

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Car Park East of 171A Castle Boulevard

1 SUMMARY

Application No: 13/00865/PFUL3
Application by: Omni Developments
Proposal: New development of seven 4 storey HMO Student Dwellings.

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

To meet the Council's Performance Targets this application should be determined by 3 July 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 site is broadly triangular in shape with a wide frontage onto Castle Boulevard and has an area of approximately 769m². The site is at its deepest adjacent to the western boundary where it measures 19.5m from Castle Boulevard to the southern boundary. The application site narrows considerably at the eastern point of the site, measuring 5.5m from the road frontage to the rear boundary of the site. Formerly a petrol filling station it is understood that this ceased operating in 2001 and the site is currently used as a privately operated car park. From the planning history there appears no permission for this use and the Council's enforcement team are investigating this matter.
- 3.2 To the immediate west of the site is a vacant industrial unit, whilst to the south is the Nottingham Canal, separated by a line of trees located just outside the application site. There are further trees to the east of the site, in between Castle Boulevard and the canal. On the south side of the canal there is a four storey apartment block. This section of Castle Boulevard is largely characterised by a mix of businesses, mainly on the north side, including vehicle repair garages, a car wash and a retail warehouse. Beyond this to the north, and on a higher level is The Park Conservation Area.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission for a four storey building, accommodating seven student townhouses and providing 84 bedrooms within the development. The ground floor provides kitchen, living and dining space for each of the seven dwellings with the bedrooms and bathroom facilities arranged over floors 1-3. The building is designed with a split level which results in a very high floor to ceiling height (equivalent to a storey and a half) for the rear ground floor living spaces of dwellings 1-4, providing a greater aspect over the canal. This split level also facilitates a roof terrace accessible by the four dwellings on the western side of the development. The design ethos is centred around providing a higher level of space with the dwellings averaging approximately 260m² of floor space. The Design and Access Statement advises that social space is seen as particularly in demand and reports that the proposal provides such space 40% larger than typical cluster flats.
- 4.2 The building has been sited to provide some private defensible space from Castle Boulevard and this space has been designed to incorporate cycle and bin storage, together with areas of landscaping. The proposed style and appearance of the building is simple, based upon a strong presentation pattern, large windows with deep reveals and the use of a single high quality brick. The ground floor acts as a plinth for floors above, which will overhang on the Castle Boulevard elevation.
- 4.3 In addition to the Design and Access Statement the application is supported with a Flood Risk Assessment (including sequential test), a Phase II Supplementary Investigation Report, a Noise Assessment, an Arboricultural Assessment, an Ecological Appraisal and an Energy Statement.
- 4.4 As part of the development package the developer is to deliver local employment and training opportunities during the construction 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 a site notice and press advert. In addition the following neighbouring properties have been directly consulted:

1-25 Marine House, The Quays, Castle Quay Close
26-57 Admiral House, The Quays, Castle Quay Close
66, 68, 76-78, 80, 171A, 171-177 Castle Boulevard.
Arc Car Wash, Castle Boulevard

- 5.2 No responses have been received to either direct consultation or the site and press notices.

Additional consultation letters sent to:

- 5.3 **Highways:** No objections subject to a number of conditions. The comments include a summary on the parking restrictions along Castle Boulevard which prevent loading along the southern side during the PM peak. There are double yellow lines along the entire site frontage. There are also some unlimited parking bays along the northern side which serve the business premises, providing a turnover of vehicles. The conditions recommended include the submission of a traffic management scheme for loading and unloading, drainage, a construction plan, provision of the proposed cycle stores and the removal of redundant dropped kerbs and reinstated footways.
- 5.4 **Noise and Pollution Control:** No objections subject to conditions requiring the approval of how the gas proof membranes will be incorporated, details of the patio area to understand the separation with current soils on site, the testing of new imported soil and the submission of a report to validate that the windows proposed will achieve the required noise attenuation levels.
- 5.5 **Environment Agency:** No objection subject to conditions requiring a surface water drainage scheme for the site, based on sustainable drainage principles, a restriction to ensure that the finished floor levels are set no lower than 25.91m above ordnance datum and a condition relating to contamination.
- 5.6 **Canal and River Trust:** Raises issues with regard to the impact of the development on the integrity of the canal wall and the protection of the existing trees in between the site and the canal but on land owned by the Canal and River Trust. The response raises the question as to whether the red line could be altered to incorporate this land.
- 5.7 **Tree Officer:** Advises that the edge of the canal is an important component of the Green Infrastructure (GI) corridor and that it would be preferable to pull the development back from the canal edge to reduce its impact on the GI corridor.
- 5.8 **Biodiversity and Green Space Officer:** Advises that the land is currently mapped as part of the Open Space Network (OSN) as 'natural and semi-natural' and forms

