

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

Land To The Rear Of 11 Western Terrace, Nottingham

1 SUMMARY

Application No: 18/01400/PFUL3 for planning permission

Application by: Phoenix Planning (UK) LTD

Proposal: Erection of a single storey detached dwelling

The application is brought to Committee at the request of the local ward councillor who has raised valid planning reasons

To meet the Council's Performance Targets this application should have been determined by 10 September 2018. The applicant has submitted revised plans to try overcome concerns raised by the Council but no extension of time has been agreed.

2 RECOMMENDATIONS

REFUSE PLANNING PERMISSION for the reasons set out in the draft decision notice at the end of this report

Power to determine the final details of the reasons for refusal to be delegated to the Director of Planning and Regeneration.

3 BACKGROUND

- 3.1 The site is an area of open space located within the Park Conservation Area elevated from the road and enclosed by a dwarf stone wall approximately 1m in height. The site is approximately 27m in width and 15.8m in depth located on a slight hill. It is understood that until recently the site was enclosed by additional red brick walling and within the parcel of land were two large Oak trees to the front and two Limes to the rear, as well as a smaller Birch to the west of the site. Only the Lime in the rear (north west) corner remains which is protected by TPO. The land originally formed part of the garden area of 11 Western Terrace; the grand 2 storey white rendered property immediately to the north which is identified within the Park Conservation Plan (2005) as an original estate house (constructed pre 1918). The site has historically been segregated from 11 Western Terrace through the introduction of a close boarded timber fence along the northern boundary of the site. To the east and west of the site are garages belonging to neighbouring properties.

Relevant Planning History

03/02708/PFUL3. Erection of new dwelling. Application withdrawn

05/00088/PFUL3 - Erection of new dwelling. (Resubmission of planning application reference 03/02708/PFUL3). Refused 2005 due to impact upon the Park Conservation Area.

07/00486/PFUL3 – Erection of new detached dwelling. Refused 2007 due to impact upon the Park Conservation Area through sub-division of the garden area of No. 11. Subsequent appeal dismissed.

16/00051/PFUL3 - Part demolition and rebuilding of boundary walls and new entrance gates. Refused on grounds that the loss of trees would detract from the character and appearance of the Park Conservation Area. Subsequent appeal allowed in 2017 subject to the provision of a scheme for re-planting.

17/01956/PDS4 - Details submitted to discharge of conditions 3 (tree planting) in relation to previous planning application 16/00051/PFUL3. Approved 2017

18/01260/PVAR3 - Variation of condition 2 (boundary wall materials) of planning permission reference 16/00051/PFUL3. Approved 2018

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the erection of a single storey two bed property with study. The property would be located within the north eastern corner of the site. It is proposed that the dwelling be approximately 10.5m wide by 10.2m deep with an overall height of approximately 2.8m. The levels submitted with the site block plan detail that the dwelling would be cut in to the site by approximately 1.5m in relation to the surrounding land. The submitted 3D views detail that the walls of the dwelling would largely be concealed from the roadside by the replacement boundary wall which would have an overall height of approximately 2.2m.
- 4.2 The plans submitted detail that the dwelling would be finished in an anthracite grey render with a flat sedum roof.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

10 – 11 Western Terrace
3, 5, 8 Pelham Crescent

The application has also been advertised by press and site notices.

Two letters of representation received, supporting the development and raising the following comments:

- The large oak tree on the site has been felled and the site is now waste ground and unsightly. If it is not built on it will remain unsightly and suffer from problems with anti-social behaviour
- What is proposed seems reasonable and well considered, however the respondent does not endorse that Pelham Crescent is an unsightly mess (generally and particularly in comparison with Cavendish Crescent). While not without various more or less well considered 20th/21st century additions, the part of Pelham Crescent nearby the site is not unsightly and retains a period/ Park conservation area 'feel'. Pelham Crescent would plainly be

improved if the planned building went ahead - so long as the boundary wall on Pelham Crescent is built up (using a suitable brick) to a similar height to the walls of adjacent properties

- Many of the houses in the road have trees, hedges, bushes, flowers and lawns which attract a wide range of birds, butterflies and even rural foxes. Leaving this area wild will not add significantly to wildlife diversity
- The proposed house will be almost hidden by the re-built wall on to Pelham Crescent and will not significantly affect the view from 11 Western Terrace, so will not detract from the neighbourhood
- There is a need for housing, especially within the City and this development would help alleviate the housing shortage in a small, but useful way
- In recent years the Council has permitted development at the rear of 9 Western Terrace and at 2, 5 and 7 Pelham Crescent. As these have been passed it seems reasonable that the Council should also look favourably on this Application.

