

# Public Document Pack



**Nottingham**  
**City Council**

## **Nottingham City Council Planning Committee**

**Date:** Wednesday, 17 November 2021

**Time:** 2.30 pm

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

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

**Director for Legal and Governance**

**Governance Officer:** Catherine Ziane-Pryor

**Direct Dial:** 0115 876 4298

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** 3 - 10  
Of the meeting held on 20 October 2021 (for confirmation)
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
  - a 45 Watcombe Circus** 11 - 22
  - b Land At Kingsthorpe Close, Kildare Road** 23 - 34
- 5 Informal Planning Policy Guidance on the Reduction of Carbon in New Residential and Commercial Development** To Follow  
Report of the Director of Planning and Regeneration

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

Citizens attending meetings are asked to arrive at least 15 minutes before the start of the meeting to be issued with visitor badges

Citizens are advised that this meeting may be recorded by members of the public. Any recording or reporting on this meeting should take place in accordance with the Council's policy on recording and reporting on public meetings, which is available at [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk). Individuals intending to record the meeting are asked to notify the Governance Officer shown above in advance.

In order to hold this meeting in as Covid-safe way as possible, all attendees are:

- asked to maintain a sensible level of social distancing from others as far as practically possible when moving around the building and when entering and leaving the meeting room. As far as possible, please remain seated and maintain distancing between seats throughout the meeting.
- strongly encouraged to wear a face covering when entering and leaving the meeting room and throughout the meeting, unless you need to remove it while speaking to enable others to hear you. This does not apply to anyone exempt from wearing a face covering.
- make use of the hand sanitiser available and, when moving about the building follow signs about traffic flows, lift capacities etc

**Nottingham City Council**

**Planning Committee**

**Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 20 October 2021 from 2.30 pm - 4.55 pm**

**Membership**

**Present**

Councillor Leslie Ayoola  
Councillor Graham Chapman (Vice Chair)  
Councillor Azad Choudhry (Minute 32 - 39)  
Councillor Kevin Clarke  
Councillor Michael Edwards (Chair)  
Councillor Maria Joannou  
Councillor Angela Kandola (Minute 32-39)  
Councillor Gul Nawaz Khan  
Councillor Pavlos Kotsonis (Minute 32 -37 and Minute 39 - 41)  
Councillor AJ Matsiko  
Councillor Toby Neal (Minute 32 -40)  
Councillor Mohammed Saghir (Minute 32 - 38)  
Councillor Wendy Smith  
Councillor Cate Woodward

**Absent**

Councillor Sally Longford  
Councillor Ethan Radford

**Colleagues, partners and others in attendance:**

|               |  |
|---------------|--|
| Richard Bines | Solicitor                              |
| Rob Percival  | Area Planning Manager                  |
| Martin Poole  | Area Planning Manager                  |
| Paul Seddon   | Director for Planning and Regeneration |
| Nigel Turpin  | Team Leader, Planning Services         |
| Emma Powley   | Governance Officer                     |

**32 Committee membership change**

The Committee noted that Councillor Azad Choudhry had been appointed as a Member of the Planning Committee.

**33 Apologies for Absence**

Councillor Sally Longford (Leave)  
Councillor Ethan Radford (Other Council Business)

**34 Declarations of Interests**

Councillor Pavlos Kotsonis declared an interest in Item 5b – 273 Castle Boulevard, Nottingham, NG7 1HA (minutes 37a) as the Ward Councillor and had engaged with residents. He left the room prior to discussion and voting on this item.

### **35 Minutes**

The minutes of the meeting held on the 22 September 2021 were confirmed as an accurate record and signed by the Chair

### **36 Planning Applications: Reports of the Director of Planning and Regeneration**

#### **37 40 and 42 Shakespeare Street**

Martin Poole, Area Planning Manager, introduced application 21/00646/PFUL3 for Planning And Design Group on behalf of Nottingham Trent University for the demolition and redevelopment of existing buildings with a School of Art and Design over 9 floors.

The application was brought to Committee because it was a major application for a prominent site with important design and heritage considerations and which had generated significant public interest and an objection from a statutory consultee that is contrary to the officer recommendation.

Details of further responses received in relation to the application since the publication of the agenda were included in an update sheet published as a supplement to the agenda.

There is an acceptance of less than substantial harm to the setting of Heritage assets including the Conservation area, as well as less than substantial harm to the character and appearance of the Conservation Area.

A finding of harm to the setting of listed buildings is a consideration to which the Committee must give "considerable importance and weight, when weighing up the harm, against any benefits or countervailing factors.

However, that does not mean to say that a strong presumption against granting permission for development that would harm the listed building and or its setting, cannot be outweighed by substantial public benefits so as to rebut that presumption. The public benefits in the report were highlighted.

The recommendation made in this instance having assessed the public benefits is that they are significant and substantial and do out weight the "less than substantial harm" that would be caused by this development to the setting of Heritage assets and to the character and appearance of the Conservation Area. This conclusion is reached notwithstanding the objections raised by statutory consultees and the local civic society and repeated in the update sheet.

Further to the report, and in response to questions from the Committee, the following points were discussed,

The application has been revised since its original submission.

- a) The existing buildings are currently vacant and are included within the boundary of the Arboretum Conservation Area. The proposal is for the redevelopment of the application site to provide a new building for the School of Art & Design at Nottingham Trent University.