part of the wider Nottingham Canal corridor. There appears no reference to environmental enhancement works along the route or the importance of the corridor and this should be addressed.

- 5.9 **Severn Trent Water Ltd:** No objection subject to the inclusion of a drainage condition.
- 5.10 **Nottingham Action Group (NAG):** Comments that the townhouse concept seeks to provide a genuine alternative to the occupation of C3 family dwellings and traditional cluster student accommodation. It submits that there are at least three important contributions that the proposal could make, namely; provide students with a better quality offer of accommodation than that provided by conventional 'purpose build'; demonstrates that it is possible to provide accommodation of this type that is attractive internally and externally and capable in future of being converted to alternative uses (such as family accommodation) and; provides a 'yardstick' in terms of quality to measure future submissions. However, the comments also identify areas which weigh against the proposal including that the site is within the Dunkirk and Lenton ward, which has a disproportionately high number of HMOs, particularly those occupied by students. The development will increase the student numbers in this ward and may be seen as a precedent for future purpose built accommodation and potentially for permitting conversions from C3 to C4. The comments conclude by stating that whilst the adverse parts of the scheme would normally result in an objection by NAG, on balance the location of the development, the proposed strong management regimes and the quality of the proposed built form outweigh these concerns. This support of the scheme is with the caveat that an approval would not result as a gateway to future poor quality, inappropriately designed and located developments which take little or no account of the long-term prospects of tenants and other residents in these neighbourhoods.
- 5.11 **Councillors Piper and Trimble:** Support the proposal on the basis of the quality of the design and that townhouses are a viable alternative to traditional family homes for students to occupy and more attractive to students than purpose built blocks. The comments emphasize that generally speaking they are against any increase in student numbers in this ward and their support for this application does not signal any change in intention to resist new HMOs. This case should not serve as a precedent, as the circumstances are unique.

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).

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities. Complies

BE1 - Design Context in the Public Realm. Complies

BE2 - Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

H2 – Density. Complies

H6 – Student housing. Complies

NE5 – Trees. Complies

NE9 - Pollution Control. Complies

NE10 – Water Quality and Flood Protection - 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 2012)

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 and appearance of the development
- (iii) Amenity of occupiers
- (iv) Impact on amenity of surrounding residents
- (v) Flooding

(i) Principle of student accommodation (Policies ST1 and H6 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 will continue to be required if there is to be a significant reduction in these numbers.
- 7.2 The percentage of households being occupied by students in the local vicinity of the building and adjoining areas is 29% which is above the 25% threshold included within the Building Balanced Communities Supplementary Planning Document. However, whilst the site is within an area of high concentration which would normally dictate that additional student development is resisted, there are a number of factors that weigh in favour of the principle of this application. The location of the site is detached from the main residential areas to the north and west within this ward, rather being situated in a predominately commercial environment. Consequently whilst the percentage of households in student occupation will marginally increase, this will not be in location that would be likely to have detrimental impact on the amenity of existing residents. It is noted that there are residential properties to the south of the site, separated by the canal, but given the distance it is not considered this will create harm.
- 7.3 The site is in need of regeneration and presents itself in a highly visible location on an arterial route into the city centre. The redevelopment of this site is therefore welcomed and given both the location and the limited depth of the site, it is not suitable for family housing. The Building Balanced Communities Supplementary Planning Document does make provision for permitting exceptions to the 25% threshold, used to define a balanced community. In this particular case it is not considered that the proposal would adversely affect the balance of the community and it is noted that both local ward councillors and NAG offer support in this regard. The concerns expressed from local councillors and NAG about the potential for this development to set a precedent are noted but as appraised above, the principle of development is supported based on the specific merits of this case and any future applications would need to be considered in the same way. It is not considered that by permitting this development it would set a precedent for any future purpose built student schemes within the area to be approved. It is 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.

