

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

6 Ilkeston Road

1 SUMMARY

Application No: 13/01898/PFUL3
Application by: Maber Architects on behalf of IMAP Properties Limited
Proposal: Construction of student accommodation comprising 99 bedspaces with associated social space and retail unit to ground floor following demolition of existing building

The application is brought to Planning Committee as this is a major application on a prominent site where there are significant land use, design and heritage issues.

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

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION for the reasons set out in the report subject to:

- (a) prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A financial contribution for off-site provision or improvement of open space or public realm
 - (ii) A student management agreement including a restriction on car ownership
- (b) the indicative 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 the conditions of the planning permission be delegated to the Director of Planning and Transport.

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 site comprises approximately 650m² of land to the immediate north of the junction of Ilkeston Road and St Helen's Street at Canning Circus. The site is currently occupied by a 1960's three storey building, that was formerly used as licensed premises known as Bar Seven but has been vacant for over two years.

The building sits tight to the pavement and follows the curve of the junction. The main feature of the building is the vertical concrete projections, which frame the windows at first floor. The ground floor is painted brickwork, whilst the third storey occupies a smaller footprint and is set back from the highway edge. To the rear of the building is a car park which is accessed from Holden Street.

- 3.2 Adjoining the site to the north-east is the Lemon Tree Chinese takeaway, which forms part of a three storey block that curves round onto Alfreton Road and includes a number of retail and food and drink outlets with living accommodation above. Holden Street is situated between the rear of the Alfreton Road properties and the site, whilst to the north west is Woodgate Court, a three storey residential block. To the south west of the site, on the opposite side of Ilkeston Road is the Park West/Cigar factory development, which is eight storeys at its highest point. The site is within the Gamble Street/Alfreton Road Conservation Area, located at its southern extremity, but also borders the Canning Circus Conservation Area to the south. There are a number of grade II listed buildings in close proximity to the site including Canning Terrace to the east, 154-162 Derby Road to the south west and 3-9 Ilkeston Road to the south east.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission to construct student accommodation providing a total of 99 bed spaces and a ground floor retail unit. The residential accommodation comprises 84 studios and three cluster flats, each providing five bedrooms. In addition to the retail unit, which has a proposed floor space of 142m², the ground floor also proposes a reception, social space and meeting room for the residents.
- 4.2 The proposed building is divided into three main blocks. The western block is four storeys, the middle section six storeys and the eastern block, adjacent to the Lemon Tree, rises to a nine storey tower. The form of the building is based around three sections of curves, which overlap and integrate with each other as they rise in height. The ground floor of the building is proposed to be recessed with the upper floors overhanging, and the fenestration pattern is a rigid grid system of large openings with deep reveals. The main material proposed is brick with accent materials of anodised aluminium panels and green glazed bricks.
- 4.3 In addition to the Design and Access Statement the application is supported with a Noise Assessment, an Air Quality Assessment, an Energy Statement and a Student Management Plan. As part of the development package the developer is to deliver local employment and training opportunities, including a financial contribution towards pre-employment training and recruitment costs. This will be secured within 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 below neighbouring/local properties have been directly consulted:

Apartments 1-87 Park West, Derby Road
1-30 Woodgate Court, Holden Street
136, 138-140, 142A Derby Road
2-5, 7&9, 11, 13, 13A Ilkeston Road
6, 10, 12, 18, 20, 22, 30 and 32 Holden Street

The Falcon PH Alfreton Road
11-33a (odds only) Alfreton Road

- 5.2 There have been three objections to the application. The reasons for objection include the principle of more student development, the scale of the building and that it is out of context with the surrounding area, the density of development, parking, disturbance during construction and that it does not make a positive contribution to the Canning Circus Conservation Area.
- 5.3 One letter of support has been received stating that the development is welcomed and it is hoped that this will encourage further investment in the Alfreton Road area.

