Jesmond Road acceptable;
- (h) The development makes adequate provision for parking in its own right as is required by policy. The streets surrounding the site have a good amount of on street parking relative to house frontage. There is no right to on street parking, but it is accepted where there is space and where it does not interfere with the primary function of the road, to carry vehicles including access to driveways;
- (i) The road scheme for this development is more traditional with pavements and a carriageway. There is a small area of shared space at the head of the internal cul-de-sac. There is a similarity in design and materials to the previously considered item, the developer being the same and the CGI presented does not show the addition of the trees since the original application was made;
- (j) 26 individual letters and 19 comments in response to the public consultation were received in response to this application, and concerns raised within these have been addressed as far as they can be. Planning decisions should be based on planning policy assessment of the development, it is not always possible to amend a scheme in line with public preference. The scheme

complies with the Local Plan and the officers assessment is set out in the published report;

- (k) Committee members noted that the proposed scheme was close to amenities and in an area where housing was in demand. They acknowledged the difficulties in terms of land value and viability of the scheme and acknowledged that local residents accepted that a housing development would be appropriate use of the site;
- (l) The Committee echoed the Ward Councillor's concerns about the scheme not being in keeping with or sympathetic to the surrounding area. The density of the scheme is higher than that of the surrounding area and the palette of materials is not in keeping. Parking issues raised by the Ward Councillor and residents were echoed by Committee members who were concerned regarding the loss of existing on-street car parking for residents as a result of driveways and access to the development. Highways officers have considered the application and are satisfied that there is sufficiency capacity within the surrounding road network without causing significant problems and the development is policy compliant;
- (m) Concerns were also echoed around the proximity of the proposed development to the monastery and whether there would be noise impacts on the residents. Officers advised that there was a small number of buildings, 6 in total, proposed to be on the cul-de-sac part of the scheme that is closest to the boundary with the monastery. It is considered that even at the points of highest activity these residential buildings will not represent excessive disturbance. Planning officers are satisfied that the relationship between the 6 buildings and the monastery is acceptable and that the proposed buildings were not considered to be too close to the monastery building;
- (n) Committee members raised concerns about access onto Jesmond Road noting that Jesmond Road was narrow and had multiple other junctions on its length. They noted that both Picadilly and Brooklyn Road were wider and that there was no housing on the Brooklyn Road side of the site making it potentially more suitable for access;
- (o) Concerns were raised about the replacement of the green space with impermeable surfaces and what that might mean for flood risk both for local residents and for residents in other parts of the area. The Committee asked for further details on the drainage proposals and for the use of permeable surfaces to be maximised. They were pleased to see the use of trees in the development but questioned if more could be added, specifically at the south end of the development which would also serve to increase privacy and reduce noise impact on the neighbouring monastery building ;
- (p) Planning Officers advised the Committee that the proposed conditions of the planning permission detailed drainage management plans that included soak aways and other drainage features. These details are most commonly agreed as part of the conditions;
- (q) The Committee questioned the shared space element of the design, wanting reassurance that traffic calming measures would be put in place. Planning officers confirmed that these elements are covered within the conditions and

materials could be addressed at that stage. The cul-de-sac element of the proposed scheme only has 6 houses on it and additional features were not considered necessary given the likely traffic volume;

- (r) The mix of housing was also raised as a concern with a Committee member questioning whether single person accommodation should be included and other questioning if larger family units could be included as there is a need for both types of housing within the City. Officers advised the Committee that there is a possibility that some of the units may not come to sale and may be used as affordable housing options. The development does not propose any single person units as the development aims to be family orientated in keeping with the wider family orientated residential area;
- (s) Planning colleagues advised that within the scheme and on the surrounding streets there will be a number of areas where the possibility of informal on-street parking will still be available, particularly adjacent to side boundaries. The reconfiguration of the development to be one cul-de-sac with an offshoot cul-de-sac would not increase the opportunity for parking on Jesmond Road. The Committee asked that this option be explored further;

Resolved to defer consideration of this item to a future meeting to address concerns raised by the committee including, but not limited to:

- **Impact of the development to existing properties**
- **Impact of the development on local parking**
- **Materials and design**
- **Street Trees and road design/layout.**

The vote on this matter was unanimous.

36 Island Business Centre, City Link

The Chair of the Committee agreed that this item, although not on the agenda, could be considered as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972, because a decision at the December meeting, with a further period to refer to the Secretary of State, would cause unacceptable delays to the bringing forward of this very important regeneration project

Martin Poole, Area Planning Manager, introduced application number 20/01527/PFUL3 for planning permission and 20/01528/LLIS1 for listed building consent by AXIS David Jones on behalf of Conygar Nottingham Ltd (ref Mr Chris Ware)

Application number 20/01527/PFUL3 proposes mixed-use commercial development comprising enabling works (demolition and earthworks), retail (Classes A3/A4/A5), assembly and leisure (Class D2) uses, access modifications, utility infrastructure and drainage, new areas of public realm/landscaping and alterations to the listed Turnover Bridge.

Application number 20/01528/LLIS1 proposes alterations to the listed Turnover Bridge in association with mixed-use commercial development comprising enabling works (demolition and earthworks), retail (Classes A3/A4/A5), assembly and leisure (Class D2) uses, access modifications, utility infrastructure and drainage, and new areas of public realm/landscaping

The report is brought to Committee as an urgent item because of the significant risk of a delay to the issuing of a planning permission and listed building consent pending confirmation from the Environment Agency that their objection to the applicant's Flood Risk Assessment has been overcome. The report seeks authorisation to refer the matter to the Secretary of State in the event that this may be required in order to ensure that the applicant's programme for the implementation of this major and significant first phase of development is able to be achieved.

To meet the Council's Performance Targets this application should have been determined by 3rd December 2020.

Additional information, amendments and changes to the item since the publication of the agenda was included in an update sheet, which appended to the agenda published online. It includes further observations from the Environment Agency.

The following points were discussed:

- (a) In September 2020 the Planning Committee resolved to grant planning permission and listed building consent for this development (minute 25) subject to a number of conditions, including confirmation from the Environment Agency that the objection to the applicant's Flood Risk Assessment had been overcome;
- (b) Work is ongoing on flood modelling. It is not yet entirely resolved, however it may be that there is residual risk remaining throughout this modelling;
- (c) The developer is at a critical stage of contract negotiation with construction and the contracts need to be signed as a matter of urgency to allow the developer to deliver a Christmas 2021 opening. If this cannot be achieved then it is likely to result in delays to the development of up to a year;
- (d) Proper planning consideration will be given to flood risk and the mechanism recommended to the Committee does not look to expose Nottingham citizens to unreasonable flood risk;
- (e) The process will enable a mechanism for a quick decision in consultation with the Chair, the Vice Chair and an opposition party member of the Planning Committee, when the resolution of the flood risk matters is reached;
- (f) A committee member with responsibility for flood risk (Councillor Longford) asked to be kept up to date with the decision and Chair confirmed that they would be included within the consultation process along with the Vice Chair and opposition member.

Resolved:

- (1) That, in the event that the Environment Agency has not been able to withdraw its objection following conclusion of further flood modelling, power to grant planning permission and listed building consent be delegated to the Director of Planning and Regeneration in consultation with the Chair, Vice Chair, opposition spokesperson, and Councillor Longford subject to:**

- i) **being satisfied that the development complies with national and local policies on flood risk, including consultation with the Secretary of State;**
 - ii) **the indicative conditions substantially in the form of those listed in the draft decision notices appended to the report to the September Planning Committee with the addition of the condition relating to the design of the linear ridge as detailed in the report on the planning permission;**
 - iii) **prior completion of a Section 106 planning obligation to secure:**
 - **a financial contribution towards highways improvements in the total sum of £1,050,000**
 - **local employment and training benefits including opportunities in the construction and operational phases of development together with payment of a financial contribution towards employment and training;**
- (2) Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration; and**
- (3) That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.**

37 Planning White Paper Response - For information and to note

Paul Seddon, Director of Planning and Regeneration, presented the paper to the Committee outlining Nottingham City Council's response to the consultation on significant changes to the Planning White Paper. Following consultation with the Portfolio Holder, Planning Committee and Officers, a robust and challenging response to the proposals has been put forward. Committee members raised the following points:

- (a) There are substantial concerns about the planning white paper. These include
 - Seeking to centralise planning policy and reduced local democratic accountability of planning decision.
 - Introducing changes making development contribution for public benefit more difficult to receive.
 - No mechanisms within the white paper to address the current climate emergency
 - Creating barriers for those people with protected characteristics to get involved with the planning process. All public engagement will have to take place on line and could lead to exclusion of those people with disabilities which prohibit or limit use of technology;
- (b) The proposed system splits development site into three zones, of most concern is the "growth zone" which allows automatic planning permission without input from the public or Councillors. This is contrary to the Raynsford Review of Planning which highlights citizens rights to be informed, right to participate and the right to challenge planning decisions.