Local Ward Councillor: It has been requested that the application be heard at committee for the following reasons:

The site is in a sustainable location and is currently a vacant piece of land which is attracting anti-social behaviour which is affecting local residents. Local residents are in support of the development. The character of Pelham Crescent is not estate houses with gardens and will therefore not be affected. The tree on site is fully protected by TPO and the replacement planting scheme proposed will further protect the tree.

Additional consultation letters sent to:

Conservation Officer – Objection. Initial comments:

This application relates to the construction of a new dwelling on a parcel of land to the rear of 11 Western Terrace, one of the Original Estate Houses in The Park Conservation Area. The land in question once formed part of the garden area to the Original Estate House, but was segregated from it by a timber fence following the former's subdivision to flats. The original garden area of this fine and substantial house has already been significantly eroded in the 20th century by its subdivision to facilitate the construction of two bungalows on the western part of the plot.

To permanently subdivide the plot through the further development of a new detached dwelling would unacceptably undermine the historic relationship between the original house and its garden and would be detrimental to the spacious and open character of the Conservation Area. Despite the land's current unsightly condition, its undeveloped nature allows views of the house's formal front elevation and it is still readable as part of its historic surroundings.

The development would therefore be contrary to the guidance set out in The Park Conservation Area Management Plan and would conflict with policy BE12 of the Nottingham Local Plan.

Comments based on revised plan:

The applicant's argument is mainly focussed around the fact that the visual impact of the development will be minimised by its low profile design and appearance similar to an outbuilding and the fact that the land around 11 Western Terrace is not

'well landscaped'. The design of the property is well considered and would not be a reason for refusal. The point about the site being unattractive scrubland however, is irrelevant as it is entirely within the applicant's power to rectify this. Furthermore, the Council could take action to improve its visual appearance through a Section 215 notice. The landscaping works resulting from the development cannot be considered a public benefit in the balance against 'harm'.

The case against the development is based around the further subdivision of the plot. The land formed part of the garden setting of 11 Western Terrace since the construction of the property. Permanent subdivision of the plot through development would harm the historic relationship between the property and its former garden. While the development of this individual piece of land would not be considered 'substantial harm', the precedent that this could set has the potential to affect the character of the whole of The Park Conservation Area. The relationship between Original Estate Houses and their substantial gardens is a key defining characteristic that contributed to The Park's designation as a heritage asset. The subdivision and sale of plots for further development has the potential to irretrievably erode this characteristic to a degree that could eventually lead to 'substantial harm'. For this reason the principle of the plot's development would conflict with the NPPF and policy 12 of the Nottingham Local Plan.

Tree Officer – Objection. Comments based on revised plans/comments from applicant:

The approved landscaping scheme (17/01956/PDS4) shows the planting of 2 common oaks to the south and a Caucasian lime to the north. The submitted shading plan is not quite accurate but, regardless of the shade cast by the one individual tree (the lime), when taken as a whole the trees (lime, plane street tree, 3 new trees and trees in neighbouring garden) shade most of the site. That combined with leaf fall and the fact that the only portion of garden that can be enjoyed by any residents is under the lime tree (a tree that can be unpopular due to honeydew secretions from aphids) makes the 'harmony' as described by BS 5837 lacking. Concern still remains regarding the trees:

1. The replacement trees - two are shown to be planted to the south of the proposed dwelling (both oak) and one to the north (lime). The two trees to the south of the proposed dwelling will cast shade in the afternoon. I do not feel it is appropriate to use fastigate trees as these trees are a replacement for those growing on site before they were removed as part of the appeal decision.
2. Shade from the lime – the applicants arboricultural consultant states the tree is to the north of the dwelling but it is to the west thus blocking the evening sun which is often that most desired by owner/occupiers.
3. Construction of the retaining wall through driven sheet piling; it is not considered any less damaging than excavation for a retaining wall. All the roots at the edge of the RPA on that side will be severed.
4. The fact that the lime is protected by a TPO will not prevent constant calls for pruning and removal as it could be said that the LPA allowed construction too close to the tree leading to an inharmonious situation - this from BS 5837 "Where tree retention or planting is proposed in conjunction with nearby construction, the objective should be to achieve a harmonious relationship between trees and structures that can be sustained in the long term."
5. The applicant's own arboricultural consultant has assessed the lime tree as 'middle aged' as they have the potential to grow much larger the tree will not

be able to reach its full potential due to the constraints imposed by having a house so close to it.

Nottingham Civic Society – Objection.

Nottingham Civic Society objects to the erection of a new dwelling on the garden of an Original Park Estate House within The Park Conservation Area. It would detract from the character and appearance of the Conservation Area and is contrary to the Adopted Park Conservation Area Appraisal and Management Plan (2007) which states that development such as this 'will be resisted'.

The gardens of original dwellings make a significant contribution to the character of the street scene because the principal elevations of the Original Houses faced over the gardens benefiting where possible from the southerly elevation. Therefore, not only is the mature landscape and Bulwell stone retaining wall a strong characteristic feature of the Pelham Crescent streetscape, it is enhanced by the distant view uphill of a significant dwelling seen through a landscaped screen. The applicant's own Heritage Statement illustrates this view admirably and because some of the mature vegetation has been removed from the application site, the additional view of the listed buildings on Western Terrace reinforces the relationship between principal dwelling and garden curtilage.

Whilst some original dwellings did have contemporaneously built coach houses at the foot of the garden, and these have been replaced with garages in the past, many original dwellings did not have any such building and their retaining stone walls make a significant contribution to the Conservation Area character. This would be eroded with the insertion of gates giving access to a new dwelling which would obstruct important views however modern the design. The application should be refused and the garden restored for the use of occupants of No.11 Western Terrace.

The Park Estate – Objection.

Support the pre-application advice given by the City Council prior to the submission of this application; that the erection of a dwelling to the rear of 11 Western Terrace would result in a permanent subdivision of the remaining plot which would have a harmful impact on the appearance and character of the original estate house. This would also fail to preserve or enhance the appearance and historical status of the Conservation Area.

The proposal is considered to be contrary to the Park Conservation Plan, the Aligned Core Strategy (Policy 11) and BE12 of the Local Plan.

The application would result in the loss of an original estate house garden area and open space

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities

BE12 – Development in the Conservation Area

NE6 – Trees Protected by TPO

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity.

Policy 11 – The Historic Environment

Other Planning Guidance

The Park Conservation Plan 2005

National Planning Policy Framework

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.

Furthermore, Paragraph 201 states that: not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of development
- (ii) Design and impact on the Park Conservation Area
- (iii) Impact on trees and impact on residential amenity of neighbouring residents and future occupiers

(i) Principle of development (Policies ST1 of Local Plan and ACS Policy 8)

- 7.1 The site is within a Primarily Residential Area, therefore residential development is acceptable in principle in this location, subject to assessment of all the relevant development plan policies. The proposal provides a two/three bedroom dwelling that aligns with Local Plan Policy ST1 and Aligned Core Strategy Policy 8.

(ii) Design and Impact on the Park Conservation Area (Policies 10 and 11 of the ACS and Policy and BE12 of the Local Plan)