ii) The design and appearance of the development (Policies BE1 and BE3)

- 7.4 The dimensions of this site dictate that in order to achieve a reasonable level of development the scheme will need to be comparatively high density in order to satisfactory address the street. The proposed building has a frontage of 52m in width and is proposed to be four storeys in height. Although this potentially represents a significant amount of development in massing terms, there are a number of features of both the site's location and design of the scheme that will

allow the building to positively contribute to the Castle Boulevard street-scape. Castle Boulevard is a main connection into the City Centre and given its status in the highway hierarchy, it is considered that the principle of a four storey building, subject to detailed design, would not be out of character with the function of the route. Whilst development in the immediate vicinity on Castle Boulevard is of a lower scale, the proposal for four storeys is further supported by comparatively recent large scale development including Cornerstone Church, Castle Quay apartments and Park Rock. Furthermore more traditional development to the east along Castle Boulevard is largely three storeys and sited adjacent to the road, reinforcing a sense of built enclosure.

- 7.5 The proposed scheme is to be slightly set back within the site, with the building located from 2.5m – 5m from the edge of the pavement. This provides the opportunity to both provide defensible space and incorporate bin and cycle storage facilities in a useable and attractive way. The front boundary will be formed with a brick wall, punctured with access points to permit individual access to each dwelling. The siting of the building strikes an appropriate balance between addressing the street and not appearing overly dominant, whilst securing an active frontage that does not expose the residents to being immediately adjacent to the pavement.
- 7.6 In terms of elevational treatment the ground floor provides a strong plinth for the development and the overhang of the upper floors adds visual interest. The deep reveals of the proposed windows is a further attractive feature of the design and will contribute significantly to breaking up the massing of the building. The curve of the building on the east elevation will soften the appearance of the building when approaching from this direction, whilst the industrial building to the west will reduce the visible massing of the larger end elevation. A simple approach to the material palette has been adopted with brick and elements of timber detail forming the facades of the building. Subject to approving samples it is considered that these materials offer the right basis for ensuring a high quality finish to the development and will complement the simplicity of the form of the building.
- 7.7 It is recognised that the development is intensive in terms of its footprint and the building occupies the majority of the site. It is considered that the design satisfactorily mitigates any potential concerns over the massing of the development and it has been established that the scale is appropriate in this location. Whilst there is a building to the immediate west of the site, the proposed development benefits from space on the other three sides. The road to the north, the canal to the south and the existing trees to the east mean that although the building occupies a large proportion of the site, it does not appear cramped and has room to breath. Furthermore the strong presence of existing street trees and trees to the east will ensure that the development has an immediate maturity. It is considered that the proposal will deliver a high quality development that architecturally will be interesting and will enhance the existing townscape. It is considered that in design terms the proposal complies with Policies BE1 and BE3 of the Local Plan.

(iii) Amenity of occupiers (Policies BE3, H2 and NE9)

- 7.8 The internal space standards are attractive and will help provide a good standard of amenity for occupiers of the development. The proximity of the rear (southern) ground floor windows to the existing trees between the building and the canal (and not within the application site) will to a degree reduce light and outlook but the

impact is not considered significant to meaningfully harm amenity. Whilst it is understood that potentially there is an aspiration to prune or remove some of these trees, the applicant has acknowledged that this is not within their site and separate permission from the Canal and River Trust would be required as landowners. Noise and Pollution Control has requested a condition to ensure that the noise attenuation achieved by the windows is acceptable, bearing in mind the location adjacent to a busy road.

(iv) Impact on amenity of surrounding residents (Policies BE3 and H6)

- 7.9 The position and relationship with surrounding development will ensure that the proposal will not create amenity harm to existing residents or the types of issues identified in the Building Balanced Communities document such as noise and disturbance, poorly maintained properties and inappropriate management of waste disposal. The building itself will not have an unacceptable impact in terms of amenity or privacy and the proposal complies with the requirements of Policies BE3 and H6 of the Local Plan.