Resolved to note content of the response.

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Wards Affected: Bulwell Forest (May 2019)

Item No:

**Planning Committee
16th December 2020**

Report of Director of Planning and Regeneration

South West Section Of Bulwell Academy Henry Mellish Site, Highbury Road

1 Summary

Application No: 19/01270/PFUL3 for planning permission

Application by: Steven Milan on behalf of GR No. 8 LTD

Proposal: Construction of 45 new dwellinghouses and associated infrastructure

Full details of the proposal are contained in the attached report to the meeting of Committee held on 18 November 2020 and supplemented by the attached update sheet.

2 Recommendations

- 2.1 To **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:
- (a) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a section 106 planning obligation to include :
 - (i) A financial contribution of £351,000 towards off site affordable housing or 20% affordable housing provision on site or on the neighbouring development site at Piccadilly (19/01271/PFUL3)
 - (ii) An off-site public open space financial contribution of £47,840 towards enhancement in the surrounding area and
 - (iii) A financial contribution of £16,336 towards employment and training and provision of employment opportunities during the construction phase
 - (b) the indicative conditions listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the terms of the section 111 agreement and the planning obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

- 3.1 Committee is requested to refer to the full details contained in the attached report to November's meeting, together with that month's update sheet. Committee deferred determination of the application to allow for further consideration of items including (but not limited to) road design, issues around trees, material palette, fuller information around highway safety and proper consideration of design for entrances to the site.
- 3.2 This report covers solely those elements together with a possible change to the nature of the on-site affordable housing provision, in which the provision may be sited within the neighbouring development at Picadilly. A meeting between officers and the applicant has been undertaken to discuss the concerns identified at the November meeting and revised plans and detailing have been received to seek to overcome them.

4 Details of the proposal

- 4.1 Revised layout plans, supporting vehicle tracking, CGI's and updated materials palette have been submitted for consideration.
- 4.2 The two entrances to the site from Kersall Drive are now defined in a contrasting grey block pavior. Street trees have been introduced to define the northern entrance to the development. Two further street trees have been introduced approximately 15m further into the site flanking either side of concrete cobble setts. From the northern entrance as you progress round the newly created shared surface, two further street trees are proposed with cobble setts breaking up the surfacing. The private driveway elements at the northern and southern ends of the site would be finished in the same material as the entrances to the site to define the change from shared surface to private driveway. For clarity 10 street trees within buildouts are now proposed within the development in addition to 10 areas of cobble setts and block paving at the entrances to both the development site and private driveways.
- 4.3 Following comments raised by Committee relating to materials the applicant has revisited the proposed palette. Properties are now proposed to be constructed in a red brick with darker contrasting elements. Boundary walls where detailed would be constructed in the same material. Driveways to properties are proposed to be constructed in a mix of blue/grey block paving and tarmac.

5 Consultations and observations of other officers

No further letters of correspondence received since last month's meeting.

6 Relevant policies and guidance

As per November report to Committee attached

7. Appraisal of proposed development

- (i) **Design and Impact on the Streetscene** (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.1 The proposed revisions in layout and materiality are all considered positive and

contribute to better grounding the development within the street scene. Introduction of further street trees and breaks in hard surfacing ensure traffic calming whilst contributing to the character of the development. Notwithstanding the revised details provided on the illustrated plans and CGI's, precise material finishes and planting shall be secured via conditions 5 and 12 on the draft decision notice. Subject to condition the development is considered to accord with policy 10 of the ACS and policies DE1 & DE2 of the LAPP.

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

The site is currently owned by the Council with sale of the land pending. As the Council (as land owner) cannot enter into a s106 planning obligation with itself (as local planning authority) an agreement will be required with the developer under s111 of the Local Government Act 1972 whose completion will enable the planning permission to be issued. The s111 agreement will require the developer to enter into a s106 planning obligation once it has acquired a legal interest in the site. The applicant has submitted a viability assessment which has been reviewed by CP Viability on behalf of the Council. CP Viability have concluded that the scheme is fully viable and the following policy compliant contributions shall be secured via the s111 agreement/planning obligation.

Contributions to be secured are as follows:

- £351,000 or on site provision – Affordable Housing
- £47,840 – Open Space
- £16,336 – Employment and Training

- 7.3 The applicant is yet to determine the exact make-up of the proposed development. Given the applicant is the same for this site and the development on the former playing field also being considered by Committee (19/01271/PFUL3) the s111 agreements/planning obligations for the developments will secure either policy compliant provision of affordable units on site with the exact make-up and location of the allocation to be specified within the agreements or alternatively the payment of a financial contribution.
- 7.4 An initial request for a contribution towards provision of additional secondary education places was received from education colleagues. However, subsequently it has been confirmed that the monies from the sale of the land are ring fenced and would be invested directly within the education budget. It is therefore neither necessary nor appropriate to secure further funds via a planning obligation.
- 7.5 Unlike other similar schemes that Committee has reviewed recently, in this instance no contribution has been sought from the NUH NHS Trust in relation to provision of health care provision.
- 7.6 It is considered that the development would accord with policies 8 & 19 of the ACS and policies EN2, HO3 and IN4 of the LAPP.

(iii) Highways

- 7.7 At the time of drafting this report no formal comments to the revisions proposed have been received from Highways colleagues. Formal comments will be reported as an update. Subject to Highways being satisfied with the details, the development

is acceptable and would accord with policy 10 of the ACS and policy TR1 of the LAPP.

8. Sustainability / Biodiversity

As per November report to Committee attached.

9 Financial Implications

As per November report to Committee attached.

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

Contribution towards the provision of family housing, encouraging families to stay within the boundaries of the city.

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: 19/01270/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSNY2ILYG0B00>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2019)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065

Report of Director of Planning and Regeneration

South West Section of Bulwell Academy Henry Mellish Site, Highbury Road

1 Summary

Application No: 19/01270/PFUL3 for planning permission

Application by: Steven Milan on behalf of GR No. 8 LTD

Proposal: Construction of 45 new dwellinghouses and associated infrastructure

The application is brought to Committee because it is a major development with important land use considerations and which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 10th September 2019

2 Recommendations

2.1 To **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:

(c) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of :

(iv) A financial contribution of £351,000 towards affordable housing or 20% affordable housing provision on site

(v) An off-site Public Open Space financial contribution of £49,275 towards enhancement in the surrounding area and

(vi) A financial contribution of £16,336 towards employment and training and provision of employment opportunities during construction works

(d) the indicative conditions listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

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

3 Background

- 3.1 The site was formerly occupied by the Henry Mellish School and is located at the junction of Kersall Drive and Highbury Road. The site is bound from Highbury Road with a Bulwell stone wall with railings with a belt of trees immediately to the rear. The site has two existing access points from Highbury Road located in between an existing signalised pedestrian crossing. Palisade fencing forms the boundary on Kersall Drive with scrub vegetation beyond. The land rises gently from Highbury Road back into the site and steps up with a retaining wall on the northern boundary. The former school has been demolished with two small buildings in the north western corner still in situ, one believed to be a water tower and the other a former air raid shelter.
- 3.2 On Highbury Vale there is an existing bus stop to the south of the site and beyond this Highbury hospital. On Kersall Drive are semi-detached residential properties, which are generally set back from the roadside with parking on the frontage. On the western boundary of the site is a commercial building and further to the north the Mellish sports centre and associated car park. To the north east is the Heathfield primary and nursery school.
- 3.3 The development as originally submitted sought the provision of a PRS (private rented scheme) whereby the site would be retained and maintained by a single company and properties rented out. The applicant is now indicating that their intention is for the site to be retained by a Registered Housing Provider and units would be market rent units with 20% of the units on site affordable units (shared equity) or a contribution for off-site units provided in lieu.