- b) The proposal is for a nine storey building, with a main triple height entrance off Shakespeare Street which will include a mixed studio, laboratory, and collaborative teaching spaces.
- c) The primary materials of the proposed building would be a profiled green glazed ceramic tile system with darker green profiled ceramic tile used at the base of the building with high level picture window features being clad in an anodised aluminium cladding system.
- d) Officers considered that the harm to heritage was less than substantial and on balance, brought a number of public benefits, including significant investment into the city; the developers' commitment to attaining carbon neutrality in the fabric, construction and operation of the building was championed as being an exemplary approach in development.
- e) Some Councillors spoke in favour of the application and the progress that had been made since its original submission. There was some empathy for the concerns raised by Historic England but the benefits of development would outweigh the harm to heritage which would include the creation of jobs in the City, a home for the School of Art and Design for the University, the urban design of which some considered aesthetically pleasing.
- f) Some Councillors voiced their concerns that the development was too big, the size of the building was excessive and was an overdevelopment of the plot. It was considered out of keeping with other buildings in the area and would have a negative impact on the neighbouring residents. The proposed development further neglected the current Victorian gothic architecture and whilst the proposed building itself was not unacceptable per se, it would be more suited to an alternative area.

**Resolved:**

- 1) To grant planning permission for the reasons set out in the report, subject to:**
  - (i) the Director of Planning and Regeneration being satisfied on the quality of final design details and external materials finishes;**
  - (ii) the indicative conditions substantially in the form of those listed in the draft decision notices.**
  - (iii) prior completion of a Section 106 planning obligation to secure local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution of £68,436 towards employment and training;**
- 2) Power to determine the final details of both the terms of the Planning Obligation agreement and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.**
- 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.**

Councillors Kevin Clarke, Graham Chapman, Maria Joannou, Angela Kandola, Wendy Smith and Cate Woodward requested that their votes against the above decision are recorded.

**38 273 Castle Boulevard, Nottingham, NG7 1HA**

Rob Percival, Area Planning Manager, introduced application number 20/02298/PFUL3 for planning permission by Freeths on behalf of Carlton St Trading/Bmor Ltd for a conversion and extension to provide 27 apartments

The application is brought to Committee because it is a major application on a prominent site where there are important land use and design considerations.

Further representation and an agreement that the development would be required to provide two affordable housing units was included in an update sheet published as a supplement to the agenda. The update sheet also included an additional suggested condition:

***“Notwithstanding the submitted information and prior to the commencement of above ground development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority.***

***The development shall be implemented in accordance with the approved details.***

***Reason: To ensure that the development incorporates sustainable design features to accord with Policy 1 of the ACS and Policy CC1 of the LAPP.”***

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) A previous application for a 38 bedroom student scheme, including the retention of the public house on the ground and three storey extension was refused by the Planning Committee due to the impact that the proposal would have on the balance and sustainability of the community and the impact that the proposal would have on living conditions of the neighbouring property. The decision was subsequently upheld at appeal.
- b) The current application was an apartment scheme, residential throughout and it was explained that it was not a student scheme and not exclusively student accommodation. However, there were no restrictions that could be put in place to prevent student occupation but it was considered that should students occupy any units in the scheme occupation would be of a very low density.

**Resolved:**

- 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, the additional condition specified in the update sheet and subject to:**
- 2) **Prior completion of a Section 106 Planning Obligation which shall include:**
  - i) **An affordable housing scheme or contribution for off-site provision**
  - ii) **A financial contribution of £37,966.18 towards new or improved open space or public realm**
  - iii) **Local employment and training opportunities during the construction of the development, including a financial contribution of £4,684**
- 3) **Power to determine the final details of both of the Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Regeneration.**
- 4) **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.**

Councillor Mohammed Saghir left the meeting.

### **39 34 Tennyson Street, Nottingham, NG7 4FU**

Martin Poole, Area Planning Manager, introduced application number 19/00771/PFUL3 for planning permission by Natalie Dear Planning Consultancy on behalf of Thorpe And Fletcher Developments Ltd for an application for the demolition of existing building and construction of ten 6-bed student accommodation dwellings.

The application is brought to Committee because it is major application that has generated significant public interest that is contrary to the officer recommendation.

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) The application site is located at the junction of Tennyson Street and Ayr Street and is currently vacant, with its last use being as a City Council community centre and associated open play space. The building was owned by the Council but is now surplus to requirements.
- b) The current building is a red brick terrace style property with a pitched roof. The proposed redevelopment comprises two short terraces of identical three storey buildings; the terraces would be built predominantly in red brick with grey bricks used for the rear elevations. They would have steep pitched roofs and with stacked triangular bay window features to their front elevations with front doors below the overhanging first floor.
- c) The Committee discussed improving the brick work so that it would be less uniform and requested that consideration be given to the inclusions of more

detailing and decorative brickwork to be included in the building. Concern was expressed about the proposal for the external walls and raised questions about whether it should be in matching brickwork rather than render. The Committee commented that rendering initially looked acceptable but that it very quickly ages and becomes unsightly.

- d) The recess of the front doors/entrances should be re-assessed as they appeared to be dimly lit and could pose a security risk to residents and questions were raised about Anti-Social Behaviour.
- e) The Committee were nevertheless content to delegate responsibility as to the satisfaction of the brick detailing, entrance recess and external finishing materials which respond to planning committee's concerns, to the Director of Planning
- f) It was noted that Student management agreements exist for the existing Purpose Built Student Accommodation (PBSA) developments in the area and it was appropriate that the managers of these developments respond to the concerns of local residents where it is reported that residents of their developments are causing nuisance to local residents.