(v) Flooding (Paragraphs 101 and 103 of the NPPF and Policy NE10)

- 7.10 The application site is within Flood Zone 2 and therefore a sequential test and Flood Risk Assessment have been submitted with the application. The sequential test assesses a total of 28 alternative sites of a range of sizes for suitability of accommodating the proposed development. The methodology of the assessment which is based upon sites within the Nottingham City Council Housing Land Availability Report, February 2013, and includes a 2km radius search area from the site, is considered sound. It is noted that each of the 28 sites identified are appraised and discounted as viable alternatives. The reasons include the size of the sites (too small or too large), that they already benefit from permission, that they are unavailable and that the sites are situated in inappropriate locations for the type of development proposed. It is considered that the assessment undertaken is reasonable and proportionate to the development proposed and meets the requirements of paragraph 101 of the NPPF. The Environment Agency is satisfied with the content of the Flood Risk Assessment and subject to conditions, it is considered that the development complies with the requirements of the NPPF and Policy NE10 of the Local Plan.

OTHER ISSUES

- 7.11 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 and surrounding area. 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 21 cycle spaces in accessible and surveyed locations to the front of the properties which will encourage sustainable travel. In light of these factors the development is considered to accord with Policies T3 and BE2.
- 7.12 A public open space contribution of £33,822.60 is proposed by the applicant and this meets the requirements of Policy R2 and the Supplementary Planning Guidance for the provision of open space within the development.

7.13 The concern raised by the Canal and River Trust in regard to the impact of the development on the integrity of the canal wall is noted. However, this matter is dealt with under separate legislation and does not form part of the planning considerations. The applicant has confirmed that they are in the process of serving a Party Wall Notice on the Canal and River Trust which identifies the approach to foundation design and distance from the canal. The Canal and River Trust have been provided with this information and we await their response.

8. SUSTAINABILITY / BIODIVERSITY

An Energy Statement has been submitted with the application. This states that the resultant carbon emissions from the development can be reduced below a baseline set by Building Regulations by up to 9% per annum, by the use of passive and energy efficiency improvements alone. The methods include energy efficient lighting, improved lighting controls, whole house ventilation, heat recovery from other systems and low energy motors in water booster and ventilation units.

The energy statement explains that the potential to use renewable energy technologies on this development is limited and appraises the various technologies available. However in addition to the carbon reduction measures outlined above it is proposed that an innovative low carbon construction technique, known as Cross-Laminated Timber, will be utilised in the fabrication of the building frame and walls. This incorporates an inherent benefit as it sequesters carbon dioxide from the atmosphere during its production to create a negative CO₂ impact. The strategy significantly improves on the fundamental principles of the Building Regulations and will make a contribution to reducing the total CO₂ emissions to the order of 40% a year (based on a thirty year life). Subject to planning conditions requiring the 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. Providing high quality student accommodation in an appropriate location.

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 Reference No: 13/00865/PFUL3