4 Details of the proposal

- 4.1 The proposal is for the construction of 45 residential dwellings. Following discussion with highways colleagues the original access from Highbury Road would now just provide pedestrian/cycle access with vehicle access on Kersall Drive. Properties would be a mix of detached, semi-detached and terraced. 31 x two bed 'Type A' units are proposed and 14 x 3 bed 'Type B' units. Dwellings would all be two storey in height and constructed from a mix of lighter and darker bricks and tiles. The site has been designed with units to front onto Highbury Road sat behind the existing bank of trees and to front onto Kersall Drive with a mix of parking to the front and side of the dwellings. Dwellings would be enclosed with a mix of dwarf brick walls and railings.
- 4.2 Properties would have projecting brick detailing on the front elevations and at eaves level to provide the dwellings with interest in the street scene.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

16 neighbouring properties consulted on Highbury Road, Kersall Drive and Kemmel Road. Press and site notices displayed and a two day public consultation event undertaken at the neighbouring sports centre.

14 day re-consultation undertaken. Any further comments received will be reported prior to the committee meeting.

No third party letters of representation received during the lifetime of the application. The following comments were received at the public consultation event undertaken on the 9th and 10th of July 2019:

Design/Layout

- Pleased to see the wall at the front being retained
- Concern the layout is too dense

Highways

- The access onto Highbury Vale is an issue given the crossing, school and post office, the houses will cause issues with traffic flow. Can consideration be given to changing the access?
- Concern about the access on Kersall Drive impacting on existing properties in the vicinity

Other

- I'm happy to see this site developed but not for housing, it should be something for the community
- Concern the bus stop may be moved
- Will the houses be affordable & for local residents?
- The development will put pressure on existing services and nearby schools are already full

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions relating to ground contamination, noise and electric vehicle charging.

Environment Agency: No objection subject to condition relating to ground contamination.

Drainage Officer: No objection subject to surface water management condition.

Highways Officer: No objection subject to conditions relating to construction traffic management, parking provision, EVCP and travel packs to promote sustainable travel.

Employment and Training Officer: No objection subject to employment and training contribution being secured via section 106.

Education Officer: There is a shortage in secondary places in the area and therefore a claim for a contribution towards provision of places is required.

Biodiversity Officer: The submitted survey needs updating. The development should seek to maximise biodiversity provision through suitably worded conditions.

A revised survey has been received and reviewed. Conditions are recommended in relation to a methodology for removal of a fox den and future re-surveying of the

building in the NW corner of the site if works are not commenced on site within 2 years of the date of the survey.

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 A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 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 CC3 - Water

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
Policy SA1 - Site Allocations
Policy TR1: Parking and Travel Planning

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
- (v). Other Matters

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

- 7.1 The site is identified in the Local Plan Part 2 as Site Allocation SR12 Highbury Road – Former Henry Mellish School Site. The proposed use is “residential (C3, predominantly family housing) design, layout and access should be carefully considered to take account neighbouring uses”. Having regard to this allocation the principle of residential development of the site is considered to be acceptable. As detailed, above the proposed housing tenure has yet to be determined with the potential for provision of Private Rental Sector dwellings, Open Market or Affordable Housing. Given the allocated nature of the site and the proposal for residential development the proposal is acceptable in principle and accords with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

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

- 7.2 The scheme has been the subject of extensive pre-application discussions with the council's urban design team prior to formal submission to seek to provide the optimum site layout and relationship with existing neighbouring built form. The applicant has been steered to seek to retain the existing Highbury Road frontage and tree belt and develop beyond that. The layout has been revised during the lifetime of the application to provide access only from Kersall Drive due to concerns regarding the proximity of the access on Highbury Road to the existing level crossing and the difficulty with manoeuvring both into and out of the site. The Highbury Road access would be retained, however bollarded and for cycle/pedestrian access only. Properties have been orientated to front Highbury Road but sat behind the existing roadside belt of trees which would positively contribute to the street scene whilst providing future occupiers with a degree of screening from the road. Street trees would be incorporated within road build outs to add interest to the street scene and contribute towards traffic calming.
- 7.3 Properties would largely be set back from the newly created access road with small areas of enclosed frontage. One to two parking spaces would be located either to the front or side of the units. Terraced units would be finished with a gable frontage at one or either end depending on number of units. Materials are proposed to be a mix of darker brick and lighter brick with brick detailing on the front elevation and at

eaves level. To ensure an acceptable form of development it is recommended that precise material finishes and means of enclosure are secured via condition.

- 7.4 Frontages would be enclosed by a mix of 900mm -1800mm high boundary walls of brick to match the dwellings in addition to 900mm high black metal railings. Inner garden boundaries would be enclosed by close boarded timber fencing. No details have been provided in relation to bin storage, however all properties have been designed to provide access to rear garden areas through shared alleyways. Precise details relating to bin storage shall be secured via condition.
- 7.5 A landscaping and biodiversity enhancement scheme would be secured via condition to ensure the scheme positively contributes to the character of the existing area and provides future residents with a good standard of outlook.
- 7.6 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.

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

- 7.7 The proposed layout has been informed through discussions with urban design colleagues. The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation from existing neighbouring built form. Proposed properties which would front onto Kersall Drive would offer a separation at a minimum of approximately 21m between existing dwellings which is considered to be an acceptable degree of separation. Property 1 on the south western boundary of the site would be in close proximity to the boundary of the site which is shared with 74 Highbury Road which is a two storey property which appears to have been sub-divided into flats. The boundary between the sites contains a number of trees situated within the garden area of No. 74 which is considered to limit any perceived overbearing from property 1. No comments have been received from neighbouring occupiers.
- 7.8 Retention of the existing tree belt fronting Highbury Road would positively contribute to the layout of the site and amenity of future occupiers. Tree protection measures and any additional planting to in-fill gaps would be secured via condition.
- 7.9 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 both on plot and within road build out for future occupiers and visitors. 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.

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

- 7.10 The site is currently owned by the Council with sale of the land pending. As the Council (as land owner) cannot enter into a s106 Agreement with itself an agreement will be required with the developer under s111 of the Local Government

Act 1972 to require them to enter into a s106 Agreement in respect of the appropriate planning obligations on transfer of ownership. The applicant has submitted a viability assessment which has been reviewed by CP Viability on behalf of the Council. CP Viability have concluded that the scheme is fully viable and the following policy compliant contributions shall be secured via S106.

Contributions sought are as follows:

- £351,000 – Affordable Housing
- £49,275 – Open Space
- £16,336 – Employment and Training

- 7.11 The applicant is yet to determine the exact make-up of the proposed development and as such a S106 would look to secure either 20% provision of affordable units on site with the exact make-up of the allocation to be agreed within the S106 or the payment of a financial contribution.
- 7.12 An initial request for a contribution towards provision of additional secondary education places was received from education colleagues. However, subsequently it has been confirmed that the monies from the sale of the land are ring fenced and would be invested directly within the education budget. It is therefore neither necessary nor appropriate to secure further funds via a planning obligation.
- 7.13 Unlike other similar schemes that Members have reviewed recently, in this instance no contribution has been sought from the NUH NHS Trust in relation to provision of health care provision.
- 7.14 It is considered that the development would accord with policies 8 & 19 of the ACS and policies EN2, HO3 and IN4 of the LAPP.

(v) Other Matters (Policies 1, 10 and 17 of the ACS and policies CC3, EN6 and EN7 of the LAPP)

Highways & Drainage

- 7.15 The layout has been revised during the application process to provide improved functionality. Roads have been designed with reference to the Design Quality Framework with the small spurs to the south west and north west to be a shared surface. Street trees would be included within build outs for traffic calming and to contribute to the street scene. Electric vehicle charging points would be provided on all properties which would be secured via condition. The revised layout with vehicle access only from Kersall Drive is considered to overcome concerns raised by neighbouring properties to accessibility from Highbury Road. The change in layout would also ensure no requirement to amend the bus stop layout on Highbury Road. The proposal has been reviewed by Highway and Drainage colleagues and subject to condition in relation to provision of a construction traffic management plan, surface water management plan and travel packs to promote sustainable travel the development is considered to be acceptable and would accord with policies 1, 10 & 14 of the ACS and policies CC3 and TR1 of the LAPP.

Trees and Biodiversity

- 7.16 Given the timeframe from initial submission to bringing to committee for debate an updated ecology survey has been provided by the applicant. The comments received from the Biodiversity officer are noted and shall be secured via condition.

The revised assessment details that the site is covered in dense scrub vegetation following demolition of the former school. A two storey building on the north western corner of the site would need to be demolished as part of the redevelopment of the site. The site has been assessed for bats and is considered to be of limited interest and this was reinforced by a bat survey undertaken last year. Notwithstanding this it is recommended that the building be re-surveyed should works not commence on site within 2 years of the survey being undertaken. A landscaping and biodiversity enhancement scheme will also be secured via condition to seek to provide biodiversity gain across the site to promote the installation of bird/bat boxes and bee friendly planting. Subject to condition the proposal would accord with policies EN6 & EN7 of the LAPP.

