

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

1 Maiden Lane, Nottingham

1 SUMMARY

Application No: 12/03334/PFUL3
Application by: Walker & Sons (Hauliers) Ltd
Proposal: Erection of student accommodation and associated works (re-submission of planning application reference 12/02506/PFUL3).

The application is brought to Committee because it is for a major student development within a Conservation Area and involves a Section 106 Agreement.

To meet the Council's Performance Targets this application should be determined by 11 March 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
- (i) A financial contribution for the provision or improvement of open space or public realm;
 - (ii) A student management agreement including a restriction on car ownership.

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

Power to determine the final details of both the terms of the Planning Obligation and conditions the of planning permission be delegated to the Head of Development Management.

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

3 BACKGROUND

Site

- 3.1 The application relates to a broadly rectangular site of approximately 0.06 Ha that has frontages onto the western side of Belward Street and the eastern side of Maiden Lane within the Lace Market Conservation Area. There is a change in level across the site, with the street level at Belward Street lying approximately 2 metres

below that of Maiden Lane. Vehicular access to the site is available via Maiden Lane only. The site has been cleared following the demolition of a former industrial property. The previous two / three storey factory building was constructed in the 1950's as a lace warehouse and offices for B. Siegel Ltd. The company vacated the building in 2003, following the cessation of a lace manufacturing operation.

- 3.2 The surrounding area is of mixed character and includes a range of buildings in terms of age, scale and use. To the north is a substantial five-storey former mill building with adjacent surface car parking, which has been sub-divided to comprise several rented units that are occupied by a range of small businesses. Adjoining the site's southern boundary, there is a four-storey building that was originally constructed as offices in the late 1980's, but subsequently converted to 16 self-contained apartments in the late 1990's. There is a pair of vacant, listed properties, at the corner of Belward Street and Barker Gate that are separated from the site by this converted building. Barker Gate Rest Garden lies beyond Maiden Lane to the west and is bounded by several properties, including the Habitat apartment building to the north, the small scale St Mary's Hall to the south east, and the substantial Gothic House to the south-west that is in predominantly office use, with penthouse apartments. On the opposite side of Belward Street is the Bowling Alley and beyond this is the National Ice Centre.

Planning History

- 3.3 In October 2006 planning permission (reference 06/01494/PFUL3) was granted for a nine-storey building comprising 41 apartments and 36 associated car parking spaces. Conservation Area Consent (reference 06/00496/LCAC1) for the demolition of the former factory was granted in August 2006.
- 3.4 In June 2008 planning permission (reference 08/00589/PFUL3) was granted for the erection of an 8 storey building to accommodate offices and associated parking.
- 3.5 In August 2011 a planning application (reference 11/02650/PFUL3) for a serviced apartment complex was submitted comprising 51 units. Committee resolved to grant planning permission subject to the completion of a Section 106 Agreement to secure an off-site public open space payment. However, the applicant has chosen not to complete this Agreement and accordingly permission has not been granted.
- 3.6 In August 2012 a planning application (reference 12/02506/PFUL3) for a 122 bed student development (all studios) was submitted. This was subsequently withdrawn due to concerns about the internal arrangement and the level of amenity that would be afforded for some of the future occupiers of the development.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission for a student complex providing 113 bedspaces. The accommodation comprises 82 studios and 10 cluster flats (9 x 3 bed and 1 x 4 bed) and is arranged over 10 floors. The ground floor includes a small retail unit of 103m² fronting onto Belward Street, a common room, laundry room, plant, a cycle store and the main reception.
- 4.2 The design of the building is based very closely on the previously approved office and residential schemes, with virtually the same ground level footprint other than some minor reconfiguration along the frontage with Belward Street. The overall external envelope would be also very similar to the earlier schemes.