Additional consultation letters sent to:

- 5.4 **Highways & Drainage:** No objections but queries the drop off and collection proposals for students and requests a swept path analysis for the servicing of the retail unit. The comments question the drainage proposals and specifically how peak surface water drainage will be reduced.
- 5.5 **Heritage and Urban Design:** the conservation officer identifies that the site location is sensitive for a number of reasons; it is situated on the border between the Canning Circus and Alfreton Road/Gamble Street Conservation Areas, the historic north west gateway to the City Centre; it is one of the highest points in the City Centre and it forms a terminus to the view up Derby Road from the east. There is no objection to the demolition of the existing 1960's building which does not make a positive contribution to the character of the conservation areas. Although the proposed building would represent the tallest building in the surrounding area its orientation, form and massing would ensure that it remains sympathetic to the historic character of Canning Circus. The conservation officer concludes that this proposal would enhance the conservation area in accordance with the aims of the of the heritage chapter of the NPPF and Policy BE12 of the Local Plan.
- 5.6 The urban design manager welcomes the quality of the scheme in forming a landmark building, at a prominent location within the city. The simplicity of the building relies on high quality materials and detailing. The simple punched windows are well proportioned and the depth of the reveals together with the glazed bricks and anodised aluminium panels within the reveals, offer a subtle visual contrast to the robust brick elevations. The traditional brick elevation is a refreshing change to the some of the more recent contemporary materials used through out the city. The quality of brick is an essential element to the success of the building. It is important that the building looks as striking in the evening as during the day, this can be achieved by subtle lighting enhancing the building details. The contribution the building makes to longer views, particularly from Derby Road and The Rope Walk is also supported.
- 5.7 **English Heritage:** Does not object to the demolition of the existing building and considers that there is a real opportunity to reveal the significance of, and enhance, the designated heritage assets. However, the scale of the development is not supported and is considered to harm the significance. It is also considered that there is insufficient information to justify this proposal. The comments qualify that the harm to the designated heritage asset is considered less than substantial but that the local planning authority would need to be satisfied that the public benefit of this proposal would outweigh the harm created. English Heritage recognise that there are opportunities to provide a greater sense of enclosure to St Helens Street

and to create a landmark building but comment that the historic townscape is characterised by 3 storey houses with shop units at ground floor which abut and frame the street. Reference is made to corner buildings in the vicinity of the site with radiused facades such as on the corner of Derby Road and Wollaton Street and the Providence Works on the corner of Gamble Street and Newdigate Street, which are of greater scale but are considered to be landmarks and nodal buildings whose prominence is not overbearing to the street or neighbouring properties and help reinforce the townscape.

- 5.8 **Noise and Pollution Control:** The noise assessment should be updated to include the provision of fresh air ventilation measures; otherwise the standard noise assessment condition is recommended to be imposed. The air quality assessment is considered largely acceptable save the fact that it does not consider ground floor receptors and this should be assessed. A condition is recommended to secure this and the implementation of all air quality measures proposed.
- 5.9 **Councillor Steph Williams:** Objects to the application on the grounds of the height of the proposed building, the density of the development and its design and appearance. In relation to height the concern is that the building is overpowering and nearby buildings are generally restricted to three storeys. In terms of density of development, it is considered that the limited parking/servicing area will be insufficient for 99 students, particularly having regard to existing residents parking and servicing of existing businesses. Concerns are also expressed about limited storage room for waste and noise nuisance from the development. The site is within one conservation area and adjacent to another, in a prominent location where three major routes converge. The proposals should enhance the conservations areas and it is considered that this development will detract from their quality.