8. Sustainability

- 8.1 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, with precise details to be secured via condition. The applicant has stated that passive measures will be utilised to deliver energy efficient solutions notably; a fabric first approach to improve U values and air permeability, maximisation of natural day light, whole house mechanical ventilation and energy efficient light fixtures. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.2 Ground, groundwater and ground gas remediation details have been submitted and reviewed by pollution control colleagues. Subject to development being undertaken in accordance with the submitted reports the proposal would comply with Policy IN2 of the LAPP.

9 Financial Implications

The previous use of the site for education results in the receipt from the land sale being re-invested into the education budget which would occur via internal transfer on completion of the land sale.

As noted above, the development will otherwise provide policy-compliant Section 106 contributions of:

- £351,000 – Affordable Housing
- £49,275 – Open Space
- £16,336 – Employment and Training

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

Contribution towards the provision of family housing, encouraging families to stay within the boundaries of the city.

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: 19/01270/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSNY2ILYG0B00>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2019)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.
Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065

PLANNING COMMITTEE

UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

18 November 2020

4(b) Henry Mellish

Further Information

One third party letter of correspondence received from the Registry Office and one property on Kersall Drive on behalf of 3 other dwellings with no internet access:

- 1) I am concerned and disappointed that the registry office do not appear on any of your maps and have been completely ignored, specifically in the Site Context section of your Design & Access Statement. Neither this building nor the Bulwell Delivery Office next door are mentioned or appear on any maps that I've seen.

We have car access off Highbury Road (directly opposite the HM site) and I feel that we could be adversely affected by the additional traffic and access points of the new site. Already we have a dangerous situation regarding cars exiting our site because there are parking spaces directly outside our premises. When cars are parked here (every day and usually post office vans) we have no line of sight down Highbury Road (southwards), nor can we see the Kersall Drive junction. Turning left or right is extremely dangerous. In addition, there is a bus stop right outside Henry Mellish site, within yards of Kersall Drive and Woodlands Avenue junctions. This is a serious situation and it is a regular blackspot for traffic problems and incidents/accidents. Add to that additional traffic from the new houses and it is likely to get worse.

What are the plans for the zebra crossing right outside our entrance?

Currently, we already have issues with the street sewers getting blocked and not draining off. Our on-site system frequently suffers from blockages. Will any of this be adversely affected?

- 2) We have no objection to the construction of houses but have concerns about the increase in traffic on Kersall Drive. Most properties opposite the proposed development on Kersall Drive have 2 cars, where will the new dwellings park? With the proximity of Heathfield school Kersall Drive gets very busy and this will only further add to it.
- 3) The revisions to the site layout have reduced units on the site from 46 to 45. This results in a reduction of the sought S106 contribution in relation to Open Space from £49,275 to £47,840.40
- 4) The applicant (Godwin Developments) has also provided the following statement which is applicable to both items 4(b) and 4(c)

“Over the last eighteen months Godwin Developments have worked diligently with our delivery partners and Nottingham City Council to devise optimum re-

development plans for the former Henry Mellish school and Piccadilly playing field sites. Our primary aim has always been to restore these back to the local community after long periods of disuse by creating places where people want to live and bring up their families.

To achieve our goals we have submitted plans for two high quality developments which will provide a total of 102nr 2 & 3 bed houses – all benefitting from the existing and very accessible amenities in the local community such as supermarkets, a doctor's surgery, home and retail outlets, eateries, a nursery and primary and secondary schools. The sites are also located close to well-serviced bus routes and are a short 10-minute walk from Bulwell Train Station, which offers regular services into Nottingham and further afield.

We understand from the pre-agenda meeting that a number of questions have been raised regarding the exterior appearance of the developments. I have discussed our solution at length with the case officer, James Mountain, and have confirmed that we are committed to creating and delivering the best possible schemes for the local area.

At the same time and as I am sure you are aware, we have to balance the appearance of the schemes with their financial viability. We understand comments have been made regarding additional building out sets, delineation of roads, brick colour, additional trees, open fencing having a solid base, etc. To that end Godwin have engaged with our designers to update the site plans and boundary treatment drawings to reflect those comments and detail indicative solutions and locations.

I am sure you will appreciate we have had very limited time to act on these comments and are currently working on the necessary design amendments that will deliver an improved scheme. We are happy to undertake this work to demonstrate our willingness to work with Nottingham City Council now and in the future. I am certain therefore that the finer details of the design and materials can be suitably conditioned to your approval notice.

We look forward to receiving full planning consent based on the above during the meeting of the Nottingham City Council planning committee tomorrow (18th November 2020) and should that be the case then we will target a start on site in Q2 of 2021.”

Comments

The registry office was notified as a neighbour in June 2019 and again more recently following revisions to the plans. Given the revised site layout with vehicular access from Kersall Drive only it is not considered that the development would detrimentally impact upon the activities of the registry office.


The proposal has been reviewed by highways colleagues and deemed to be acceptable. Proposed dwellings fronting Kersall Drive would all have one or two parking spaces to the side or front of the dwelling depending on dwelling size.

Amend recommendation to substitute reference to £47,840.40 Open Space contribution in place of the £49,275 detailed in the report.

NOMAD printed map



Key

 City Boundary

Description

No description provided

My Ref: 19/01270/PFUL3 (PP-07819200)
Your Ref:
Contact: Mr James Mountain
Email: development.management@nottinghamcity.gov.uk

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Date of decision:

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

Application No: 19/01270/PFUL3 (PP-07819200)
Application by: GR No. 8 LTD
Location: South West Section Of Bulwell Academy Henry Mellish Site, Highbury Road,
Nottingham
Proposal: Construction of 45 new dwellinghouses and associated infrastructure

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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

DRAFT ONLY
Not for issue

2. Prior to the commencement of the development, the environmental noise assessment and sound insulation scheme set out in Planning Noise Assessment by Stroma dated 03/05/2019 shall be finalised, submitted to and be approved in writing by the Local Planning Authority.

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 future residents amenity and to accord with policy DE1 of the LAPP

3. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR2 of the LAPP

4. Prior to the commencement of above ground development details of an electric vehicle charging scheme, making provision for each property, including a timetable for its implementation shall be 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.

5. Notwithstanding the details hereby approved, prior to the commencement of above ground development, precise details of the materials to be used externally within the development shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS

DRAFT ONLY

Not for issue

6. Prior to the commencement of above ground development a detailed drainage management plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include:
- detailed soakaway designs
 - infiltration rates and
 - exceedance routes mapped to ensure no risk to neighbouring third parties
- The approved design shall be installed prior to first occupation and maintained thereafter for the lifetime of the development

Reason: in the interests of promoting sustainable drainage and negating flood risk and to accord with policy CC3 of the LAPP

7. Prior to the commencement of the development, a Remediation Strategy that has regard to the Ground Investigation Report by Hydrock dated March 2018 (ref HMS-HYD-XX-GI-RP-GE-0001) includes the following components to deal with the risks associated with ground, groundwater, ground gas and radon contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan 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).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) 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 amenity of residents and to accord with Policy IN2 of the LAPP

DRAFT ONLY

Not for issue

8. No development, including demolition or other operations including clearance of vegetation or tree felling, shall be commenced until a Method Statement which provides for the retention and protection of trees, shrubs and hedges growing on the site has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved Method Statement unless otherwise agreed in writing by the local planning authority. In relation to the Statement the following shall apply:

No operations shall commence on the site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any other operation involving the use of motorised vehicles or construction machinery) until the tree, shrub and hedgerow protection works required by the 'Method Statement' are in place on site;

No excavations for services, storage of materials, or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place inside or within 10m (or as agreed in writing) of an area fenced off or otherwise protected in the 'Method Statement';

The fencing or other works which are part of the 'Method Statement' shall not be moved or removed, until all works, including external works, have been completed and all equipment, machinery and surplus materials removed from the site, without the prior consent in writing of the local planning authority.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity and to accord with policy EN7 of the LAPP

9. No above ground development shall be commenced until design details of the following, including drawings and sections at a scale of not less than 1:50 where indicated (*), have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Windows and doors, including their reveal depths *
Treatment of window and door heads and cills *
Verges and eaves *
Rainwater goods and soil pipes
Bin storage

Reason: In the interests of the character of the area and to accord with policy 10 of the Aligned Core Strategies and policy DE1 of the LAPP

10. Prior to the commencement of development a method statement for the removal of the fox den identified in the updated ecology report undertaken by fpcr dated October 2020 shall be submitted and agreed in writing with the Local Planning Authority. Development shall be undertaken in accordance with the approved methodology.