**Resolved:**

- 1) **To grant planning permission for the reasons set out in this report, subject to:**
  - i) **the Director of Planning being satisfied as to the final details of the brick work (including gable ends), recessed entrance and external finishing materials, which respond to planning committees' concerns**
  - ii) **the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report and an additional condition requiring an acoustic sound insulation scheme to be submitted to and approved in writing by the LPA and implemented in accordance with approved details prior to occupation;**
  - iii) **prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a section 106 planning obligation, which shall include:**
    - a) **an off-site policy compliant Open Space contribution of £12,649.80**
    - b) **a student management plan and restrictions on keeping private vehicles**
- 2) **Power to determine the final details of the terms of the section 111 Agreement, Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Regeneration.**
- 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.**

Councillor Azad Choudhry left the meeting.

Councillor Angela Kandola left the meeting.



**40 770 Wollaton Road, Nottingham, NG8 2AP**

Rob Percival, Area Planning Manager, introduced application number 21/01219/POUT for outline planning permission by Dr & Mrs AN & MC Fawcett for three dwellings, replacing existing dwelling.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

Details of further responses received in relation to the application since the publication of the agenda were included in an update sheet published as a supplement to the agenda, which also highlighted a further recommended condition:

***Prior to the commencement of a development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning during the construction period.***

***The approved Plan shall be implemented at all times during the construction period, to protect the amenities of neighbouring residents and in the interests of traffic movement on Wollaton Road, in accordance with policies DE1 and DE2 of the LAPP***

Further to the report, and in response to questions from the Committee, the following points were discussed:

- a) The current site contains a large two storey detached dwelling located in a predominantly residential area. The dwelling is setback from the street by a large front garden; the front garden is within a Conservation Area, but the dwelling and rear garden are not.
- b) There was some concern about the potential loss of trees should approval be granted but assurance provided that all major trees of merit were to be retained. Regarding the demolition of the existing dwelling, Committee were advised that this did not in itself require permission and was not therefore a reason to resist the proposal

**Resolved:**

- 1) To grant planning permission for the reasons set out in the report, subject to:
  - (i) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report and the additional condition in the update sheet;****
- 2) That power to determine the final details of the terms of the conditions of planning permission to be delegated to the Director for Planning and Regeneration**

Councillor Toby Neal left the meeting.

#### **41 Draft Eastside Supplementary Planning Document (SPD)**

Paul Seddon – Director of Planning and Regeneration expanded on the report of the draft Eastside Supplementary Planning Document. The following points were highlighted:

- a) The Draft Eastside Supplementary Planning Document (SPD) provides planning guidance for the development of the Eastside Area of the City.
- b) It is supplementary to the adopted Local Plan, which comprises the following two documents:
  - i) The Greater Nottingham Aligned Core Strategy (adopted September 2014) and
  - ii) The Land and Planning Policies Document (adopted January 2020).
- c) In line with Planning Regulations, following approval of the draft version of the SPD, the document must be subject to a statutory consultation period (not less than 4 weeks). All consultation comments received will be taken into account and the SPD redrafted accordingly, prior to it being adopted.
- d) A formal consultation period is currently being undertaken for the draft SPD and runs until 5pm on 29 October, 2021. Details of the consultation can be found at the following link: <https://www.nottinghamcity.gov.uk/eastside-spd>
- e) The results of the consultation will be analysed and the draft SPD will be amended where appropriate, before being reported back to Executive Board to be considered for adoption.

**Resolved:**

**To note the Draft Eastside Supplementary Planning Document**

**Wards Affected:** Sherwood (May 2019)

**Item No:**

**Planning Committee  
17 November 2021**

## **Report of Director of Planning and Regeneration**

### **45 Watcombe Circus, Nottingham**

#### **1 Summary**

Application No: 21/01273/PFUL3 for planning permission

Application by: Allan Joyce Architects Ltd on behalf of Phil Collins

Proposal: Change of use from care home (Class C2) to 7no 1 bed flats (use class C3). Replacement windows and removal of external staircase.

The application is brought to Committee because it has generated significant public interest contrary to the officer recommendation.

To meet the Council's Performance Targets this application should have been determined by 6th August 2021.

#### **2 Recommendations**

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.

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

#### **3 Background**

The application relates to 45 Watcombe Circus, a currently vacant property on the west side of Watcombe Circus. The property was most recently used as a care home within Use Class C2 (residential Institutions) and is believed to have had 10 bedrooms. Surrounding properties are predominantly C3 dwellings although there are a number of multiple occupancy properties in the area, including flat conversions, HMOs and residential institutions.

#### **4 Details of the proposal**

4.1 Planning permission is sought to convert the property to 7 one bedroom flats (Use class C3). The application has been submitted by an employee of Framework Housing Association, and although it has not been made in the name of that organisation, it is understood that the flats are likely to be occupied by their users. When asked to clarify the intended use/occupancy of the flats the applicant has provided the following statement:

*'Our application is for domestic flats, it is not for any kind of hostel. The people living in these flats will have their own tenancies, they will live independently but with a level of visiting support. The flats will house single people who have very little in the way of belongings and no likelihood of owning a car'*

- 4.2 The application also seeks permission for replacement of the existing windows with uPVC framed windows and includes the removal of the existing external staircase.

## **5 Consultations and observations of other officers**

Adjoining occupiers on Watcombe Circus, Devonshire Road and Ravensmore Road were notified of the application on 20.07.2021. Following the receipt of revised plans and additional information regarding the proposed use, residents were re-notified on 11.10.2021, with the number of letters sent being increased to include anyone who made a representation in response to the original notifications. A site notice was also displayed on a lamppost close to the application site, on 9<sup>th</sup> October 2021. The consultation period expired on 4<sup>th</sup> November 2021.