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, conserve heritage assets in a manner appropriate to their significance and supporting the transition to a low carbon future.
- 6.3 Paragraph 60 of the NPPF advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative. It is however appropriate to promote or reinforce local distinctiveness.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

- 6.5 Paragraphs 128 to 134 sets out the key considerations in determining applications relating to heritage assets. They state that local planning authorities should identify and assess the particular significance of any heritage asset and when considering the impact on the heritage asset, should have regard for its level of significance. The greater the significance of the asset, the more weight should be attributed to its protection. Paragraph 137 states local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Paragraph 138 acknowledges that not all elements of a Conservation Area will necessarily contribute to its significance.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities. Complies

BE2 - Layout and Community Safety. Complies

BE3 - Building Design. Complies

BE4 - Sustainable Design. Complies

BE8 – City Skyline and Tall Buildings. Complies

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

BE12 – Development in Conservation Areas. Complies

H2 – Density. Complies

H6 – Student Housing. 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 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 impact on the character and appearance of the conservation areas and the setting of nearby listed buildings
- (iii) Amenity of occupiers
- (iv) Impact on amenity of surrounding residents

(i) Principle of student accommodation (Policies ST1 and S4 and Building Balanced Communities Supplementary Planning Document)

- 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 35% 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 factors that weigh in favour of the principle of this application. The site is in significant need of regeneration and presents itself in a highly prominent location, where three arterial routes into the city centre converge. The redevelopment of this site is therefore welcomed and given both the location and the limited footprint of the site, it is not suitable for family housing and in viability terms a dense development is likely to be required to bring forward its regeneration. In addition the site is very close to Talbot Street where other recent student development has been concentrated; this fringe city centre location is considered to be appropriate for such accommodation being located close to Trent University's city centre campus and on the main arterial routes to the University of Nottingham's campuses. The site is also at the edge of the adjacent residential area and within a harsher, larger commercial environment, where impact upon residents within the locality is likely to be limited.
- 7.3 The figure of 35% is influenced by the high concentration in the Talbot Street area, although it should be noted that the output area in which the site is situated stands at 27%. 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 the redevelopment of this prominent site is considered to outweigh any very limited harm in this regard. 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.
- 7.4 The principle of retail development is supported given the limited floor space and that it is located on the edge, but within, a defined local shopping centre. The proposal therefore accords with the objectives of Policy S4. The retail unit in addition to the reception and social space for the student accommodation will provide activity and interest to the street, replacing currently what is dead frontage.

(ii) The impact on the character and appearance of the Conservation Areas and setting of the nearby listed buildings (NPPF Paragraphs 128-134 and 137 and 138 and Policies BE8 and BE10, BE12)

- 7.5 The existing 1960's building has a harsh appearance primarily through its architectural style but also by virtue of its position abutting the pavement. The building is very prominent due to being located at a busy traffic junction and is visible in longer views from Derby Road to the east. English Heritage and the Council's Conservation Officer consider that the building does not contribute positively to the conservation areas and its demolition is therefore supported in principle.
- 7.6 The design of the proposed building is based around three curved sections of differing heights that are recessed from each other but integrate in a fluid form. In respect of analysing the impact on the character and appearance of the conservation areas, the key considerations are the scale and massing of the building, together with its architectural style. Prior to the submission of the application the scheme was presented before the Design Review Panel, for an independent assessment of the design quality of the scheme. The Panel considered that the form and the simplicity of the elevations were attractive. Whilst understanding the potential for a landmark building, the Panel questioned whether there was sufficient justification for the proposed height of the building, given its location within a Conservation Area.
- 7.7 The prominence of the site and in particular its position at one of the highest points within the City result in opportunities to create a landmark building at a gateway location. The design evolution has attempted to maximise such opportunities through the height of the building, whilst tempering such aspirations with the requirement to be respectful to the heritage character of the surrounding area. The logic behind the phasing of heights of the building starts with respecting the scale of Woodgate Court, which itself is three storeys with a pitched roof, and although taller, the four storey element of the proposal sits comfortably in relation to this building. The proposal steps in height to first a six storey block and then the feature nine storey tower. The tower presents itself at the top of the view east from Derby Road in a comparatively slender form that attenuates the height and balances the proportions of the building effectively. This also addresses the design objectives of creating a landmark building, enclosing the 'square' to the south east in the short range view, and creating a 'visual stop' to the built environment when viewed at longer distances from Derby Road to the east. The building also addresses the arrival of traffic/pedestrians from the west via Derby Road and steps in accordance with the rising levels of Ilkeston Road.
- 7.8 Whilst the design rationale in relation to addressing key views is clear and considered successful, concern has been expressed about the height of the building in relation to the conservation areas, notably by English Heritage. The immediate surrounding environment is three storeys in scale, with the exception of the eight storey Cigar Factory redevelopment, although this is not considered an appropriate precedent on which to justify the proposal. The applicant's justification within the Design and Access Statement is that the Alfreton Road/Gamble Street Conservation Area exhibits examples of large scale buildings in the form of old mill buildings up to 7 storeys in height and with generous storey height proportions. Whilst the presence of these buildings are noted and form part of the wider character of the conservation area, alone this is not considered sufficient justification for a building of this height, particularly given the scale of the immediate

