

**Report of Director of Planning and Regeneration**

**Site of The Woodborough Public House, Woodborough Road**

**1 Summary**

- Application No: 19/01743/PFUL3 for planning permission
- Application by: Pelham Architects on behalf of Tuntum Housing
- Proposal: Residential development of 17 houses and 11 flats (comprising 8 x 2b4p Houses, 8 x 3b5p Houses, 1 x 4b7p House, 10 x 1b2p Flats, 1 x 2b4p Flat).

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

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

**2 Recommendations**

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

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

**3 Background**

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

**4 Details of the proposal**

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

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

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

### **Adjoining occupiers consulted:**

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

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

### **Additional consultation letters sent to:**

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

**Highways:** No objection.

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

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

## **6 Relevant policies and guidance**

### **National Planning Policy Framework (2019):**

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

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

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

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

### **Aligned Core Strategies (2014):**

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

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

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

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

### **Main Issues**

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

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

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

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

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

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

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

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

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

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

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

## **8. Sustainability / Biodiversity**

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

## **9 Financial implications**

None.

## **10 Legal implications**

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

## **11 Equality and Diversity implications**

None.

## **12 Risk management issues**

None.

## **13 Strategic priorities**

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

## **14 Crime and Disorder Act implications**

None.

## **15 Value for money**

None.

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

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

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

[applications/applicationDetails.do?activeTab=documents&keyVal=PVURYNLYGW00](https://www.nottinghamcity.gov.uk/applications/applicationDetails.do?activeTab=documents&keyVal=PVURYNLYGW00)

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

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

**Contact Officer:**

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

# NOMAD printed map



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Key  
 City Boundary

Description  
 No description provided

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



**Nottingham  
City Council**

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

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

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

Date of decision:

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

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

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

**Time limit**

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

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

**Pre-commencement conditions**

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



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**Not for issue**

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

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

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

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

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

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

- c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

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

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

*Reason: In the interests of public health and safety in accordance with Policy IN2 of the Local Plan Part 2.*



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

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

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

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

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

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

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

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

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

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy EN7 of the Local Plan Part 2.*

**Pre-occupation conditions**

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



7. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
  - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and
  - c) any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

9. No dwelling shall be occupied until the following have been submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
  - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.
  - c) Verification that the approved sound insulation scheme has been implemented and is fully operational

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

**Regulatory/ongoing conditions**

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

There are no conditions in this section.

**Standard condition- scope of permission**



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

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

## **Informatives**

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

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

### **3. Contaminated Land, Ground Gas & Groundwater**

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

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

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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



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

#### 4. Environmental Noise Assessment

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

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

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

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

#### 5. Highways:

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

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

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

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

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

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

## **RIGHTS OF APPEAL**

Application No: 19/01743/PFUL3 (PP-08036289)

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

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



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## **Not for issue**