- 4.3 As per the previous schemes the building would be divided into three distinct elements to reflect the contrasting characteristics of Maiden Lane and Belward Street, to provide a transition between them and to create articulation and interest to the building form and roofline. The stepped arrangement of the previous schemes would be retained, with a taller element fronting onto Belward Street and progressive cutting back of the upper floors facing the rear garden at the rear. The overall form of the building would therefore be very similar to the earlier schemes. The main difference to the external appearance is some enlargement of windows to provide higher levels of amenity for occupiers. Consequently this has resulted in the feature metal cladding on the east elevation (Belward Street) being narrowed, albeit by a small amount.
- 4.4 As part of the development package the developer is to deliver local employment and training opportunities during both the construction and subsequent operation of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through the Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised by site notices and press advert. In addition the following neighbours have been directly consulted:
- 5.2 The Residency Gothic House, Eviva Taverna, (Flats 1 - 34) 21, 23, 23a Barker Gate. Premier Apartments The Ice House, AMF Bowling Belward Street. 27 – 29 Ristes Place. Flats 1- 4 The Mill, 1-23 Hockley House, No 23, Sir Richard Arkwright House 25, Flats 1-14, No 27, 30, Flat s 1 - 80 The Habitat, Woolpack Lane.
- 5.3 Two letters of objection have been received. One letter of objection from the owner of an adjacent site and local landlord centres around the principle of purpose built student accommodation, stating that the City is at saturation point for this type of accommodation and ultimately these types of facilities will become under used and could fall into disrepair and dereliction over time. The objector advises that students largely prefer the space and flexibility offered by HMO's and that these are more competitive in terms of rent. The second objection letter is from a neighbouring resident and is concerned that the development will completely block out a window immediately to the south of the site.

Additional consultation letters sent to:

- 5.4 **Highways:** No objections to the application. Conditions are recommended to secure a traffic management scheme, appropriate surface water drainage, a construction management plan and the implementation of the cycle storage proposals.
- 5.5 **Noise and Pollution Control:** No objection subject to conditions relating to a noise assessment, sound insulation, plant and deliveries.
- 5.6 **Heritage and Urban Design:** No objections to the external aspect of the scheme which largely conforms with the previously approved design. Provides advice and recommendations on the internal configuration.

- 5.7 **English Heritage:** Advises that for the reason of scale the proposals would adversely affect the character and appearance of the conservation area and the setting of two nearby listed buildings, Nos. 22 and 23a Barker Gate. **Comment:** *The building envelope is very similar as that previously approved.*

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taking on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to encourage the effective use of land that has been previously developed (brownfield land).
- 6.3 In regard to the historic environment, the NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. They should seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities. Complies

ST2 – Successful Economy. Complies

ST3 – City Centre. Complies

BE1 - Design Context in the Public Realm. Complies

BE2 - Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

BE10 – Development within the Curtilage or Affecting the Setting of a Listed Building. Complies

BE12 - Development in Conservation Areas. Complies

BE16 - Archaeological Constraints. Complies

H2 – Density. Complies

H6 – Student housing. Complies

S5 – New Retail Developments on the edge of or outside of Existing Centres.
Complies

NE9 - Pollution Control. Complies

R2 - Open Space in New Development. Complies

T3 - Car, Cycle and Servicing Parking – Complies

Building Balanced Communities Supplementary Planning Document

Monitoring of Student Households report (November 2011)

Planning Guidance for the Provision of Open Space within Developments
Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of student accommodation
- (ii) The design of the development and whether it would preserve or enhance the character and appearance of the Lace Market Conservation Area, and the impact on the setting of nearby listed buildings;
- (iii) Impact on the amenities of neighbouring occupiers;
- (iv) Amenity of occupiers

(i) Principle of student accommodation and retail provision (Policies ST1, H6, S5 and the Building Balanced Communities SPD)

- 7.1 The latest Monitoring of Student Households report (October 2012) suggests that, despite the number of purpose-built student bed spaces having increased significantly over the last few years, general housing stock in the monitoring areas remains attractive to students. Whilst the report advises that the policy of encouraging students towards purpose-built accommodation can be seen to have stemmed large increases in student households in the general housing stock, a steady supply of new bed spaces in attractive purpose-built accommodation is required if there is to be a significant reduction in these numbers. It should also be noted that a range of other permissions have been granted on this site including for residential, office and an apart hotel scheme (resolution to grant permission subject to S106 in the case of the latter). It appears that these solutions are not viable and therefore weight should be afforded to a proposal that should see a long term derelict site being re-developed.
- 7.2 The percentage of households being occupied by students in the local vicinity of the building and adjoining areas is 23.1% which is below the 25% threshold included within the Building Balanced Communities Supplementary Planning Document. It is therefore concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Building Balanced Communities Supplementary Planning Document and Policies ST1 and H6.
- 7.3 In terms of the retail offer proposed, the scale of this is acceptable and is proportionate to serving local need in accordance with Policy S5 of the Local Plan. Furthermore a retail presence, although small, will add some interest and activity to

the Belward Street frontage, at ground floor level which, additionally, would not be suited to residential use.