Representations have been received from the occupiers of fourteen neighbouring properties, objecting to the proposal for the following reasons:

- The flats will impact on the levels of noise in the predominantly family home area
- The proposed change of use will add pressure to traffic and parking in the street, there is insufficient parking for the residents on the road and no option to create off street parking for many due to elevated location of the houses in the area. The property only has 2 parking spaces.
- The proposal will remove opportunity to return this property to its original status: a home for a family in keeping with the locale.
- The area already has a number of HMO's/ flats, specifically on Watcombe Circus. The flats already on Watcombe Circus have seen numerous issues with antisocial behaviour, regular incidents with police attendance and rubbish as well as increase in noise. This would only increase.
- A separate set of flats several doors away already causes large amounts of household waste to be deposited on the pavement due to inadequate space for waste facilities.
- Small flats tend to attract short term lets and transient residents without a vested interest in the well-being and upkeep of the area. This undermines the sense of community that residents have sought hard to achieve.
- The proposed development would lead to a loss of a dwelling suitable for family occupation. It would also contribute to the growing over concentration of Class C3 and similar dwellings within the locality, therefore prejudicing the creation and maintenance of a balanced and sustainable community.
- By their very nature, properties in multiple occupation tend to be used differently from a family home, since the unrelated occupants share access. Occupants also tend to be of a similar age. As a consequence there are likely to be different patterns of behaviour, with more comings and goings than might otherwise be the case if the dwelling was in single family use. Increased comings and goings will cause material harm to adjacent neighbours.
- There will be a concentration of people with higher than average support needs in the property. Even if intensive levels of support are provided, there is a danger of anti-social behaviour occurring as a result. It is possible that there will be a high turnover of tenants which would have a destabilising effect on the neighbourhood.
- A conversion to two or, at most, three family homes would make integration to the existing community much easier

- Despite its previous use as a care home with several residents, this was still in effect operating as a single use 'family' home, which is completely different to a block of flats.
- This is in no way an appropriate or suitable location for a housing project of this nature.
- Removing family homes from the area by change of use not only directly affects how many children can live within the school catchment and so access the school but also begins to fundamentally change the very nature of that area and potentially erode the family-orientated environment.
- The correct procedures for publicity of the planning application have not been followed
- The application has been submitted in a way which is intended to deliberately mislead by the very omission of the charity name.
- Engagement with the local community should have taken place prior to the submission of the planning application.
- Vulnerable young adults would be unsupported in an unsuitable location.
- The flats are very small and so makes the building overpopulated for its size
- Small changes to the original plan would not change the application radically, all concerns and comments previously sent would still apply.

The representations also included a Neighbourhood Watch report on incidents of Anti-Social behaviour in the area.

A petition of 52 signatures, objecting to the proposed development, was also received.

**Additional consultation letters sent to:**

**Environmental Health:** No objection.

**Highways:** No objection. A condition requiring the provision of cycle parking for each flat is recommended.

## **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 126 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 130 of the NPPF states that planning policies and decisions should ensure that developments:

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

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

**Aligned Core Strategies (2014):**

Policy 1 - Climate Change

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

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

Policy CC1 - Sustainable Design and Construction

Policy HO1 - Housing Mix

Policy DE1 - Building Design and Use

Policy DE2 - Context and Place Making

**7. Appraisal of proposed development**

**Main Issues**

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

- 7.1 The acceptability of the principle of this proposal lies primarily with the interpretation that the proposed flats are 'dwellinghouses' falling within Use Class C3 and subject to Policy HO1).
- 7.2 The applicant has confirmed that the flats would be occupied within Use Class C3 of the Use Classes Order (that is, use as a dwellinghouse by a single person). They point to individual tenancies, independent living and a low level of support. It is noted that Class C3 allows for a level of support to be provided for occupiers of a house or flat (for example, social care provided to allow a person to live in their own home).
- 7.3 A recent Housing Market Assessment has confirmed the need for more housing types, of all tenures, in almost all wards in Nottingham; this includes affordable/social one bedroom self-contained homes, the need for which is presented in both the council's Housing Strategy and the cities Homelessness Prevention and Rough Sleeping Strategy. Supporting people into independent, settled accommodation is a key feature of the strategic approach to rough sleeping and single homelessness, providing a transition from supported accommodation to fully independent living. An identified need exists for one bedroom self-contained residential accommodation within Class C3, particularly of a type which registered providers such as the applicant's organisation do provide to help the council deliver and meet local need. The flats are considered to be within Class C3 and therefore the proposal is considered to comply with Policy HO1 and the council's Housing Strategy and therefore acceptable in principle.
- 7.4 One of the main points of objection relates to the loss of a family dwelling. However, the existing property, which is currently vacant, was last used as a care home, falling within Use Class C2 (residential institutions). As such, the proposed

change of use is not considered to constitute a loss of a family dwelling. Policy HO2 of the LAPP is therefore not applicable in this instance.