surroundings. The concerns expressed by English Heritage and the objections from a local ward councillor and residents are that the scale of the building will be dominant and overbearing. However, the building form has been carefully developed so that the end product is far greater than a series of stepped building heights. The curves of the building and the fact that the three elements overlap each other creates a softer, more fluid form which responds to both the immediate street layout and the longer distance views. Consequently and crucially the massing of the development, although undoubtedly significant in scale, is not considered to be unduly dominant.

- 7.9 The architectural style of the building is very simple with fenestration arranged on a grid basis with large openings and deep reveals. The application places a strong emphasis on utilising quality materials and with brick being the predominant material, the choice of this product will be crucial in this regard. The simplicity of the large openings and deep reveals are appropriate in this instance as they support the main architectural feature, being the form and shape of the building. The curved nature of the building and how each section integrates, together with its scale, suggests that a more flamboyant elevation treatment would be over-elaborate, particularly given its prominence. However, to strike an appropriate balance and to ensure that simplicity does not become monotonous, the appearance of the building will be assisted by the introduction of two accent materials. These materials will be located within the large openings and will consist of bronze anodised aluminium panels and faience inspired green glazed brickwork. The presence of these materials will add further interest to the strong design principles established by the form of the building and the fenestration pattern and present a high quality finish to the development.
- 7.10 English Heritage do not object to the application but make clear their concerns with regard to scale and conclude that the proposal results in 'less than substantial harm' to the heritage asset of the conservation areas. Accordingly they advise that the public benefit of the scheme should be demonstrated to outweigh this harm, in order to justify an approval. The conservation officer advises that the proposals will enhance the conservation area and it is considered that the design merits of the scheme explored above support this stance. Should the development of this site be restricted to three storeys to equate to the scale of the surroundings, then it is highly debatable that firstly it would be capable of delivering a viable development and, secondly, perhaps more importantly, that it would give the potential to achieve the landmark building objectives and respond to the topographical opportunities of the site. It is therefore concluded that this site is appropriate for a bolder approach to scale given its prominent location, and that the proposed redevelopment of this site will enhance the appearance of the conservation area. The setting of the nearby listed buildings will not be adversely affected by the proposal, with the enclosure provided to the Canning Circus square to the south east seen as an improvement to the heritage setting. It is considered that the proposal complies with the heritage section of the NPPF and Policies BE8, BE10 and BE12 of the Local Plan.

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

- 7.11 The site's location adjacent to a busy junction has resulted in noise and air quality assessments being submitted with the application. Noise and Pollution Control are satisfied with the details in principle and subject to conditions to deliver sound insulation and ventilation measures, consider that the future residents' amenity will not be adversely affected by noise or air pollution.