Reason: In the interests of biodiversity and to accord with policy EN6 of the LAPP

Pre-occupation conditions

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

DRAFT ONLY

Not for issue

11. No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to accord with policy 10 of the ACS

12. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme (hard and soft) shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and any trees or plants which die, 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.

13. Prior to the first occupation a scheme of biodiversity enhancement in line with the recommendations of the submitted report by fpcr dated October 2020 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity gain and to accord with policy EN6 of the LAPP

14. Prior to the first occupation details of solar PV installation utilising all available appropriately orientated roof slopes shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the submitted timeframe.

Reason: In the interests of promoting sustainable development and to accord with Policy CC2 of the LAPP

15. 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.

16. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of future residents amenity and to accord with policy DE1 of the LAPP

DRAFT ONLY

Not for issue

17. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.

b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: In the interests of amenity of residents and to accord with Policy IN2 of the LAPP

18. Prior to first occupation a scheme for the on-going management, maintenance and enhancement of the tree planting fronting Highbury Road shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of the character of the site and wider area and to accord with policies EN6 & EN7 of the LAPP

Regulatory/ongoing conditions
 (Conditions relating to the subsequent use of the development and other regulatory matters)

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity of residents and to accord with Policy IN2 of the LAPP

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 11 June 2019.

Reason: To determine the scope of this permission.

Informatives

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

2. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

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Not for issue

3. 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. 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

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Not for issue

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

6. The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance in writing with Nottingham City Council's Pollution Control Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

7. 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.

8. 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.

9. 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.

10. Developers wishing to have the completed roads on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)). Following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling.

The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers. The existence of a Section 38 Agreement and Bond is revealed on Local Land

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Not for issue

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Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance.

11. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree. 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.

12. 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.

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.

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Not for issue

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RIGHTS OF APPEAL

Application No: 19/01270/PFUL3 (PP-07819200)

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.

DRAFT ONLY

Not for issue

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Wards Affected: Bulwell Forest (May 2019)

Item No:

**Planning Committee
16th December 2020**

Report of Director of Planning and Regeneration

Sports Ground Junction Of Piccadilly, Brooklyn Road

1 Summary

Application No: 19/01271/PFUL3 for planning permission

Application by: CPMG Architects on behalf of GR No. 9 LTD

Proposal: Construction of 57 new dwellinghouses and associated infrastructure

Full details of the proposal are contained in the attached report to the meeting of Committee held on 18 November 2020 and supplemented by the attached update sheet.

2 Recommendations

- 2.1 To **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:
- (a) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a section 106 planning obligation to include :
 - (i) A financial contribution of £459,977 towards off site affordable housing or 20% affordable housing provision on site or on the neighbouring development site at Henry Mellish (19/01270/PFUL3)
 - (ii) An off-site public open space financial contribution of £62,523 towards enhancement in the surrounding area and
 - (iii) A financial contribution of £22,500 towards employment and training and provision of employment opportunities during the construction phase s
 - (b) The indicative conditions listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of the terms of the section 111 agreement and the planning obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

- 3.1 Committee is requested to refer to the full details contained in the attached report to November's meeting, together with that month's update sheet. Committee deferred

determination of the application to allow for further consideration of items including (but not limited to) impact of the development on existing properties, impact of the development on local parking, materials and design, street trees and road design/layout.

- 3.2 This report covers solely those elements and matters raised within a letter received subsequent to the previous meeting, together with a possible change to the nature of the on-site affordable housing provision, in which the provision may be sited within the neighbouring development at Henry Mellish. A meeting between officers and the applicant has been undertaken to discuss these issues and revised plans and detailing have been received to seek to overcome concerns.

4 Details of the proposal

- 4.1 Revised layout plans, supporting vehicle tracking, CGI's and updated materials palette have been submitted for consideration.
- 4.2 The proposed road running through the centre of the site connecting Brooklyn Road to Jesmond Road would have 4 street trees within build outs with 7 areas of cobble setts and 3 areas of grey block paviors to provide variety to surfacing. Further cobble setts and blocks are proposed within the southern spur of the development. The depth of the planting on the southern boundary of the site with the monastery has been increased to 2.5m.
- 4.3 Following comments raised by Committee relating to materials, the applicant has revisited the proposed palette. Properties are now proposed to be constructed in a red brick with darker contrasting elements. Boundary walls where detailed would be constructed in the same material. Driveways to properties are proposed to be constructed in a mix of blue/grey block paving and tarmac.
- 4.4 The arrangement of properties fronting Piccadilly has been revised to allow for the retention of two existing street trees that were previously proposed to be removed.

5 Consultations and observations of other officers

One third party letter of correspondence received since last month's meeting stating:

Any amended design should take into consideration NCC Design Quality Framework and Street Design Guide.

In relation to the comments received and reported in the update sheet and voiced by local ward councillors in relation to the public consultation event undertaken in July 2019; the event was a coordinated discussion between the applicant, members of the public, regeneration and planning colleagues. The comments made relating to design, highways, amenity, S106 and schools are detailed fully in last month's report to Committee, which is attached. Ward councillors consider that comments made have largely been ignored given no sweeping changes have resulted to the design and layout of the proposal.

Officers consider that the proposed design, layout and density responds well to the existing character and makeup of the area. The layout has been informed by pre-application discussions with the applicant and design colleagues. Further revisions to the scheme following the consultation events in July 2019 have been sought to

make improvements and these have been reported within last month's report and above.

6 Relevant policies and guidance

As per November report to Committee attached

7. Appraisal of proposed development

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

7.1 The proposed revisions in layout and materiality are all considered positive and contribute to better grounding the development within the street scene. Introduction of further street trees and breaks in hard surfacing ensure traffic calming whilst contributing to the character of the development. Notwithstanding the revised details provided on the illustrated plans and CGI's, precise material finishes and planting shall be secured via conditions 5 and 8 on the draft decision notice. Subject to condition the development is considered to accord with policy 10 of the ACS and policies DE1 & DE2 of the LAPP.

(ii) Impact on Residential Amenity (ACS Policy 10 and LAPP policies DE1 and DE2)

7.2 The depth of planting as illustrated on the supporting CGI has been increased to C.2.5m on the southern boundary of the site to provide further screening to the monastery beyond. Subject to condition the development is considered to accord with policy 10 of the ACS and policies DE1 & DE2 of the LAPP.

(iii) Highways (ACS Policy 10 and LAPP policy TR1)

7.3 Comments raised by neighbours and ward councillors in relation to the proposed access from Jesmond Road have been given further consideration by Officers and Highway colleagues. Jesmond Road experiences a relatively high volume of on street parking particularly on the southern side alongside the proposed development site. The introduction of 7 properties with private driveways fronting onto Jesmond Road and an access road is estimated to reduce on-street parking places for cars by approximately 10. Alterations to the layout to remove the access from Jesmond Road have been considered by Officers, however properties fronting Jesmond Road and the provision of an access are considered to result in the best possible layout for the site. Removal of the access point from Jesmond Road would only marginally change on-road parking provision, but would reduce the quality of the development by necessitating the introduction of a further turning head. Existing parking on Jesmond Road is informal and further on-street parking is available to the west on Alwick Close and Kersall Drive.

7.4 Highways colleagues have again reviewed the layout and raised no objection. In the interests of highway safety, given the curve in Jesmond Road there will be a requirement for the introduction of Traffic Regulation Orders (TRO's) and this is something that can be conditioned and explored further with the applicant. The proposal is considered to accord with policy 10 of the ACS and policy TR1 of the LAPP.

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

7.5 The site is currently owned by the Council with sale of the land pending. As the Council (as land owner) cannot enter into a s106 planning obligation with itself (as local planning authority) an agreement will be required with the developer under s111 of the Local Government Act 1972 whose completion will enable the planning permission to be issued. The s111 agreement will require the developer to enter into a s106 planning obligation once it has acquired a legal interest in the site. The applicant has submitted a viability assessment which has been reviewed by CP Viability on behalf of the Council. The outcome of the review has resulted in slight reduction (£8,023) of the proposed Affordable Housing contribution compared with the sum which would be due on full compliance with policy (£468,000). Full contributions would be provided in relation to open space & employment and training.