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F00865&action=Search>

2. Highways comments dated 10 May 2013

3. Environment Agency comments dated 15 May 2013

4. Noise and Pollution Control comments dated 14 May 2013

5. Councillors Piper and Trimble comments dated 13 May 2013

6. Nottingham Action Group (NAG) comments dated 10 May 2013

7. Canal and River Trust comments dated 13 May 2013

8. Severn Trent Water Ltd comments dated 24 April 2013

9. Tree Officer comments dated 25 April 2013

10. Biodiversity and Green Space Officer comments dated 16 May 2013

17 Published documents referred to in compiling this report

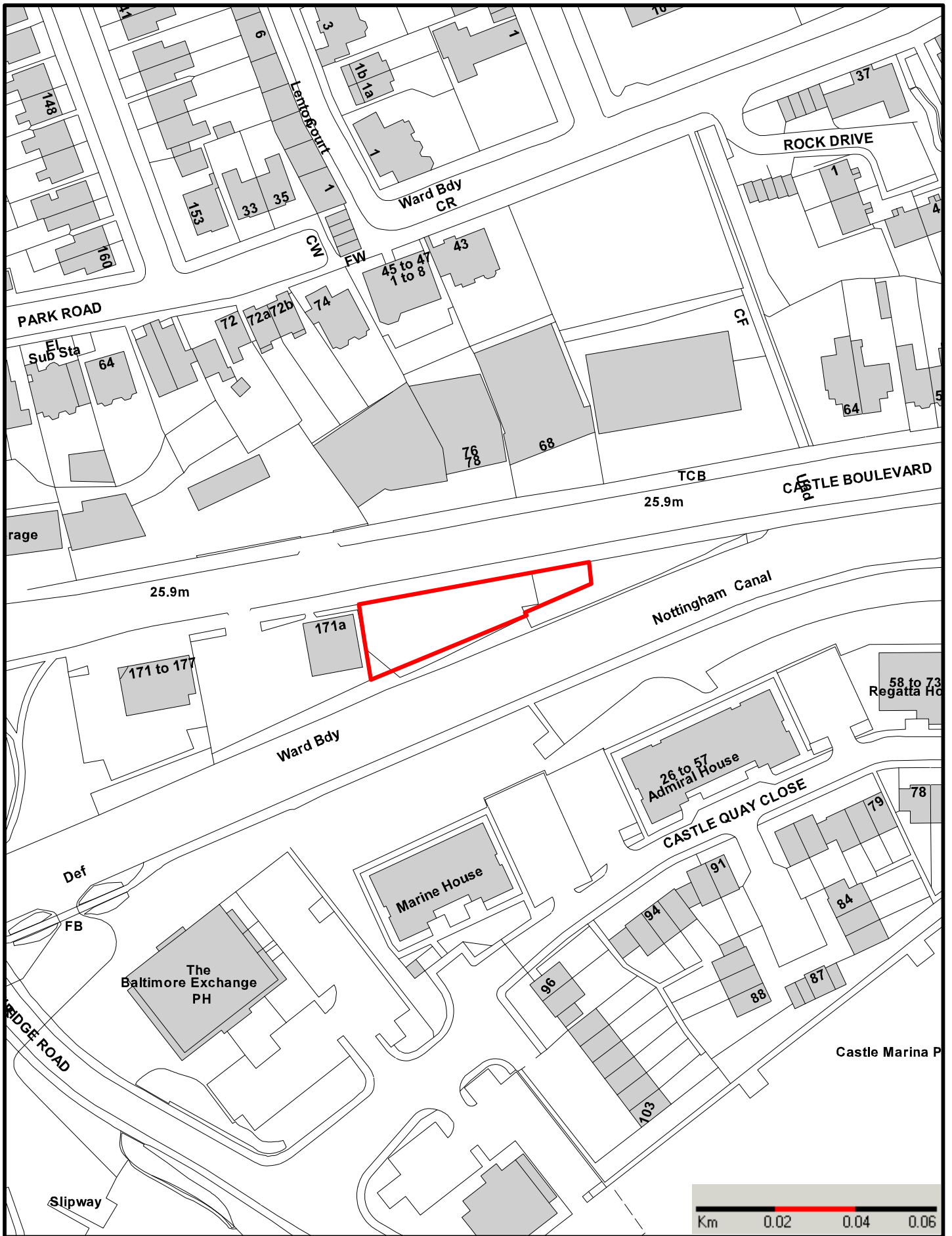
1. Nottingham Local Plan (November 2005).

2. National Planning Policy Framework.

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Nottingham
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Date of decision:

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

Application No: 13/00865/PFUL3 (PP-02569816)
Application by: Omni Developments
Location: Car Park East Of 171A, Castle Boulevard, Nottingham
Proposal: New development of seven 4 storey HMO Student Dwellings.

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 details of the external materials of all buildings and boundary treatments have been 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 accordance with Policy BE3 of the Local Plan.



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3. Notwithstanding the submitted Environmental Noise Assessment dated March 2013 a supplementary report outlining 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 the proposed windows and their reveals, including a large scale section, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of the appearance of the development and in accordance with Policy BE3 of the Local Plan.

5. Prior to the commencement of development, details of the ventilated suspended floor and the gas proof membrane, and how these measures are to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a cross section and the measures shall be installed in accordance with the approved details, and written verification of the installation shall be provided to the Local Planning Authority, prior to the occupation of the development.

Reason: In the interests of health and safety and in accordance with Policy NE12 of the Local Plan.