- 7.12 The internal layout provides accommodation of a good size and shape, despite the challenges of accommodating the curved form. All units are well served with generous sized windows and the south facing units at the higher levels will enjoy a panoramic outlook over the city. It is considered that the density of the development is acceptable in terms of the provision for residents of the scheme and the application complies with the requirements of Policies H2, BE3 and NE9.

iv) Impact on amenity of surrounding residents (Policies BE3, H6 and NE9)

- 7.13 A daylight and sunlight report has been submitted to consider the impact of the scale and mass of the building on nearby neighbours. This was produced following the pre-application consultation exercise that was undertaken prior to the submission of the application on 30 July 2013. At the event a number of comments were recorded and a summary of these were provided with the application. Amongst the comments gathered, which were largely supportive, were concerns about the height of the proposed building. The daylight and sunlight report advises that a number of neighbours would experience loss of light as a result of the development but this would not be unusual in a tight urban environment. The majority of the neighbouring properties are comfortably within the BRE guidelines for daylight and many of the rooms assessed benefit from light from more than one window. Only three rooms are outside the Daylight Distribution test guidelines. These are in 12 Holden Street (First R3), 20 Holden Street (First R1) and The Fancy Dress Bank building (First R1). The room at the first floor of the Fancy Dress Bank building is already constrained by an existing balcony on the floor above and 20 Holden Street is only just below the accepted standard of light, retaining 77% of the light received prior to the development, the threshold being 80%. The room at first floor within 12 Holden Street is the most affected, though the daylight and sunlight report is unable to ascertain if this is a habitable room.
- 7.14 The extent of the nine storey element is relatively constrained in terms of footprint and the stepped nature of the building is designed to mitigate any undue overbearing or dominant impact on the outlook of residents to the north and north east. It is accepted that there will be some impact on amenity of these properties' residents, but the daylight and sunlight survey indicates that this should be relatively limited in harm, in respect that it affects individual rooms rather than entire elevations. Given the existing tight urban environment and the overall benefits of the scheme, the impact on amenity is considered acceptable in this instance.
- 7.15 The proposed building has been designed to curve away from Woodgate Court and this ensures that the development will not be unduly overbearing. Furthermore the position of windows within the curved facing façade have carefully been considered so that they do not result in loss of privacy for existing residents.
- 7.16 A student management plan 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.

Other Issues

- 7.17 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 will not pose a risk to highway safety. It is acknowledged that concern has been expressed about drop off and collection of students at the beginning and end of term, and like many City Centre sites, space is limited in this regard. The scheme does however incorporate off-street parking arrangements for this purpose off Holden Street to the rear of the site and additionally the arrival/departure procedure is covered within the student management plan; the beginning of each tenancy will be staggered over a three/four week period, with specific times allotted for students. The details of this will be covered by condition. The application also proposes 26 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.

- 7.18 In relation to Highways request for a swept analysis this has been requested and the applicant is preparing this information. In any event it is considered that a condition could cover this matter. A condition will also be imposed to ensure that the drainage scheme is appropriate and the applicant has indicatively advised that the 30% reduction in surface water flow rate will be achieved through the use of an attenuation tank with a Flow Control Device fitted in order to throttle back the discharge rate to achieve the reduction required.
- 7.19 In response to concerns about the size of the waste facility, the applicant has increased this area considerably allowing sufficient space for residents plus storage for refuse from the retail unit. It is considered that this represents an acceptable provision and a condition will be imposed to ensure that it is delivered as part of the development.
- 7.20 A public open space contribution of £39,862.35 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. This would be secured by S106 obligation.

8. SUSTAINABILITY / BIODIVERSITY

An Energy Statement has been submitted with the application which identifies that Solar PVs will be the method to achieve the minimum 10% reduction in carbon emissions for the development. 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 provide the potential for local employment opportunities.

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: 13/1898/PFUL3

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01898&action=Search>

2. Comments from English Heritage dated 16 September 2013

3. Comments from Highways dated 5 September 2013

4. Comments from Noise and Pollution Control dated 11 and 24 September 2013

5. Comments from Heritage and Urban Design dated 1 October 2013

6. Comments from Councillor Williams dated 25 September 2013

7. Comments from local residents dated 21 August, 05,19 and 21 September 2013

17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005).

2. National Planning Policy Framework.

Contact Officer:

Mr Mark Bassett, Case Officer, Development Management.