ii) The design of the development and the impact on the character and appearance of the Conservation Area, and the setting of nearby listed buildings (Policies BE1, BE2, BE3, BE10 and BE12)

- 7.4 The design of the development, which is based closely on that of the previously approved schemes, is considered to make a positive contribution to the character and appearance of the Lace Market Conservation Area. As was the case with the previous schemes, the footprint of the building steps back away from the adjoining mill building to the north. The division of the building into distinct elements respects the contrasting environments of Maiden Lane and Belward Street, whilst also reducing both the actual and perceived scale and bulk of the development. This configuration is considered to assist in creating a building that would be of significantly more quality and presence than the previous building, whilst also respecting key aspects of the surrounding context.
- 7.5 The materials palette proposes copper coloured metal panels for the distinctive curved feature to the Belward Street elevation, which will create depth and interest and a strong presence on this prominent frontage. The deep balconies to the Maiden Lane elevation also add depth and interest to this elevation.
- 7.6 The ground level main entrance to Belward Street, including the retail element would create active frontage and increased surveillance to a stretch of road that is currently dominated by blank walls and surface parking.
- 7.7 Overall, in terms of design, scale and mass it is considered that the development would accord with Policies BE1, BE2, BE3 and furthermore make a positive contribution to the character and appearance of the Lace Market Conservation Area in accordance with Policy BE12.
- 7.8 There are two listed buildings at the corner of Belward Street and Barker Gate, separated from the application site by 21 Barker Gate. Whilst the objection from English Heritage is noted, in view of the scale and design of the current proposal, the previous permissions and the distance and separation of the listed buildings from the proposed development, it is not considered that the development would have a detrimental impact on the setting of the listed buildings and therefore would not be contrary to Policy BE10 of the Local Plan.

(iii) Impact on the amenities of neighbouring occupiers (Policy BE3, H6 and NE9)

- 7.9 The external form of the building and its window and balcony positions are very similar to previously approved schemes and consequently it is considered that in relation to Policies BE3 and H6, the scheme would not have an unacceptable impact on the amenity of neighbouring occupiers in terms of loss of privacy, light, outlook or overbearing impact.
- 7.10 The objection from a local resident that the development will obscure a window on the north elevation of 21 Barker Gate is noted. There are three small square windows on the fourth floor of this elevation which appear to be secondary windows. This issue has been raised on previous applications and it appears from the planning history that the windows on this building were inserted without the

benefit of planning permission. It has also been established, by reference to the Local Land Charges Register, that a valid Light Obstruction Notice exists in respect of the windows. In view of this, it is not considered appropriate to prejudice the satisfactory development of the application site by affording weight to any amenity loss arising from loss of light, outlook or views from these windows, which in any event is considered to be low given their size, position and that the properties in question benefit from other primary windows.

- 7.11 A student management agreement is to be provided as part of the S106 planning obligation. Amongst other aspects, the terms of this agreement aims to limit noise, disturbance, or nuisance to neighbouring occupants and a point of contact is provided for the reporting of any disturbances caused by occupiers of the development. The management agreement will contribute to compliance with Policies H6 and NE9 and will help safeguard nearby residents amenity.

(iv) Amenity of Occupiers (BE3 and H2)

- 7.12 The size of the studios generally range between 20m² and 27m², though there are a couple of duplex units which are substantially larger. In terms of the space they provide, all studios are considered to be acceptable and in many cases are generous and should contribute to a good standard of amenity. The previous application demonstrated some unacceptable internal arrangements which would have resulted in some of the occupiers of the studios having a poor level of amenity through unacceptable levels of natural light and sub-standard outlooks. In part, to address this, window openings have been enlarged. However, the middle section of the building close to the southern boundary is arranged around a small courtyard. For the first five levels of the development this will receive reduced natural light and will not have the benefits of the outlook afforded the majority of the other units. The applicant has therefore revised the development model to include an element of cluster flats. This has resulted in bedroom sizes for these flats only marginally smaller than the size of the proposed studios but with the enhancement of communal lounge/kitchen areas in parts of the building that benefit from higher levels of natural light and reasonable outlooks. It is considered that this represents a significant improvement on the previous scheme and the occupants of this development will have a good standard of amenity in accordance with the aims of Policies BE3 and H2.

OTHER ISSUES

- 7.13 Policy T3 seeks to preclude development that would be detrimental to highway safety. There is no parking provision for this development and there will be a restriction within the Section 106 Obligation to prevent residents from bringing vehicles to the development. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that this should not pose a risk to highway safety. In addition the application proposes 30 cycle spaces in an accessible store on the ground floor which will encourage sustainable travel. In light of these factors the development is considered to accord with Policy T3.
- 7.14 Policy BE16 requires that an archaeological evaluation be carried within areas of archaeological constraint, prior to the commencement of development. This work has already been conducted in respect of the application site.
- 7.15 A public open space contribution of £10,000 has been secured with the developer through negotiation. This figure represents a reduction from the £45,500 that would be required based on the formula set out in the Open Space SPG. The applicant

has supported their case through the submission of a viability appraisal but ultimately what is driving the viability issues on this site is the date and purchase price of the site, which was prior to the economic downturn. The applicant recognises a need to contribute to public open space and has therefore offered £10,000 in line with the level of contribution agreed on the previous scheme (11/02650/PFUL3). However, to justify a lower contribution the developer will be required to commence development within six months of the decision notice, with the aim of delivering the re-development of this long derelict site at the earliest opportunity. If this fails to materialise, the applicant will be bound by a clause within the Section 106 Agreement requiring a payment of £45,500. Government guidance advises that Local Planning Authorities should have due regard for viability issues and this solution is considered an acceptable compromise in this instance and complies with the aims of Policy R2.

8. SUSTAINABILITY / BIODIVERSITY

An Energy Statement has been submitted with the application which proposes to achieve the 10% reduction in carbon emissions through the use of an air-source heat pump. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy BE4.

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: Developing a prominent and long term vacant brownfield site.

Working Nottingham: The development will deliver local employment and training opportunities during both the construction and subsequent operation of the 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: 12/03334/PFUL3
<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=12%2F03334%2FPFUL3&action=Search>
 2. Comments from NCC Highways dated 28/12/12
 3. Comments from NCC Noise and Pollution Control dated 14/12/12
 4. Comments from English Heritage dated 10/10/12 (carried forward from previous scheme)
 5. Comments from local residents/owner of adjacent property both dated 14/01/13

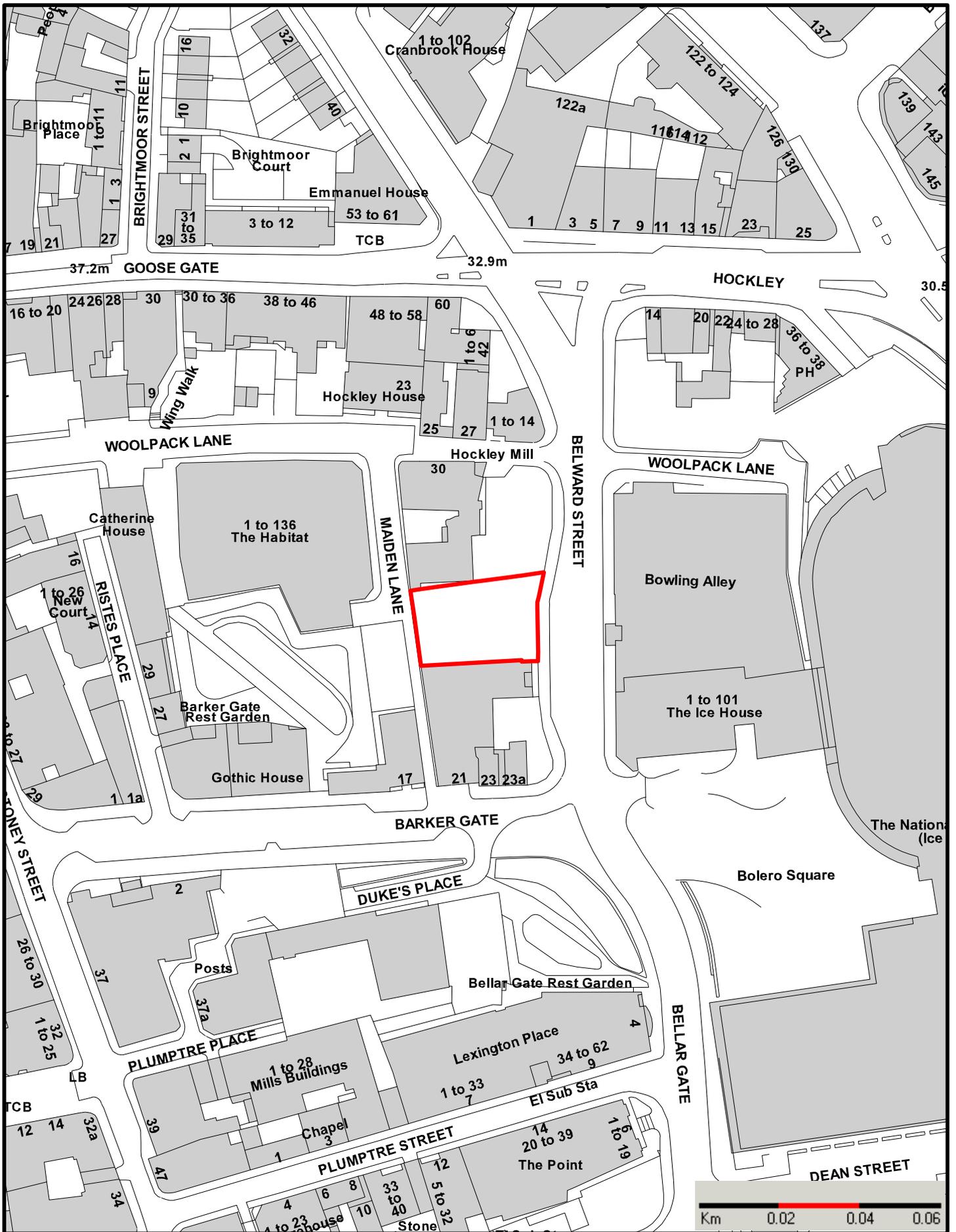
17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005).
2. National Planning Policy Framework.

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

Application No: 12/03334/PFUL3 (PP-02233480)
Application by: Walker & Sons (Hauliers) Ltd
Location: Site Of B Siegel, Maiden Lane, Nottingham
Proposal: Erection of student accommodation and associated works (re-submission of planning application reference 12/02506/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:-

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) Samples of all the materials to be used in the construction of the external surfaces of the development hereby permitted.
 - b) Large scale (e.g. 1:10 - 1:20) drawings including sections showing details of the design, materials and finishes of the elements of the scheme listed below:
 - i. windows, glazing systems and external doors;
 - ii. enclosures;
 - iii. roof details (including projecting elements), terraces, balustrading and plant housing; and
 - iv. junctions with adjoining buildings.

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

Reason: To ensure the appearance of the development is satisfactory in accordance with Policies BE3 and BE12 of the Local Plan.

3. Notwithstanding the noise report submitted, an environmental noise assessment shall be carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall be suitable and sufficient and shall 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. The submission shall include 1/3rd octave band analysis, and state all assumptions made (e.g. glazing and façade areas).

The results of the noise assessment and proposals for sound insulation measures and any complementary acoustical ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The approved sound insulation scheme shall be designed to achieve the following internal noise levels:

- i. Not more than 35dB LAeq(1 hour) for bedrooms between the hours of 23.00 and 07.00; and not more than 40dB LAeq(1 hour) for living rooms between the hours of 07.00 and 23.00.
- ii. Not more than 45dB LAmax (15 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.
- iii. Not more than 55dB LAeq (1 hour) for private residential garden areas (including garden areas associated with residential homes and similar properties).

Where noticeable low frequency noise is present, the submission shall also be designed to achieve the following internal noise levels:

- i. Not exceeding NR30 for living rooms between the hours of 07.00 and 23.00.
- ii. Not exceeding NR25 for bedrooms between the hours of 23.00 and 07.00.

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

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy NE9 of the Local Plan.

4. Prior to the commencement of development, details of external lighting and security measures, including any means of enclosing the external parts of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of crime prevention and community safety, and to ensure that the appearance of the development will be satisfactory] in accordance with Policy BE3 of the Local Plan.

5. Prior to the commencement of development, details of surfacing of the external parts of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development will be satisfactory in the interests of the character and appearance of the Lace Market Conservation Area and the setting of neighbouring listed buildings in accordance with Policies BE10 and BE12 of the Local Plan.

6. Prior to the commencement of development a Construction Management Plan detailing how the proposed development works are to be carried out, including details of the type, size and frequency of vehicles arriving and leaving the site, how the site will be accessed by construction vehicles, contractor parking provision, traffic management plans, and the phasing of works, has be submitted to and approved by the Local Planning Authority. The approved Construction Management Plan shall be implemented throughout the period of construction.

Reason: In the interests of highway safety and to protect the amenities of neighbouring occupiers in accordance with Policies BE2 and BE3 of the Local Plan.

7. Notwithstanding the details provided in the submitted Energy Statement and prior to the commencement of the development, a detailed scheme identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of an on site renewable energy supply shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and machinery to be provided in this regard and where and how this is to be installed on the buildings.

Reason: To provide 10% of energy by renewable means in accordance with Policy BE4 of the Local Plan.

Pre-occupation conditions

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

8. No part of the development hereby permitted shall be brought into use until such time that a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of the academic terms has been submitted to and approved in writing by the Local Planning Authority. The traffic management scheme shall be carried out in accordance with the approved details unless first varied by the prior written consent of the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with Policy BE2 of the Local Plan.



9. The development shall not be occupied until facilities for refuse storage and cycle storage have been provided in accordance with the details shown on the approved plans or other such details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there are adequate facilities for the storage of refuse bins and cycles in the interests of the amenities of the occupiers of the development, adjoining residential occupiers and the character and appearance of the Lace Market Conservation Area in accordance with Policies BE2, BE3, BE12 and T3 of the Local Plan.

10. The development shall not be occupied until:

a) the sound insulation scheme and complementary acoustical ventilation scheme for the development have been implemented in accordance with the details approved pursuant to condition 3;

b) the external lighting and security measures, including any means of enclosure, have been implemented in accordance with details approved pursuant to condition 4;

c) the external parts of the site have been surfaced in accordance with details approved pursuant to condition 5; and

d) the renewable/low carbon energy scheme has been implemented in accordance with details approved pursuant to condition 7.

Reason: To ensure that the appearance of the development will be satisfactory in the interests of the character and appearance of the Lace Market Conservation Area and the setting of neighbouring listed buildings, to ensure a satisfactory standard of accommodation is provided, in the interests of a sustainable development and to ensure that the occupiers of the development do not experience noise nuisance in accordance with Policies BE2, BE4 BE10, BE12 and NE9 of the Local Plan.

11. Details of the siting of any plant and equipment, the acoustic specification of the plant, air handling or any other noise generating equipment and shielding proposed shall be submitted to and approved in writing by the Local Planning Authority prior to being installed on site.

Reason: In the interests of amenity of residents of the development and nearby residents and in accordance with Policy BE3 and NE9 of the Local Plan.

Regulatory/ongoing conditions

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

Standard condition- scope of permission

S1. Unless otherwise agreed in writing by the Local Planning Authority or 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 10 December 2012.

Reason: To determine the scope of this permission.

Informatives

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

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

3. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

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: 12/03334/PFUL3 (PP-02233480)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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