Contributions to be secured are as follows:

- £459,977 or provision on site – Affordable Housing
- £62,523 – Open Space
- £22,500 – Employment and Training

7.6 The applicant is yet to determine the exact make-up of the proposed development. Given the applicant is the same for this site and the development on the former Henry Mellish school site also being considered by Members (19/01270/PFUL3) the s111 agreement and s106 planning obligations for the developments will secure either policy compliant provision of affordable units on site with the exact make-up and location of the allocation to be agreed within the s111 agreement and s106 planning obligations or the payment of the above financial contribution.

7.7 An initial request for a contribution towards provision of additional secondary education places was received from education colleagues. However, subsequently it has been confirmed that the monies from the sale of the land are ring fenced and would be invested directly within the education budget. It is therefore neither necessary nor appropriate to secure further funds via a planning obligation.

7.8 Unlike other similar schemes that Committee has considered recently, in this instance no contribution has been sought from the NUH NHS Trust in relation to provision of health care provision.

7.9 It is considered that the development would accord with policies 8 & 19 of the ACS and policies EN2, HO3 and IN4 of the LAPP.

8 Sustainability / Biodiversity

As per November report attached.

9 Financial Implications

As per November report attached.

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

Contribution towards the provision of family housing, encouraging families to stay within the boundaries of the city.

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: 19/01271/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSNY3OLYG0D00>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2019)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 876406

Report of Director of Planning and Regeneration

Sports Ground Junction of Piccadilly, Brooklyn Road, Nottingham

1 Summary

Application No: 19/01271/PFUL3 for planning permission

Application by: Steven Milan on behalf of GR No. 9 LTD

Proposal: Construction of 57 new dwellinghouses and associated infrastructure

The application is brought to Committee because it is a major development with important land use considerations which is not fully policy compliant and which has generated a significant level of public interest contrary to the recommendation.

To meet the Council's Performance Targets this application should have been determined by 5th September 2019

2 Recommendations

- 2.1 To **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:
- (c) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure a Section 106 Planning Obligation in respect of:
 - (iv) A financial contribution of £459,977 towards affordable housing or 20% affordable housing provision on site
 - (v) An off-site Public Open Space financial contribution of £62,523 towards enhancement in the surrounding area and
 - (vi) A financial contribution of £22,500 towards employment and training and provision of employment opportunities during construction works
 - (d) The indicative conditions listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

3 Background

- 3.1 The site is located at the corner of Piccadilly and Brooklyn Road and is a playing field associated with the former Henry Mellish school site to the south. Residential properties front the site on Piccadilly, with Jesmond Road marking the eastern boundary of the site. On the western side of Brooklyn Road are playing fields associated with the sports centre beyond. At the corner of Brooklyn Road and Piccadilly is Our Lady of Perpetual Succour Primary school. On the eastern side of Brooklyn Road and directly to the south of the proposed site is the Poor Clare monastery and beyond this a community hall and church. Residential properties in the vicinity of the site are a mix of detached and semi-detached and primarily constructed of red brick and tile.
- 3.2 The site is enclosed by railings, on the north, east and western boundaries, grassed and generally flat. Street trees are situated on the boundary with Piccadilly. The southern boundary to the monastery is partially enclosed by stone walling, railings and hedging. The site forms part of the open space network and is allocated within the Local Plan Part 2 as SR10 – Piccadilly for residential development.
- 3.3 The development as originally submitted sought the provision of a PRS (private rented scheme) whereby the site would be retained and maintained by a single company and properties rented out. The applicant is now proposing that the site would likely be retained by a Registered Housing Provider and units would be market rent units with 20% of the units on site affordable units (shared equity) or a contribution for off-site units provided in lieu.

4 Details of the proposal

- 4.1 Planning permission is sought for the construction of 57 dwellings which would be accessed from Brooklyn Road and Jesmond Road. Properties would be a mix of semi-detached and terraced. 38 x two bed 'Type A' units are proposed and 19 x 3 bed 'Type B' units. Dwellings would all be two storey in height and constructed from a mix of lighter and darker bricks and tiles. The site has been designed to front onto Brooklyn Road, Piccadilly and Jesmond Road with a mix of parking to the front and side of the dwellings. Dwellings would be enclosed with a mix of dwarf brick walls and railings.
- 4.2 As illustrated on the supporting CGI's properties would have projecting brick detailing on the front elevations and at eaves level to provide the dwellings with interest in the street scene.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

29 neighbouring properties notified on Piccadilly, Brooklyn Road and Jesmond Road. Press and site notices displayed.

26 letters of representation received in addition to 19 comments received at the public consultation event undertaken on the 9th and 10th of July 2019. The points raised were as follows:

Design

- This is the one piece of green space in the vicinity for local children to play on. It should be retained and trees planted on it.
- Where will bins be stored?
- The layout is too dense, resulting in parking issues and no green space
- The pictures of the houses aren't attractive, the style of ones near Perry Road prison would be preferred
- Understand a need for dwellings but please build attractive, affordable units for families
- Reference should be taken from the Saffron Lane housing project in Leicester
- The layout onto Piccadilly should be revised; pushing the properties back and providing a private access road should be considered
- A single access point from Brooklyn Road would be preferred
- More green space should be provided in particular trees, subject to their layout
- The layout at Henry Mellish appears better than this site with driveways contained within the site
- Existing street trees appear in danger of being removed
- The proposed dwellings are out of character with surrounding built form offering largely 2 bed properties when surrounding ones are generally larger 3/4 bed
- Existing new houses on Piccadilly already stick out as they are not in keeping with older dwellings
- Trees should be included within the site layout
- The preference would be to see less dense development of dwellings with garages
- Properties fronting Piccadilly should all be detached with 2 off road parking spots to match the existing character

Highways

- The preference would be for rear gardens to back onto roads by turning the properties round with a potential single access off Brooklyn Road
- Having a one way route would allow the roads to be narrowed
- Concern regarding traffic in particular given the large number of existing mostly vans parked on Jesmond Road & on Brooklyn near the football pitches & church
- At school start and end there is a lot of traffic on Brooklyn and buses struggle to navigate the route
- More houses will create more cars on already congested roads, will existing roads be widened to accommodate the increase?
- The existing church car park should be expanded to ease the load
- A lot of people don't have drive ways on Piccadilly so park on the road, where will they park if this scheme is approved?
- I am a disabled driver and need to be able to park near my house on Piccadilly, where will I park if these properties are built?
- Proposed drives for dwellings on Piccadilly don't look wide enough for cars so this will only make the situation worse and could result in accidents
- Parents, carers and staff at Our Lady School use Piccadilly for parking and there doesn't appear to be anywhere else for them to park
- The transport statement is inaccurate stating that the speed limit on

Piccadilly is 30mph when it is signed at 20mph giving concerns that it has been rushed and not accurate

- Could a bus shelter be erected to compensate for the additional people that will need to use existing stops?

Amenity

- The proximity of the houses to the monastery feels quite oppressive and result in a feeling of being hemmed in. The preference would be for greater separation
- Overlooking already occurs with the monastery and this proposal would further contribute to it
- The development would result in overlooking and loss of breathing space
- The development would result in loss of view and impact on existing space and serenity
- The proposal would result in loss of privacy and harm through noise, fumes and pollution
- The scheme isn't considered to be sympathetic to the nearby convent
- Overpopulating the area would decrease people's health due to increases in traffic and air pollution
- Retaining the land as green space with trees would as recommended by the Duchess of Cambridge be healthy for a child's mind

S106/schools

- How will the S106 funds be spent? This should ensure there are adequate school places are provided and that new residents can take places at schools closest to the site
- More properties will require more school places and existing schools are already full. Surely we can't invite people to the area and then tell them their children will need to be schooled elsewhere?

Other

- The preference would be for more council housing, more social rent accommodation.
- What happened to previous plans for the site and consultation notes?
- The preference would be for the land to be retained as a green space for community use
- The scheme feels like money before people
- The development will result in loss of views and overlooking of existing properties, particularly on Jesmond Road
- The preference would be to develop on other land that's for sale in the area
- Given the ex-mining makeup of the area concern that works would destabilise neighbouring land
- Rental properties do not help people get onto the housing ladder, there should be a balance between rented and privately owned
- No regard has been had for existing residents, the proposal will certainly result in a diminishing of the area and a growth in social problems
- Could some of the land be given to the monastery for potential future expansion?
- Can the existing 1930's drainage system cope with the extra demand?
- The proposal will result in de-valuation of existing properties

- The proposal goes against the Nottingham City Council 'Breathing Space Strategy' 2010-2020 which aims to protect and enhance biodiversity in the city.
- Greenfields make a positive contribution to the quality, health and wellbeing of people
- Has permission been refused on the site previously?
- Local doctor and dental surgeries are already over-subscribed
- Believe that the ground has been tested and shown to be unsuitable for building on?
- The site would benefit from a mix of housing i.e. some owner occupier, some retail etc
- The ecology survey should be reviewed as bats are known to be in the area
- Can details be disclosed of the monies that the Council are receiving for the land sale and how it will be spent?