Email: mark.bassett@nottinghamcity.gov.uk. Telephone: 0115 8764193

REPORT OF DIRECTOR OF PLANNING AND TRANSPORT

6 Ilkeston Road

1 SUMMARY

Application No: 13/01899/LCAC1
Application by: Maber Architects on behalf of IMAP Properties Limited
Proposal: Demolition of existing building.

The application is brought to Committee because it accompanies a planning application that has complex land use, design and heritage issues.

To meet the Council's Performance Targets this application should have been determined by 1 October 2013.

2 RECOMMENDATIONS

GRANT CONSERVATION AREA CONSENT subject to:

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

Power to determine the final details of the conditions of the conservation area consent be delegated to the Director of Planning and Transport.

For the main body of the report please see planning application ref 13/01898/PFUL3 on this agenda.

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

1. Application file reference 13/01899/LCAC1

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13%2F01899&action=Search>

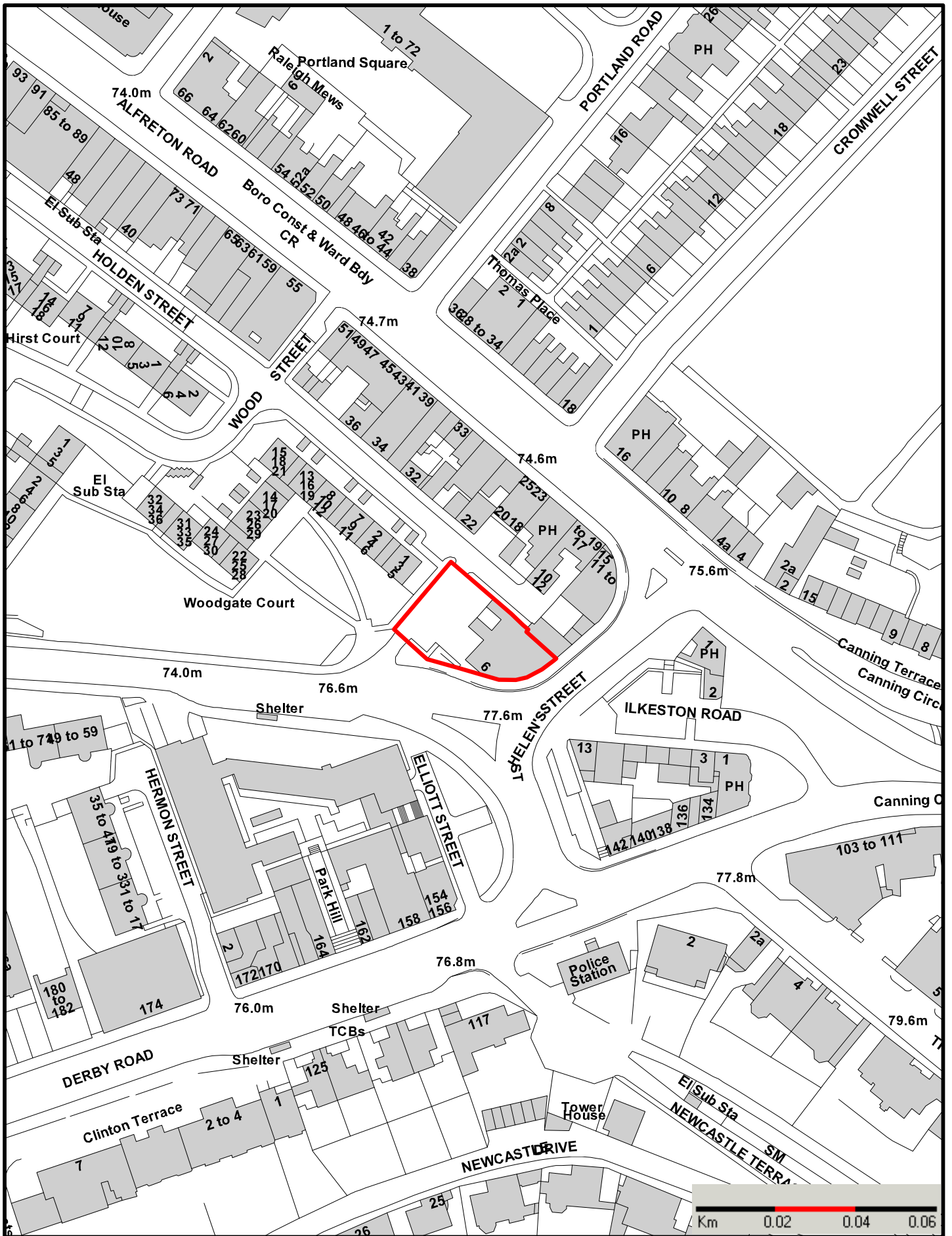
Published documents referred to in compiling this report