**Issue (ii) Impact on Residential Amenity** (Policy 10 of the ACS and Policy DE1 of the LAPP)

- 7.5 The proposed scheme comprises 7 no. one bed, single occupancy flats. The existing care home has 10 bedrooms and therefore the proposal represents a net decrease in the total number of occupants within the property. Whilst it is appreciated that the nature of the accommodation proposed is different to the last use as a care home, it is not considered that the proposals would significantly increase the level of comings and goings to the property, such that it would be detrimental to the amenities of neighbouring occupiers.
- 7.6 The applicant has confirmed that their intended occupants are very unlikely to be car owners. It is noted, in the context of the proposed dwellings being C3 units that are not specifically tied to the applicant's organisation, that there is a potential for future use of the flats unrelated to the applicant's organisation, and that such use could give rise to increased demand for parking. However, having regard to the size of the units and the location of the property within easy walking distance of Mansfield Road with good public transport links and local amenities, it is considered that the units are less likely to appeal to car owners/users and as such it is not considered that the proposed use would be likely to give rise to a significant increase in demand for on-street parking or in traffic congestion. Highways have been consulted and raise no objection to the proposals. A condition requiring the provision of cycle storage for the development is recommended.
- 7.7 Concerns have been raised about the potential impacts of anti-social behaviour, including noise and disturbance and litter. It is not considered that the arrangement of the accommodation, which comprises self-contained flats, each having its own living space and with no communal areas, would give rise to opportunities for anti-social behaviour in the same way that an HMO would. Similarly, the rear yard of the property is of a sufficient size to accommodate adequate bin storage for each of the flats and a condition requiring the submission of details of this, is recommended. As such it is considered that the proposed use as flats would not have any significant additional impact upon the amenities of neighbouring occupiers, when taking account of the existing use and the proposed layout and scale of the accommodation. The concerns of residents arising from the behaviour of Framework clients elsewhere are understood, but these concerns cannot be given significant weight in the context of the application for C3 dwellings. Antisocial behaviour is not an intrinsic characteristic of C3 use, and cannot be assumed based on the layout and nature of this development. The proposal therefore complies with Policy 10 of the ACS and Policy DE1 of the LAPP.
- 7.8 The quality of accommodation proposed is considered to be satisfactory. Policy DE1 sets out that all new dwellings should meet the Nationally Described Space Standards. The justification for the policy notes: "New dwellings should provide a satisfactory environment for occupants and will be expected to meet the Government's Nationally Described Space Standard unless there is clear evidence to demonstrate that this would not be viable or technically feasible and that a satisfactory standard of accommodation can still be achieved."

The units are single occupancy and it is noted that four do not meet the minimum threshold of 37 sq m for such units, as set out within the Nationally Described

Space Standards. The flat sizes are: 31, 32.8, 33, 36, 37, 37 and 40 sq m respectively. However, it is acknowledged that a conversion of an existing building of this nature is practically constrained by the layout and structure of the building, and the proposed subdivision is a logical use of the available space. Whilst it is clearly possible to subdivide the space in a different way that could exceed and thus comply with the space standards (for example by providing two instead of three units on each of the first and second floors) the resulting units would be disproportionately large and not appropriate or viable for the applicant's needs. The flats offer useable space with generally well-proportioned and adequately sized bedrooms with sufficient access to light and outlook. Each flat has decent storage space and there is space within the curtilage to provide bin and cycle storage. In this regard, the development is considered to comply with Policy 10 of the ACS and Policy DE1 of the LAPP.

**Issue (iii) Design and Appearance** (Policy 10 of the ACS and Policy DE1 and DE2 of the LAPP)

- 7.9 The proposal to replace the windows within the property is acceptable and would not have any significant or materially harmful impact upon the character and appearance of the wider streetscene. The removal of the external staircase is welcomed and would enhance the overall appearance of the property as well as improving security and natural surveillance. The proposal would therefore comply with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

**Other Matters**

- 7.10 A number of objections were raised in relation to the level of consultation that has been carried out in relation to the application. Neighbour notification letters were sent and a site notice has been displayed. The Council have therefore carried out their statutory obligations as set out within Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 7.11 It is noted that some concern has been raised about the absence of information about the applicant in the original application. The Council must deal with applications on the basis that they are submitted, and how applicants identify themselves on planning applications is not within the Council's control. Whether this is done as an individual or under a company name is entirely up to the applicant and the Council has no legal basis to alter the applicant's details. Although the applicant is an employee of Framework, the proposal is not for a specialist form of housing but rather normal 1 bed flats, falling within use class C3. When the Council determine applications for flats or houses, the specific nature of an occupant is not a material planning consideration and as such there was no requirement for this information to be included on the application form.

**8. Sustainability / Biodiversity** (Policy 1 of the ACS and Policy CC1 of the LAPP)

The development involves the re-use of an existing building in a sustainable location. Insulation to the internal walls is proposed, and the conversion will need to comply with the Building Regulations with regard to water and energy conservation. A condition requiring the provision of cycle storage for the development is recommended, to encourage the use of sustainable transport. In the context of a conversion it is considered that these measures are sufficient to comply with Policy 1 of the ACS and Policy CC1 of the LAPP.



**9 Financial Implications**

None.

**10 Legal Implications**

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

**11 Equality and Diversity Implications**

None.

**12 Risk Management Issues**

None.

**13 Strategic Priorities**

Neighbourhood Nottingham: Providing a high quality and sustainable development.

**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: 21/01273/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QUJ1RHLYFLB00>

**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.

Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059

# NOMAD printed map



## Key



City Boundary

## Description

No description provided



**My Ref:** 21/01273/PFUL3 (PP-09924053)  
**Your Ref:**  
**Contact:** Mrs Zoe Kyle  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

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

Date of decision:

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

Application No: 21/01273/PFUL3 (PP-09924053)  
Application by: Phil Collins  
Location: 45 Watcombe Circus, Nottingham, NG5 2DU  
Proposal: Change of use from care home (Class C2) to 7no 1 bed flats (use class C3).  
Replacement windows.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

There are no conditions in this section.