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions relating to ground contamination and EV charging points.

Environment Agency: No objection. The LLFA should be consulted regarding surface water management

Drainage Officer (LLFA): No objection subject to surface water management condition

Highways Officer: No objection subject to conditions relating to construction traffic management, parking provision, EVCP and travel packs to promote sustainable travel

Employment and Training Officer: No objection subject to an employment and training plan being secured via S106

Education Officer: There would likely be a shortfall in secondary education provision and a claim for extra provision is therefore required.

Biodiversity Officer: The submitted survey needs updating. The development should seek to maximise biodiversity provision through suitably worded conditions.

A revised survey has been received and reviewed and no further comments are raised.

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 A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 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 CC3 - Water

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

Policy SA1 - Site Allocations

Policy TR1: Parking and Travel Planning

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
- (v). Other Matters

(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 SR10 Piccadilly – Former Henry Mellish School Playing Field. The proposed use is “residential (C3, predominantly family housing) with a proportion of the site retained as open space”. Having regard to this allocation, the principle of residential development of the site is considered to be acceptable. As detailed above the proposed housing tenure has yet to be determined with the potential for provision of Private Rental Sector dwellings, Open Market or Affordable Housing. Given the allocated nature of the site and the proposal for residential development the proposal is acceptable in principle and accords with Policy 8 of the Aligned Core Strategies and Policies HO1 and SA1 of the Local Plan Part 2.

(ii) Design and Impact on the Streetscene (ACS Policy 10 and LAPP Policies DE1, DE2 and HO1)

- 7.2 The scheme has been the subject of extensive pre-application discussions with the council’s urban design team prior to formal submission to seek to provide the optimum site layout and relationship with existing neighbouring properties. The development seeks the provision of 57 x 2 storey dwellings arranged as a mix of semi-detached and terraced blocks. Properties would front onto Piccadilly and largely be terraced with a mix of parking to the front and side of the units with frontages enclosed by metal railings. This rhythm of built form would continue round onto Jesmond Road to the east and Brooklyn Road to the west. An access road would be provided from Brooklyn and Jesmond Road with street trees included within the road design to both add character to the street scene and contribute towards traffic calming. At the southern end of the site a shared surface to provide access to residents incorporating a turning head has been introduced to provide breathing space to the wall of the monastery situated beyond.
- 7.3 The dwellings would be set back from the roadside with small areas of enclosed frontage providing one to two parking spaces depending on unit size. Terraced units would be finished with a gable frontage at one or either end depending on number of units. Materials are proposed to be a mix of darker brick and lighter brick with brick detailing on the front elevation and at eaves level. To ensure an acceptable form of development it is recommended that precise material finishes and means of enclosure are secured via condition.
- 7.4 Frontages would be enclosed by a mix of 900mm -1800mm high boundary walls of brick to match the dwellings in addition to 900mm high black metal railings. Inner garden boundaries would be enclosed by close boarded timber fencing. No details have been provided in relation to bin storage, however all properties have been designed to provide access to rear garden areas through shared alleyways. Precise details relating to bin storage shall be secured via condition.
- 7.5 Policy HO1 of the LAPP supports the provision of family housing including larger family housing as opposed to other forms of development. The proposed development seeks to provide a mix of 2 and 3 bed properties which would be capable of accommodating a range potential future occupiers including families. The comments regarding the site being overly dense are noted, however the provision of

57 units is largely in line with the proposed anticipated housing provision as detailed within the recently adopted LAPP.

- 7.6 Comments raised proposing a single point of access from Brooklyn Road only are noted and have been given consideration. It is not considered that having one single access point would improve the layout of the scheme and would facilitate the need for a turning head where the current access point on Jesmond Road is proposed which would detract from the overall scheme layout.
- 7.7 Concern has been raised with the applicant that existing street trees on Piccadilly appear to block driveways for new units. The applicant has confirmed two existing street trees would need to be removed to facilitate access to proposed dwellings. Replacement street tree planting is indicated on the submitted site plan, however precise details relating to tree retention and future landscaping, both hard and soft would be secured via condition. The comments received regarding a reduction in density of the site and retention of part of the site as open space are noted; however as detailed above the proposed density and layout is not considered to be significantly out of keeping with the area and the proposed units would positively contribute to the need to develop larger family housing in Nottingham as part of the wider mix and balance in order to provide a wider quality of choice for citizens.
- 7.8 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.

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

- 7.9 The proposed layout has been informed through discussions with urban design colleagues. The proposed residential layout has been designed to ensure a good standard of outlook for future occupiers and separation from existing neighbouring built form. Proposed properties which would front onto Piccadilly would offer a separation of approximately 24m between existing dwellings which is considered to be an acceptable degree of separation. The relationship to the monastery to the south has again been given due consideration; the closest dwellings plot 44 & 45 have been positioned to the north east and south west of the monastery. The plots have been orientated to be side (largely blank gable) towards the monastery which would be situated approximately 15m-16m to the south. Existing first floor north facing windows in the monastery would have views over the shared surface which would provide access to dwellings at the southern side of the development. Landscaping is proposed along this boundary of the site which would further soften views into the site from the monastery. Given orientation and separation it is not considered that the proposed development would significantly impact upon the occupiers of the monastery through overlooking or overbearing.
- 7.10 Comments regarding loss of green space and increase in pollution through additional vehicles in the area are noted. Loss of the playing field as green space is regrettable, however it must be acknowledged that the site is allocated for residential development and the proposal would seek to contribute positively towards the wider aim of providing family housing for city residents. In relation to increase in vehicle movements and pollution; as requested by pollution control

colleagues all dwellings will look to provide one electric vehicle charging point to respond to the move towards electric vehicle provision and the push to reduce reliance on vehicles powered by fossil fuels.

7.11 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 both on plot and within road build out for future occupiers and visitors. 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.

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

7.12 The site is currently owned by the Council with sale of the land pending. As the Council (as land owner) cannot enter into a s106 Agreement with itself an agreement will be required with the developer under s111 of the Local Government Act 1972 to require them to enter into a s106 Agreement in respect of the appropriate planning obligations on transfer of ownership. The applicant has submitted a viability assessment which has been reviewed by CP Viability on behalf of the Council. The outcome of the review has resulted in slight reduction (£8,023) of the proposed Affordable Housing contribution. Full contributions would be provided in relation to open space & employment and training.

Contributions sought are as follows:

- £459,977 – Affordable Housing
- £62,523 – Open Space
- £22,500 – Employment and Training

7.13 The applicant is yet to determine the exact make-up of the proposed development and as such a S106 would look to secure either 20% provision of affordable units on site with the exact make-up of the allocation to be agreed within the S106 or the payment of a financial contribution.

7.14 An initial request for a contribution towards provision of additional secondary education places was received from education colleagues. However, subsequently it has been confirmed that the monies from the sale of the land are ring fenced and would be invested directly within the education budget. It is therefore neither necessary nor appropriate to secure further funds via a planning obligation.

7.15 Unlike other similar schemes that Members have reviewed recently, in this instance no contribution has been sought from the NUH NHS Trust in relation to provision of health care provision.

7.16 It is considered that the development would accord with policies 8 & 19 of the ACS and policies EN2, HO3 and IN4 of the LAPP.

(v) Other Matters (Policies 1, 10 and 17 of the ACS and policies CC3, EN6, EN7 & TR1 of the LAPP)

Highways & Drainage

7.17 The layout has been revised during the application process to provide improved

functionality. Roads have been designed with reference to the Design Quality Framework with the small spur to the south to be a shared surface. Street trees would be included within build outs for traffic calming and to contribute to the street scene. Electric vehicle charging points would be provided on all properties which would be secured via condition. The comments received regarding on-site parking being insufficient and prejudicing existing parking that currently occurs on the southern side of Piccadilly are noted. The proposal has been reviewed by Highway and Drainage colleagues and subject to condition in relation to provision of a construction traffic management plan, surface water management plan and travel packs to promote sustainable travel the development is considered to be acceptable and would accord with policies 1, 10 & 14 of the ACS and policies CC3 and TR1 of the LAPP.