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

Contact Officer:

Mr Mark Bassett, Case Officer, Development Management.

Email: mark.bassett@nottinghamcity.gov.uk. Telephone: 0115 8764193



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Nottingham
City Council

My Ref: 13/01898/PFUL3 (PP-02689521)
Your Ref:
Contact: Mr Mark Bassett
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Maber Architects
FAO: Mr Alex Lipinski
St Mary's Hall
17 Barker Gate
The Lace Market
Nottingham
NG1 1JU

Date of decision:

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

Application No: 13/01898/PFUL3 (PP-02689521)
Application by: IMAP Properties Limited
Location: 6 Ilkeston Road, Nottingham, NG7 3GE
Proposal: Construction of student accommodation comprising 99 bedspaces with associated social space and retail unit to ground floor following demolition of existing building.

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. Prior to the commencement of development, full details of external materials for the building, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the Conservation Area and in accordance with the aims of Policy 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 L_{Amax} (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 noise assessment shall be undertaken with regard to BS 7445:2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233:1999 Sound Insulation and Noise Reduction for Buildings - Code of Practice.

The sound insulation measures and any complementary acoustical ventilation scheme shall be installed in accordance with the approved details prior to the occupation of the development.

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 the applicant shall submit and have approved in writing by the Local Planning Authority a whole building ventilation assessment for the development. The whole building ventilation assessment shall be suitable and sufficient, shall be carried out by a competent person and shall specify an appropriate whole building ventilation scheme for the development.

The whole building ventilation scheme shall ensure that:

- i. Exposure of sensitive receptors to poor air quality shall be reduced as far as practicable;
- ii. The location of clean air intakes for the scheme shall be located so as to maximise the vertical and horizontal distance between the clean air intakes and the primary source of poor air quality;
- iii. The discharge of foul air shall be from the building façade facing the primary source of poor air quality.

The submission shall also include the design and configuration specification for the whole building ventilation scheme.

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

5. No development or site preparation works shall be carried out on the site until details of a Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the development and shall provide for:
- a) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
 - b) The parking of vehicles of site operatives and visitors;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) Wheel washing facilities, if necessary;
 - f) Measures to control the emission of dust and dirt during construction;
 - g) Site security;
 - h) Measures to prevent the deposit of debris on the highway and;
 - i) A timetable for its implementation.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policies BE2 and NE9 of the Nottingham Local Plan (2005)

6. Notwithstanding the submitted Sustainability and Energy Statement, the development shall not be commenced until a scheme for 10% of the development's energy supply (interpreted through carbon emissions) to be provided by way of a renewable or low carbon energy supply, has been submitted to and approved in writing by the Local Planning Authority, including a timetable for the implementation of the scheme. Thereafter the renewable/low carbon energy scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development and in accordance with Policy BE4 of the Local Plan.

7. The development shall not be commenced until a surface water drainage scheme, including a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable drainage and in accordance with the aims of Policies BE4 and NE10 of the Local Plan.

8. The development shall not commence until a landscaping scheme for the site and street trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the development in accordance with Policies BE5 and NE5 of the Local Plan.