**Pre-occupation conditions**

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

2. Prior to the first occupation of the flats hereby permitted, bin storage for the flats shall have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that there is adequate bin storage for the development in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the LAPP.*

3. Prior to the first occupation of the flats hereby permitted, cycle storage for the flats shall have been provided in accordance with details which shall have first been submitted to and



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

**DRAFT ONLY**

**Not for issue**

Page 19

Continued...

approved in writing by the Local Planning Authority.

*Reason: To ensure that there is adequate cycle storage for the development in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the LAPP.*

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:  
Drawing reference 05 revision B dated 8 October 2021

*Reason: To determine the scope of this permission.*

**Informatives**

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

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

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

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

## **RIGHTS OF APPEAL**

Application No: 21/01273/PFUL3 (PP-09924053)

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](http://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.

## **STREET NAMING AND NUMBERING**

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) as soon as possible,



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

# **DRAFT ONLY**

## **Not for issue**

Page 21

- 3 -

quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.



**DRAFT ONLY**

**Not for issue**

Page 22

- 4 -

**Wards Affected:** Mapperley

**Item No:**

**Planning Committee  
17th November 2021**

## **Report of Director of Planning and Regeneration**

### **Land at Kingsthorpe Close, Kildare Road**

#### **1 Summary**

Application No: 21/00861/PVAR3

Application by: Smith & Love Planning Consultants on behalf of Keepmoat Homes Ltd

Proposal: Deletion of condition 10 (provision of memorial/artwork) and variation of condition 14 (provision of play area) of planning permission reference 13/01367/PFUL3

The application is brought to Committee because the proposed development seeks amendments to an approved scheme that was previously determined at committee and developer contributions secured via s106 would not be policy compliant.

To meet the Council's Performance Targets this application should be determined by 8th November 2021.

#### **2 Recommendations**

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) The prior completion of a Section 106A deed of variation to amend the existing Section 106 Planning Obligation, or a further planning obligation, which shall include:
  - (i) A financial contribution of £40,000 towards play area enhancement in the local area;
  - (ii) A financial contribution of £1,500 towards provision of a memorial stone/artwork and provision for it to be installed on the land;
  - (iii) Requirement to landscape an area of on-site open space and the on-going maintenance and management that area.
- (b) Power to determine the final details of both the terms of the section 106A deed of variation to amend the existing Planning Obligation, or a further planning obligation, and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

#### **3 Background**

The application relates to properties which were constructed off Kingsthorpe Close to the west of The Wells Road. The development site known as Kildare Road was sold by the Council in 2013 to Keepmoat Homes, and 70 houses constructed pursuant to planning permission reference 13/01367/PFUL3, with the build largely

completed in 2016/2017. A number of conditions were attached to that permission, most of which were discharged in 2015/2016. However conditions 10 and 14 relating to an area of open space on the western boundary of the site remain outstanding. The area of open space is triangular in shape, approximately 13m in width and 40m in length. The land is covered in scrub vegetation and slopes steeply to The Wells Road to the west. The change in land level from Kildare Road to The Wells Road is approximately 10m.

#### **4 Details of the proposal**

##### **4.1 Condition 10 of the 2013 consent stated:**

*“Development shall not be commenced until details of a memorial or artwork that recognises the historical significance of the site have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the future maintenance of the agreed feature. The agreed memorial / artwork shall be installed in accordance with a timetable to be agreed in writing by the Local Planning Authority.”*

This application seeks to delete this condition in lieu of provision of a contribution of £1,500 to the City Council to provide a suitable memorial stone (or similar) on the site.

##### **4.2 Condition 14 of the 2013 consent stated:**

*“Notwithstanding the details submitted, prior to commencement of the development, full details of the specification of the play area and associated equipment, and a timetable for its implementation and completion, shall be submitted to and approved in writing by the Local Planning Authority.”*

Condition 14 seeking to secure a play area was in lieu of the developer paying for any off site open space enhancement.

##### **4.3 This application seeks to vary this condition to landscape the area which was proposed as a play area with tree planting, grass and wild flower meadow seeding and provide a contribution of £40,000 to the City Council for play area enhancement in the local area.**

#### **5 Consultations and observations of other officers**

##### **Adjoining occupiers consulted:**

8 neighbouring properties on Kildare Road notified which front onto the area of open space.

One letter of representation received, stating the following:

Keepmoat planned to put a park here but all the residents surrounding the park didn't want it and we let the council and Keepmoat know. We had a park near here a few years ago and it's was used by drug addicts and gangs of youths causing trouble.

Keepmoat said they would scrap the idea but now we find out they are going to build the park yet again but we would like our feelings and thoughts took into



consideration we are the ones who are going to have to put up with the noise and the stress it causes, it's outside our homes it's not wanted there are plenty of other green areas they could put a park like on the wells Rd where they used to be a park that area is still unused, we live here we don't want or need a park outside our homes.

**Additional consultation letters sent to:**

**Drainage Officer:**

Is there scope for use of this green space for SuDs and blue infrastructure?