- 7.2 As detailed in the above planning history, the site has been the subject of numerous applications for a new dwelling all of which have been refused or withdrawn. The most recent in 2008 (07/00486/PFUL3) for a property of a similar scale to that which forms the basis of this application, was dismissed by the inspectorate. In relation to the 2008 appeal decision the inspector commented that: *views of the unkempt appeal site are not apparent from Pelham Crescent and the site retains an undeveloped well landscaped appearance with No. 11 visible beyond it. Despite the use of the flat roof, the excavation into the site and screening that would be provided the house would be visible from Pelham Crescent. The characteristic historic relationship between the house and garden would therefore be compromised by the introduction of built development close to and readily apparent from Pelham Crescent. In reaching this conclusion I am aware that the house would not be as prominent in the street scene as indicated in the various views submitted.*
- 7.3 The appearance of the site has in recent years been eroded by the felling of a number of trees and demolition of the boundary wall. However the scheme to replace these would see the planting of 3 x 10/12cm select standard sized trees and the boundary wall rebuilt in an appropriate brick, considered by conservation colleagues to be appropriate for the site's setting within the Park Conservation Area. These details were secured by condition on the 2016 application which was refused and allowed on appeal; the conditions have been discharged, albeit the works not yet implemented. It is considered that once this work is undertaken the site would once again contribute positively to the character of the surrounding conservation area.
- 7.4 As detailed on the submitted elevations and 3D layout, views of the proposed property would be possible beyond the boundary wall which it is considered would result in the same relationship as that considered to be inappropriate by the inspector in his 2008 judgement. The erection of a dwelling in the proposed location would fundamentally compromise the historic character of No.11 Western Terrace, one of The Park's original estate houses and its garden setting, which would be to the detriment of the character and appearance of the Park Conservation Area. The Park Conservation Plan (2005) states that; *the original estate houses, set within their original garden areas are the key elements which define the special*

architectural and historic interest in The Park. Any proposals for new development in the original gardens which undermine this historic relationship will be resisted.

- 7.5 The applicant argues that the relationship between the proposed development site and No.11 has been incrementally and permanently degraded through a series of historic planning applications for the erection of 2 post war properties within the garden area to the west of No.11 and the sub-division of No.11 and its use as flats. The applicant states that the site is now an unusable piece of waste land that shares no relationship with No.11.
- 7.6 Officer's disagree with this view and consider that as detailed by the inspector in the 2008 judgement, once the boundary wall is re-instated fronting Pelham Crescent the site would still read as an area of landscaped garden associated with No.11 that positively contributes to the setting of the property.
- 7.7 Notwithstanding the design, scale and layout of the proposed dwelling, its introduction would undermine the historic relationship between the dwelling and its garden setting to the detriment of the Conservation Area. The proposal would therefore fail to accord with policy 11 of the ACS, policy BE12 of the Local Plan and The Park Conservation Plan, a material consideration.

(iii) Impact on trees and impact on residential amenity of neighbouring residents and future occupiers (Policies NE6 and BE12 of the Local Plan and Policy 10 of the ACS)

- 7.8 A number of trees have been permitted to be felled to facilitate the construction of a new access and parking area within the site, albeit the creation of this access would not appear to serve any functional purpose, given that No.11 is to the north and the development site are within separate ownership.
- 7.9 In relation to the current application, following the initial concerns from the Tree Officer the dwelling has been marginally relocated beyond the proposed Root Protection Area (RPA) for the Lime in the north western corner of the site, which is protected by TPO. However concern remains from the Tree Officer that given the proposed levels and that the dwelling would be cut into the site, damage would still result to the roots of the Lime. The applicant has stated that the retaining wall that would be constructed on the very edge of the RPA of the Lime to separate the proposed garden area from the sunken dwelling, would be constructed via sheet piling to reduce impact on the Lime. However, the Tree Officer is of the opinion that this method would be no less damaging than excavation and that roots on the edge of the RPA would still be damaged. The proposed development is considered to result in concern relating to the stability and longevity of the Lime tree in the north western corner of the site, which is considered to contribute positively to the character and appearance of the Conservation Area. The proposal is therefore considered to fail to accord with policy NE6 of the Local Plan.
- 7.10 Concern is also raised regarding the amenity of future residents given the proximity of the Lime tree in the north western corner of the site and the replacement trees. In relation to the replacement trees, these were approved last year as part of the discharge of condition relating to the application approved on appeal for the creation of a new vehicular access to the site. The trees are detailed as being 3 x 10/12cm select standard sized trees, 1 to the immediate north of the property and 2 to the south west, being a Lime and 2 Oaks. These trees were required by the inspector to ensure that the approved vehicle access to the site did not result in a significant loss of character to the Park Conservation Area. It is however

considered that given their close proximity to the proposed dwelling that the trees would result in a poor outlook for future residents. In particular the Oak tree on the northern boundary combined with the proximity of the boundary fence would result in a poor outlook for occupiers of bedroom 2. The 2 replacement Oak trees in conjunction with the existing substantial Lime tree would result in reduced light levels to the main habitable room of the dwelling, the lounge/dining/kitchen.