9. Prior to the commencement of development a swept path analysis for a suitable sized delivery vehicle to serve the retail unit hereby approved shall be 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.

Pre-occupation conditions

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

10. Prior to the occupation of the development, the applicant shall submit written verification to the Local Planning Authority that the approved whole building ventilation scheme, including any additional mitigation measures, has been implemented in accordance with details approved pursuant to condition 4. The approved whole building ventilation scheme, including any additional mitigation measures, shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

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

11. 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.

12. No part of the development hereby permitted shall be occupied until the bin storage has been provided in accordance with the approved details on drawing number 2227 (08) 04C.

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

13. No part of the development hereby permitted shall be occupied until cycling parking for a minimum of 26 cycles has been provided in accordance with details shown in principle on drawing number 2227 (08) 06A.

Reason: To promote sustainable travel and in accordance with the aims of Policy T3 of the Local Plan.

14. No part of the development hereby permitted shall be occupied until the hard surfacing scheme shown on drawing number 2227 (08) 05A has been implemented.

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

15. No part of the development hereby permitted shall be occupied until an external lighting scheme has been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the Conservation Area and in accordance with the aims of Policy BE12 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. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Planning Layout reference 2227 (08) 04 revision A dated 1 October 2013, received 1 October 2013
Planning Layout reference 2227 (08) 05 revision A dated 1 October 2013, received 1 October 2013
Plan reference 2227 (08) 06 revision A dated 1 October 2013, received 1 October 2013
Plan reference 2227 (08) 07 revision A dated 1 October 2013, received 1 October 2013
Plan reference 2227 (08) 08 revision A dated 1 October 2013, received 1 October 2013
Plan reference 2227 (08) 09 revision A dated 1 October 2013, received 1 October 2013
Elevations reference 2227 (08) 11 revision A dated 1 October 2013, received 1 October 2013
Elevations reference 2227 (08) 12 revision A dated 1 October 2013, received 1 October 2013
Elevations reference 2227 (08) 13 revision A dated 1 October 2013, received 1 October 2013
Elevations reference 2227 (08) 14 revision A dated 1 October 2013, received 1 October 2013
Other reference 2227 (08) 15 revision A dated 27 September 2013, received 1 October 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 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 development is located either within or on the boundary of an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for the pollutants of concern as set out in the Regulations are not being met.

The combined noise from the whole building ventilation scheme, any other environmental noise and noise from plant and equipment must not exceed NR 25 in bedrooms between the hours of 23.00 and 07.00 or NR 30 for living rooms between the hours of 07.00 and 23.00.

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.

DRAFT ⁵ ONLY

Not for issue

Continued...

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

DRAFT⁶ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 13/01898/PFUL3 (PP-02689521)

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.

My Ref: 13/01899/LCAC1 (PP-02689521)
Your Ref:
Contact: Mr Mark Bassett
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Maber Architects
FAO: Mr Alex Lipinski
St Mary's Hall
17 Barker Gate
The Lace Market
Nottingham
NG1 1JU

Date of decision:

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
APPLICATION FOR CONSERVATION AREA CONSENT**

Application No: 13/01899/LCAC1 (PP-02689521)
Application by: IMAP Properties Limited
Location: 6 Ilkeston Road, Nottingham, NG7 3GE
Proposal: Demolition of existing building.

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

Time limit

1. The works hereby authorised shall be begun before the expiration of three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

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

There are no conditions in this section.

Other conditions

(Conditions relating to other regulatory matters)

2. The demolition authorised by this consent shall not be carried out before:
 - a) a contract for the carrying out of the works of redevelopment of the site has been entered into and a copy produced to the Local Planning Authority; and
 - b) planning permission has been granted for the redevelopment for which the contract provides.



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Reason: to ensure that the character and appearance of the conservation area is preserved or enhanced in accordance with Policy BE13 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the works 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 6 August 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.

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: 13/01899/LCAC1 (PP-02689521)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of consent for the proposed works, 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.

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