Trees and Biodiversity

- 7.18 Given the timeframe from initial submission to bringing to committee for debate an updated ecology survey has been provided by the applicant. The site is grassland with some street trees fronting Piccadilly. Whilst the site provides green open space, it is considered to be of limited ecological value. A landscaping and biodiversity enhancement scheme will be secured via condition to seek to provide biodiversity gain across the site. Subject to condition the proposal would accord with policies EN6 & EN7 of the LAPP.

8. Sustainability

- 8.1 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, with precise details to be secured via condition. The applicant has stated that passive measures will be utilised to deliver energy efficient solutions notably; a fabric first approach to improve U values and air permeability, maximisation of natural day light, whole house mechanical ventilation and energy efficient light fixtures. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.2 Ground, groundwater and ground gas remediation details have been submitted and reviewed by pollution control colleagues. Subject to development being undertaken in accordance with the submitted reports the proposal would comply with Policy IN2 of the LAPP.

9 Financial Implications

The previous use of the site for education results in the receipt from the land sale being re-invested into the education budget which would occur via internal transfer on completion of the land sale.

As noted above, the development will otherwise provide policy-compliant Section 106 contributions of:

- £459,977 – Affordable Housing
- £62,523 – Open Space
- £22,500 – Employment and Training

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

Contribution towards the provision of family housing, encouraging families to stay within the boundaries of the city.

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: 19/01270/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSNY2ILYG0B00>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)
NPPF (2019)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: James.Mountain@nottinghamcity.gov.uk. Telephone: 0115 8764065

PLANNING COMMITTEE

UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

18 November 2020

4(c) Piccadilly

Further Information

Five (two from the same household) further third party letters of correspondence received stating:

- 1) The proposed homes will damage the current peacefulness and quietness of the area and disrupt the togetherness of the road

The field should be turned over to a space of beauty and haven of nature not built on, to develop on it would add to our looming climate crisis

Please consider using the field for the good of the area not building on it

- 2) The development goes against the councils own housing plan

The development will result in nuisance for existing properties on Jesmond Road through headlights when vehicles enter and leave the site

Jesmond Road is narrow and already difficult for vehicles to pass without introducing more

The report details the separation of proposed properties to existing on Piccadilly but what is the separation on Jesmond Road?

The proposal has lack of consideration for existing residents

The proposal compromises existing on-street parking

Where will S106 open space contributions be spent? They should be allocated within the local area

- 3) Traffic in the area is already bad particularly during school hours, can't the space just be left as green particularly given current circumstances.

Bulwell needs more greenery not more squashed together houses, houses have already been built on the former bus garage and petrol station, isn't that enough?

- 4) The report to committee apart from perhaps a small accommodation towards anxieties around the convent's continued privacy, shows no desire to compromise over residents' issues raised or suggestions made, even to the slightest degree

I find it hard to believe given the proposed density that the development will result in good architecture, effective landscaping that is sympathetic to the local area or that promotes our well-being.

The application conveniently overlooks aspects of the local plan part 2 criteria notably biodiversity and parking.

The presumption that the development is providing family housing seems unfounded given the larger proportion of 2 bed units in the proposed mix.

From reading the comprehensive report I cannot find any reassurance that the development is solely seeking to meet government targets and profit margins without any real consideration of people both current and future

Fail to see how with the proposed density and layout the development can result in a good standard of outlook for future occupiers as stated in the report

The report does little to recognise the significance of current people in the area, how does this development contribute to the future well-being and quality of their lives?

Is it not time to press the pause button and rethink this whole development so that something more appropriate and worthy can be designed that will genuinely serve the needs of both current and future occupants? Why settle for a poor substitute of what might be possible?

- 5) An email has been circulated to all Members from a nearby resident requesting the layout for the site be reconsidered to provide a development that better reflects the character of the area and that will enhance the lives of existing and future residents. A photo has also been provided showing the current parking arrangements on Piccadilly.

Comments

These comments are noted and largely covered within the report being considered by Members.

Reference to the development not being in accordance with the Councils housing plan is noted. The supporting text to the allocation of the site provides development principles for how the Council envisages the site should be developed and the application as submitted needs to be determined on its merits.

The separation between existing and proposed dwellings on Jesmond Road is approximately 20m - 21m, frontage to frontage and 17m -18m existing frontage to proposed side gable, which is considered to be an acceptable relationship.

Comments regarding the S106 open space contribution are noted and funds would likely be allocated to support local enhancement, subject to further discussion with Parks colleagues.

Revised site layout plans have been included in the presentation to Members and images detailing an indicative palette of materials. Finer details relating to surface finishes, materials and landscaping would be secured within relevant conditions on both decision notices.

NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 19/01271/PFUL3 (PP-07819206)
Your Ref:
Contact: Mr James Mountain
Email: development.management@nottinghamcity.gov.uk

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

CPMG Architects
FAO Steven Milan
23 Warser Gate
Nottingham
NG1 1NU
UK

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

Application No: 19/01271/PFUL3 (PP-07819206)
Application by: GR No. 9 LTD
Location: Sports Ground Junction Of Piccadilly, Brooklyn Road, Nottingham
Proposal: Construction of 57 new dwellinghouses and associated infrastructure

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. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

DRAFT ONLY
Not for issue

2. Prior to the commencement of the development, a Remediation Strategy that has regard to the Ground Investigation Report by Hydrock dated March 2018 (ref HPF-HYD-XX-GI-RP-GE-0002) includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan 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).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) above are complete.

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

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

3. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR2 of the LAPP

4. Prior to the commencement of above ground development details of an electric vehicle charging scheme, making provision for each property, including a timetable for its implementation shall be 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.

5. Notwithstanding the details hereby approved, prior to the commencement of above ground development, precise details of the materials to be used externally within the development shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS

DRAFT ONLY

Not for issue

6. Prior to the commencement of above ground development a detailed drainage management plan shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include:

- detailed soakaway designs
- infiltration rates and
- exceedance routes mapped to ensure no risk to neighbouring third parties

The approved design shall be installed prior to first occupation and maintained thereafter for the lifetime of the development

Reason: in the interests of promoting sustainable drainage and negating flood risk and to accord with policy CC3 of the LAPP

7. No above ground development shall be commenced until design details of the following, including drawings and sections at a scale of not less than 1:50 where indicated (*), have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Windows and doors, including their reveal depths *

Treatment of window and door heads and cills *

Verges and eaves *

Rainwater goods and soil pipes

Bin storage

Reason: In the interests of the character of the area and to accord with policy 10 of the Aligned Core Strategies and policy DE1 of the LAPP

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

8. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme (hard and soft) shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and any trees or plants which die, 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.

DRAFT ONLY
Not for issue

9. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: In the interests of amenity of residents and to accord with Policy IN2 of the LAPP

10. No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to accord with policy 10 of the ACS

11. 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 and flats 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.

12. No dwelling shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species and location of all new trees (including street trees) and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme (hard and soft) shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and any trees or plants which die, 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.

DRAFT ONLY
Not for issue

<p>13. Prior to the first occupation a scheme of biodiversity enhancement together with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: provision of bird and bat boxes/bricks, use of native bee friendly planting and hedgehog friendly fencing.</p> <p><i>Reason: In the interests of biodiversity gain and to accord with policy EN6 of the LAPP</i></p>
<p>14. Prior to the first occupation details of solar PV installation utilising all available appropriately orientated roof slopes shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the submitted timeframe.</p> <p><i>Reason: In the interests of promoting sustainable development and to accord with Policy CC2 of the LAPP</i></p>
<p>15. Prior to first occupation of any part of the development, an application and draft designs for Traffic Regulation Orders in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The developer shall thereafter pursue implementation of any proposed amendments, prior to the first occupation of any dwelling.</p> <p><i>Reason: In the interests of highway safety in accordance with Policy TR1 of the LAPP and Policies 10 and 14 of the Aligned Core Strategy.</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>Standard condition- scope of permission</p>
<p>S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 6 June 2019.</p> <p><i>Reason: To determine the scope of this permission.</i></p>

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.
3. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice.

DRAFT ONLY
Not for issue

The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/>
They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

4. 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.

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

6. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the

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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.

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

8. 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.

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

The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management on 0115 876 5293 in the first instance.

10. The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree. 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.

11. 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.

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12. The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0900-1300)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance in writing with Nottingham City Council's Pollution Control Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

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.

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RIGHTS OF APPEAL

Application No: 19/01271/PFUL3 (PP-07819206)

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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