- 7.11 The existing Lime is detailed as being 'middle aged' by the applicant's tree consultant and therefore has the potential to carry on growing for a number of years. Its location due west of the property would result in significant overshadowing of the principal garden area of the property and the likelihood of annual leaf litter and sap, which would detract from the amenity of future residents. This would be contrary to the guidance of BS 5837 (Trees in relation to design demolition and construction 2012) which states that "*Where tree retention or planting is proposed in conjunction with nearby construction, the objective should be to achieve a harmonious relationship between trees and structures that can be sustained in the long term.*" The proposal would not result in a 'harmonious' relationship. Furthermore, when the proposed replacement trees are considered cumulatively with the existing protected Lime in the north west corner of the site, the Plane tree situated on the street to the south west and the trees situated within the neighbouring garden to the west, the proposal would be likely to result in pressure from the future occupiers to seek to fell the existing Lime tree and all or some of the approved replacement trees. The existing Lime is considered to positively contribute to the character of the Park Conservation Area and the replacement trees were specified to ensure the consent granted by the inspector did not degrade the overall character of the area. The future pressures for removal of all or some of the existing and proposed trees on the site would be to the detriment of the character and appearance of the Park Conservation Area. The proposal would therefore fail to accord with Policies NE6 and BE12 of the Local Plan, Policy 10 of the ACS and guidance contained within BS 5837.
- 7.12 It is considered that the proposed dwelling, given its siting and form, would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook.
- 7.13 Whilst the provision of an additional dwelling in a sustainable location is a positive benefit of the development, this is not considered to carry sufficient weight to overcome the harm to the Conservation Area and residential amenity as identified above. Furthermore, the difficulties of maintaining the land identified by the applicant would not in itself be a justification for the land to be developed.

8. SUSTAINABILITY / BIODIVERSITY

The proposed development as outlined in section (iii) above would threaten the retention of the Lime tree on site which is protected by TPO and the retention of replacement trees yet to be planted

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

None.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/01400/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PBR934LYI5A00>