**6 Relevant policies and guidance**

**National Planning Policy Framework (2021)**

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 126 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 130 of the NPPF states that planning policies and decisions should ensure that developments:

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

**Aligned Core Strategies (2014):**

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

Policy 19 - Developer Contributions

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

Policy CC3 - Water

Policy DE1 - Building Design and Use

Policy DE2 - Context and Place Making

Policy EN2 - Open Space in New Development

## **7. Appraisal of proposed development**

### **Main Issues**

#### **(i) Principle of deletion of condition 10**

- 7.1 The applicant is seeking to delete condition 10; the provision of a memorial or artwork that recognises the historical significance of the site. In lieu of provision of a memorial or artwork the applicant has agreed to provide of a contribution of a sum of £1,500 secured by a variation to the existing S106 agreement relating to this site which would be used by the Council's Parks and Open Spaces Team to secure the installation of a memorial or artwork in consultation with local residents and councillors. It is considered that a contribution in lieu of the applicant providing the memorial or artwork is in this instance acceptable.

#### **(ii) Principle of variation of condition 14**

- 7.2 The applicant is seeking to vary condition 14; the provision of a play area and associated equipment. Indicative details of a proposed play area were shown on the consent granted in 2013 and condition 14 stipulated to secure greater clarification regarding what would be installed before the works were undertaken. A discharge of condition was submitted in 2015 providing greater detail regarding the provision of a play area, however following submission of the application Keepmoat detailed that they would be unable to provide the proposed play area due site constraints, namely levels rendering the proposal unviable. The requirements of the condition were therefore never discharged. A financial contribution of £10,000 towards off site open space enhancement was offered by Keepmoat to the City Council in 2018 in lieu of on-site provision, however this figure was not deemed to be acceptable and no communication had been received from Keepmoat.
- 7.3 In discussion with colleagues in the Parks and Open Spaces Team the play area provision outlined in the 2015 discharge of condition was costed up and negotiation undertaken with Keepmoat. The current 'best and final' offer from Keepmoat is £40,000 towards off-site play area enhancement and Parks and Open Spaces Team colleagues have detailed that they consider this sum to be commensurate with provision of the play equipment outlined in 2015 (although the 2015 submission was never agreed, due to difficulties resolving the technical problems associated with the ground levels, the scale and extent of play facilities then proposed were acceptable). Keepmoat have also detailed that they will landscape the area of land previously proposed to house the play area and the details of this are outlined on the submitted landscaping plan. Notwithstanding the comments received from a neighbouring occupier, it is considered that landscaping this triangular area of land, planting trees, adding grass and wildflower seeding would be beneficial to the character of the area. The developer will be required to put in place acceptable management and maintenance arrangements for this area through the proposed Section 106.
- 7.4 It should be noted that the original on-site open space provision was below the area that would have been required under the open space policies at the time, although it was deemed acceptable for the development having regard to all the

circumstances, including some viability concerns. For this reason it is considered that an appropriate 'like for like' costing of play equipment is an appropriate approach, rather than requiring a full Section 106 contribution based on current council figures.

- 7.5 In conclusion the provision of a financial contribution in lieu of a play area, landscaping and maintaining the existing area of open space on Kildare Road is considered to be acceptable and would resolve an outstanding breach of planning permission and improve the character of this section of Kildare Road to the benefit of local occupiers.

## **8. Sustainability / Biodiversity**

Planting as outlined in the proposed landscaping plan would be beneficial towards biodiversity enhancement in the local area.

## **9 Financial Implications**

The applicant has historically provided a viability assessment detailing that the site could not justify a policy compliant open space contribution which in 2015 was estimated as being circa £130,000 (£150,000 at current figures). A contribution of £10,000 was offered towards off-site open space enhancement in 2018 which was not deemed to be acceptable. This year following negotiation the off-site open space contribution has now risen to £40,000 in addition to the provision of landscaping and on-going maintenance of an area of open space which will be secured via S106.

## **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. The Council has the power to vary the section 106 Agreement as suggested which would appear to be a pragmatic solution to the issues which have arisen on site due to technical difficulties.

## **11 Equality and Diversity Implications**

None.

## **12 Risk Management Issues**

None.

## **13 Strategic Priorities**

Neighbourhood Nottingham: Providing a high quality and sustainable development

## **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: 21/00861/PVAR3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QRN7ENLYMRQ00>

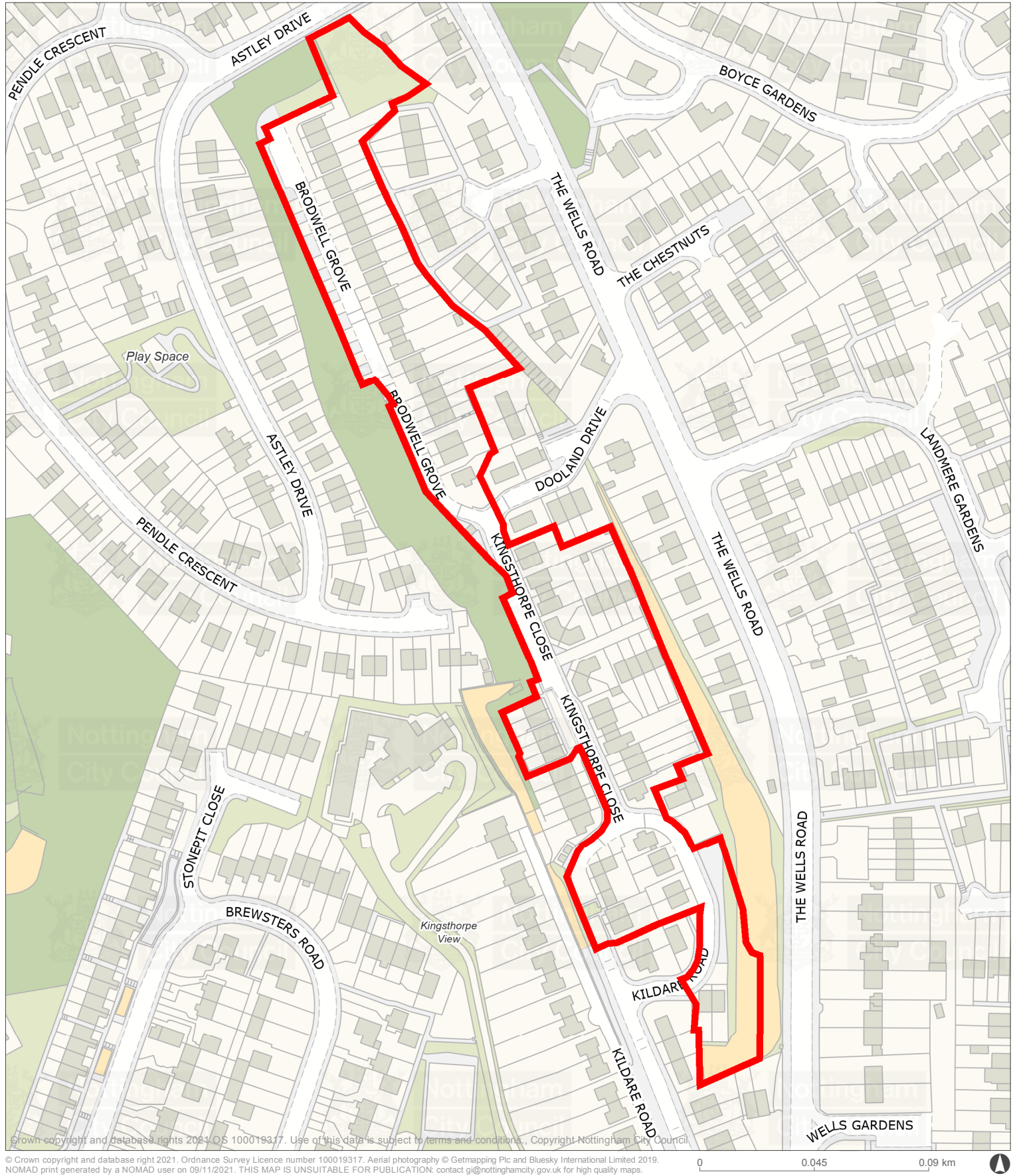
**17 Published documents referred to in compiling this report**

Nottingham Local Plan Part 2 (January 2020)  
Aligned Core Strategies (September 2014)  
NPPF (2021)


**Contact Officer:**

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

# NOMAD printed map



© Crown copyright and database rights 2021 OS 100019317. Use of this data is subject to terms and conditions. Copyright Nottingham City Council  
© Crown copyright and database right 2021. Ordnance Survey Licence number 100019317. Aerial photography © Getmapping Plc and Bluesky International Limited 2019.  
NOMAD print generated by a NOMAD user on 09/11/2021. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk for high quality maps.

Key  
 City Boundary

Description  
No description provided

**My Ref:** 21/00861/PVAR3 (PP-09710151)  
**Your Ref:**  
**Contact:** Mr Martin Poole  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Smith & Love Planning Consultants  
FAO Ms Sonja Swift  
Rational House  
32 Winckley Square  
Preston  
PR1 3JJ

Date of decision:

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

Application No: 21/00861/PVAR3 (PP-09710151)  
Application by: Keepmoat Homes Ltd  
Location: Land At Kingsthorpe Close, Kildare Road, Nottingham  
Proposal: Deletion of condition 10 (provision of memorial/artwork) and variation of condition 14 (provision of play area) of planning permission reference 13/01367/PFUL3

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

|  |
|--|
| <b>Time limit</b>  |
| . There are no conditions in this section.   |
| <b>Pre-commencement conditions</b><br>(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work) |
| There are no conditions in this section.   |
| <b>Pre-occupation conditions</b><br>(The conditions in this section must be complied with before the development is occupied)  |
| There are no conditions in this section.   |
| <b>Regulatory/ongoing conditions</b><br>(Conditions relating to the subsequent use of the development and other regulatory matters)  |



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

**DRAFT ONLY**

**Not for issue**

Page 30

- 1 -

Continued...

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

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan Part 2.*

2. No construction work, landscaping or other activity shall be undertaken following the initial occupation of the development which may compromise the remediation measures implemented to deal with ground and groundwater contamination of the site.

*Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy IN2 Local Plan Part 2.*

3. No construction work, landscaping or other activity shall be undertaken following the initial occupation of the development which may compromise the remediation measures implemented to deal with potential risks from made ground on site.

*Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development and/or adjoining occupiers to comply with Policy IN2 of the Local Plan Part 2.*

4. The area shown in green hatching and labelled 'play area' on approved drawing ref. 01-Rev-B Outline Landscape Proposals received 11 September 2013, shall be landscaped in accordance with the planting details shown on drawing ref. c-1928-01 hereby approved within 6 months of the date of this planning permission, and it shall be thereafter maintained as part of the completed housing development in accordance with a maintenance schedule that shall first have been submitted to and approved in writing by the local planning authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan Part 2.*

#### **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 9 August 2021.

*Reason: To determine the scope of this permission.*

#### **Informatives**

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.



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

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

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

**DRAFT ONLY**

**Not for issue**

Page 32

- 3 -

Continued...



## RIGHTS OF APPEAL

Application No: 21/00861/PVAR3 (PP-09710151)

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

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

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

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

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

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

## PURCHASE NOTICES

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

## COMPENSATION

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



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

# DRAFT ONLY

## Not for issue

Page 35

- 4 -

This page is intentionally left blank