6. Prior to commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. The scheme to be submitted shall demonstrate:

- a) The utilisation of holding sustainable drainage techniques that provide water quality, amenity, biodiversity, and water resource benefits;
- b) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change (plus 30%), based upon the submission of drainage calculations;
- c) Demonstration that there will be no increase in the risk of flooding elsewhere as a result of the proposed development;
- d) Management of any overland flow routes that may effect the site from adjacent areas; and
- e) Responsibility for the future maintenance of drainage features.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures and in accordance with the aims of Policy NE10 of the Local Plan.

7. The development shall not be commenced until a construction plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policies BE2 and NE9 of the Local Plan.

8. Prior to the commencement of development, a detailed landscaping and planting scheme, indicating the type, height, species and location of any proposed trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and in accordance with Policy BE3 of the Local Plan.

9. No equipment, machinery or materials shall be brought onto the site in connection with the development until all trees to be retained have been protected with fencing in accordance with details outlined in the Arboricultural Assessment. The fencing shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site. No work or storage of materials (including the removal or deposit of top soil), or excavations, shall be carried out within the fenced areas without the prior written permission of the Local Planning Authority.

Reason: To protect retained trees from the development and in accordance with Policy NE5 of the Local Plan.

Pre-occupation conditions

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



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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 and written verification of this has been provided to the Local Planning Authority;
 - b) the low carbon energy scheme has been implemented in accordance with the details within the submitted Energy Statement, unless a variation has first been submitted to and approved in writing by the Local Planning Authority;
 - c) the boundary treatments have been constructed in accordance with the approved details, unless a variation has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of occupiers of the development, to ensure that the carbon reduction measures are incorporated, the appearance of the development and in accordance with Policies BE3, BE4 and NE9 of the Local Plan.

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

Reason: To ensure that the appearance of the development is satisfactory, in accordance with Policy BE3 of the Local Plan.

12. No part of the development hereby permitted shall be occupied until such time that a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the development at the start and finish of each academic term has been submitted to and approved in writing by Local Planning Authority. The traffic management scheme shall be exercised in accordance with the approved details unless 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, in the interests of highway safety and in accordance with Policy BE2 of the Local Plan.

13. No part of the development hereby permitted shall be occupied until the cycling parking and bin storage has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable travel, in the interests of the appearance of the development and in accordance with the aims of Policies T3 and BE3 of the Local Plan.

14. No part of the development hereby permitted shall be occupied until the existing site access points that have been made redundant as a consequence of this development are permanently closed and the access crossings reinstated as footway with full height kerbs in accordance with details to be first submitted to and approved in writing by, the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy BE2 of the Local Plan.

15. Prior to the occupation of the development, any imported soil to landscaped areas shall be tested after placement in the landscaped areas for contamination and the results submitted to and approved in writing by the Local Planning Authority. Any necessary remedial work identified through the results shall be undertaken to the satisfaction of the Local Planning Authority.

Reason: In the interests of health and safety and in accordance with Policy NE12 of the Local Plan.

16. Finished floor levels for the development shall be set no lower than 25.91m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy NE10 of the Local Plan

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

Reason: In the interests of health and safety and in accordance with Policy NE12 of the Local Plan.

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. 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 following drawings/documents:

Plan reference (08) 011 revision B, received 10 May 2013

Plan reference (08) 012 revision B, received 10 May 2013

Plan reference (08) 013 revision B, received 10 May 2013

Plan reference (08) 014 revision B, received 10 May 2013

Elevations reference (08) 016 revision A, received 10 May 2013

Other reference (08) 017 revision A, received 10 May 2013

Other reference (08) 018 revision A, received 10 May 2013

Plan reference (08) 001, received 19 April 2013

Planning Layout reference (08) 003, received 19 April 2013

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



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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.

4. The Highway Authority advises the following:

a) If your construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start on 0115 8765238.

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

c) The access reinstatement works referred to in Condition 5 above involve work on the highway and as such require the consent of the Highway Authority. Please contact Highways Network Management on 0115 876 5238.

d) The development may necessitate the repositioning of street lighting column 33C83B. Please contact Street Lighting on 0115 876 1850. All associated costs shall be borne by the applicant.

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: 13/00865/PFUL3 (PP-02569816)

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.



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