17 Published documents referred to in compiling this report

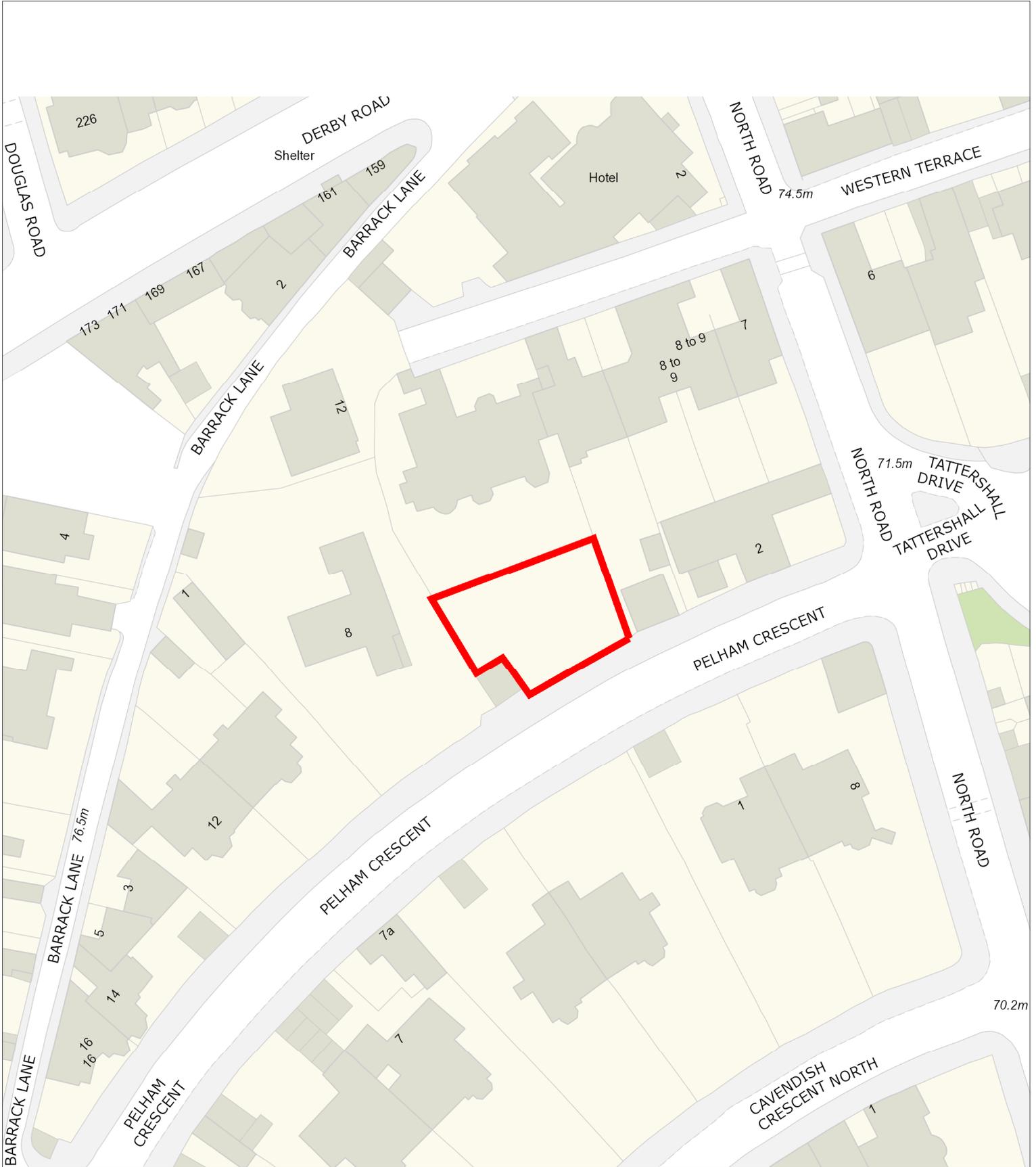
Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
The Park Conservation Plan (2005)

Contact Officer:

Mr James Mountain, Case Officer, Development Management.

Email: james.mountain@nottinghamcity.gov.uk. Telephone: 0115 8764043

NOMAD printed map



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0 0.015 0.03 km



Key



City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 18/01400/PFUL3 (PP-07116460)
Your Ref:
Contact: Mr James Mountain
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**Nottingham
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Date of decision:

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

Application No: 18/01400/PFUL3 (PP-07116460)
Application by: Phoenix Planning (UK) Ltd
Location: Land To The Rear Of 11 Western Terrace, Nottingham,
Proposal: Erection of a single storey detached dwelling

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The proposed dwelling would result in the subdivision of the former garden plot of 11 Western Terrace, which would harm the historic relationship between one of the original estate houses and its garden setting. The proposal would therefore fail to preserve or enhance the character or appearance of the Park Conservation Area, contrary to policy BE12 of the Nottingham Local Plan (2005), policies 10 and 11 of the Aligned Core Strategy and the Park Conservation Plan (2005).
2. The proposed dwelling by virtue of its close proximity to the protected Lime tree in the north western corner of the site would through proposed excavations, building works and the subsequent occupation of the dwelling lead to pressure to prune and fell the tree due to overshadowing, litter and perceived tree instability. The loss of the tree would be to the detriment of the character and appearance of the Park Conservation Area. The proposal would therefore be contrary to policies BE11, BE12 and NE6 of the Nottingham Local Plan (2005) and policies 10 and 11 of the Aligned Core Strategy.
3. The proposed dwelling by virtue of its siting, orientation and close proximity to the protected Lime tree in the north western corner of the site and approved replacement trees; a Lime to the north and 2 Oaks to the south, would fail to provide a satisfactory residential environment for prospective occupiers due to overshadowing, poor outlook and leaf litter caused by the close proximity of the trees. The proposal would therefore be contrary to Policies NE6 and BE12 of the Nottingham Local Plan (2005) and Policy 10 of the Aligned Core Strategy.

Notes



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Not for issue

Continued...

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



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Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 18/01400/PFUL3 (PP-07116460)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue