

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

31 Curzon Street And , 24-34 St. Marks Street

1 SUMMARY

Application No: 14/01925/PFUL3 for planning permission

Application by: GMA Architecture Ltd on behalf of Globalcove Ltd

Proposal: New student accommodation (198 units) with ancillary and communal facilities following demolition of existing buildings.

The application is brought to Committee because it is for a major development on a prominent site providing a significant number of student apartments.

To meet the Council's Performance Targets this application should be determined by 17th November 2014

2 RECOMMENDATIONS

2.1. **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

(a) prior completion of a Section 106 Planning Obligation which shall include:

- i) A financial contribution of £79,724.70 towards the upgrade or improvement of open space or public realm within the city centre.
- ii) A student management agreement including a restriction on car ownership.

(b) the indicative conditions substantially in the form of those 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 of planning permission be delegated to the Head of Development Management and Regeneration.

2.2 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

3.1 The application site is located to the east of the city centre and falls within the Eastside Regeneration Zone. The site has three frontages onto St. Mark's Street, Curzon Street, and Curzon Place. The site falls from its highest level on St. Mark's Street to a lower level on Curzon Place, a difference of approximately 2.50 metres.

- 3.2 The site is currently developed with three buildings: a two-storey flat roofed brick built office/warehouse with a frontage onto St. Mark's Street; a single storey brick built light industrial building with a gable and tall shuttered opening onto St. Mark's Street; and a double height single storey building in orange and blue profiled metal sheeting at the end of the site with frontages to St. Mark's Street, Curzon Street and Curzon Place. There is also a secured compound area to the rear of the buildings onto Curzon Place.
- 3.3 The site adjoins other similar buildings on St. Mark's Street. Opposite is a three-storey light industrial premises and recent four-storey student accommodation development named 'Six Degrees'. Opposite on Curzon Street is a cul-de-sac development of houses and apartments on Booth Close and Victoria Hall student accommodation. On Curzon Place, the site adjoins the rear car park of the Staples store, which fronts onto Huntingdon Street. The rear of Islamic Centre is opposite.
- 3.4 The application site had previously been included as part of the proposed comprehensive redevelopment of the larger block that stretched the full length of St. Mark's Street and also included the Staples store and car park onto Huntingdon Street. Referred to as 'The Lighthouse', the planning application for the high density apartments and retail redevelopment of the block received a resolution to grant planning permission in May 2007, but was not concluded and was subsequently treated as disposed (07/00424/PFUL3). This scheme proposed the four/five storey development of the St. Mark's Street/Curzon Street/Curzon Place frontages.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposed student accommodation building would have a 'U-shaped' plan, derived from a layout that follows the street frontages of the site. The principal entrance to the building is located at the corner of St. Mark's Street with Curzon Street. From this point there are two wings of accommodation that stretch along the lengths of the site onto St. Mark's Street and Curzon Place. The wings enclose an external courtyard space that is provided to the rear of the accommodation.
- 4.2 The accommodation is laid out over a total of seven floors, including a basement and lower ground floor which would accommodate services and various social spaces and including, meeting rooms, games rooms, a cinema room, a prayer room, a squash court, and a gym. There is a primary manned reception space at upper ground floor level, which is raised above street level, plus student accommodation at this level and on four floors above. There are a total of 198 proposed studio bedrooms, comprising 178 single rooms and 20 double rooms. In addition to the kitchen facilities within each studio bedroom there are large communal lounges and kitchen/dining rooms at each level.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

16, 16A, 18, 23, Six Degrees, St. Mark's Street
20 – 28(e) Union Road
1 – 5 (consec.), 39 – 44 (consec.) Booth Close
Staples, Huntingdon Street
Gala Club, St. Anns Well Road
Victoria Hall, Curzon Street

The application has also been advertised by site and press notices. There have been no neighbour responses received at the time of completing this report.

The applicant has also undertaken their own consultation, including an exhibition of plans at the existing premises on the 15th and 16th September. It is reported that the exhibition was attended by 7 people who generally gave a positive response to the proposals and regeneration of the area.

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions including noise assessment, air quality management, and remediation strategy to deal with risks with ground and ground water contamination.

Highways: No objection subject to conditions including construction management and reinstatement of redundant cross-overs to footway.

Urban Design: The five storey building is welcomed in an area of the city characterised primarily by higher buildings. The site currently, however, comprises of low quality one and two storey buildings. The proposed elevations are of a high quality with interest achieved primarily with the use of deeply recessed as well as protruding windows. The large glazed elevation on Curzon Street adjacent to the entrance also adds to the building's interest and helps to announce the entrance. The clearer recessed storey is of an appropriate scale and also contributes to its interest. The additional street trees will help soften the street which is currently bereft of greenery.

Nottingham Civic Society: Objection. Design does not respond to the sloping nature of the site. Its architecture presents a monolithic block which exposes its 'basement' service functions to the street. The design creates no activity or the possibility of casual surveillance from any ground floor spaces on its southern elevation, such that Curzon Place is not overlooked to the detriment of community safety. This development would have been a good opportunity to improve levels of activity in Curzon Place which does not benefit from entrances or existing ground floor windows. If the building had been designed to 'step down' the slope, its southern elevation could have contained the same level of activity achieved for the other two street frontages, making likely a much more successful contribution to community safety and integration locally.

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 taken 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 contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.

- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 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 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

E4 - Previously Used Employment Sites. Complies

H6 - Student Housing. Complies

NE9 - Pollution. Complies

NE12 - Derelict and Contaminated Land

R2 - Open Space in New Development. Complies

T3 - Car, Cycle and Servicing Parking. Complies

Aligned Core Strategy (ACS) (September 2014)

Policy A - Presumption in favour of sustainable development. Complies

Policy 1 - Climate change. Complies

Policy 7 - Regeneration. Complies

Policy 10 – Design and Enhancing Local Identity. Complies

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Eastside Regeneration Area Interim Planning Guidance

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

- (i) Use for student accommodation and impact on the amenities of neighbouring occupiers
- (ii) Scale and design of proposed development.

Issue (i) Use for student accommodation and impact on the amenities of neighbouring occupiers (Policies E4 and H6 and ASC Policy 7)

- 7.1 The application buildings have been vacant for several years. It is considered that there is limited prospect of them being reused/re-let for business use and that the loss of this limited floorspace would not affect the supply of alternative sites or premises for employment use. It is therefore considered that the proposed alternative student accommodation use accords with Policy E4 of the Local Plan.
- 7.2 St. Mark's Street is conveniently located within a short walking distance of Nottingham Trent University campus and the city centre amenities. It falls within the Eastside Regeneration Zone where, in accordance with the Building Balanced Communities Supplementary Planning Document, the further provision of purpose built and managed student accommodation is to be encouraged subject to the consideration of the proposal on its merits. Whilst having been adopted in 2004, the Eastside Regeneration Interim Planning Guidance also identifies the opportunity for a possible 'student village' to the east of the Victoria Centre.
- 7.3 It is considered that the provision of good quality purpose built accommodation in this location will attract students that could otherwise occupy houses of multiple occupation outside of the city centre. Consequently, it is considered that the proposed student accommodation use accords with the Building Balanced Communities Supplementary Planning Document, the Eastside Regeneration Interim Planning Guidance, and Policy H6 regarding the location of student accommodation development and Policy 7 of the Adopted Core Strategy.
- 7.4 Whilst there are proximate residential properties on Booth Close, this is an inward looking cul-de-sac and it is not considered that the physical relationship of the proposed development would impact directly on the amenity of occupants of these properties.
- 7.5 There are existing student accommodation developments immediately opposite on St. Mark's Street (Six Degrees) and on Curzon Street (Victoria Hall), with the larger Glasshouse student accommodation development also on Union Road. There are no known issues with the operation of these managed developments.
- 7.6 A student management plan has been submitted with the application and is to be incorporated into the S106 agreement as part of any consent. It is considered that appropriate measures have been identified within the student management plan to minimise any impact of the student accommodation use on the local community in accordance with Policy H6. The student management plan includes a commitment to work proactively with the local community, including reference to the establishment of a community liaison group and circulation of a point of contact for

the reporting of any instances of disturbance caused by occupiers of the accommodation.

Issue (iii) Scale and design of proposed development (ACS Policy 10)

- 7.7 The general scale of development in the area varies from the relatively low rise older factory and warehouse buildings on St. Mark's Street, to the much taller and massive recent buildings such as The Glasshouse and Litmus buildings. This varying scale reflects the on-going transition of the area through regeneration and appreciation that the area is capable of accommodating buildings of a greater size than those at present (City Centre Urban Design Guide).
- 7.8 The application site is located at the fringe of the Eastside Regeneration Zone, which borders the lower rise residential area of St. Ann's. The strategy for building heights in this area recognises that new developments should be reduced along the residential fringe. It is considered that the proposed development has acknowledged this strategy and it is considered that a four-storey building with a fifth storey set-back level would be appropriate to its local context and corner position. This height is also generally consistent with the recent development of the Six Degrees student accommodation development on the opposite corner of St. Mark's Street / Curzon Street.
- 7.9 The layout of the proposed development recognises that the primary aspect of the development should be towards the adjoining streets. The building has been positioned about half a metre back from the footway to ensure amenity for future occupants on the ground floor. The courtyard space to the rear provides sunlight and daylight into the rear of the development and an appropriate aspect from the bedrooms as well as providing a private external area for use by future residents. Room sizes are good and are consistent throughout the building. Communal areas and student facilities within the building are also generous. It is considered that the layout of the building will provide a strong definition to its three street frontages and is appropriate to the regeneration of the area.
- 7.10 The primary material for the building is a red brick, with a blue brick also being used to define the building's plinth. Window openings are tall and narrow, with deep reveals providing appropriate modelling to the façade. The regular arrangements of window openings to the street elevations are also broken with the use of staggered projecting bays which span two floors. These elements are to be clad in verdigris (green) copper, which will match the cladding around to the principal corner entrance and set-back upper floor. The elevations to St. Mark's Street and Curzon Place also include full height stair cores which provide a strong vertical element and appropriate visual break along the length of these elevations.
- 7.11 Appropriate emphasis is placed on the design of the corner with St. Mark's Street and Curzon Street. This fully glazed circulation core announces the entrance into the building and also will provide animation to the area in the evening when illuminated by internal lighting.
- 7.12 In response to the comments of Nottingham Civic Society, the lower ground floor of the building to Curzon Street includes necessary servicing access to refuse/recycling storage areas, a large secure cycle parking area, and a limited number of car parking spaces. Whilst it is accepted that this does not provide an active frontage at this level, the street will be overlooked by the four/five levels of accommodation above. Louvers will screen the servicing elements from view on

Curzon Place, which is not a primary pedestrian route through the area. A revision to this frontage of the proposed development now provides street trees within a widened footway, which will be beneficial to the amenity of the area and views towards this corner of the building from Curzon Street.

- 7.13 Subject to conditions to ensure the quality of construction, it is considered that the design of the proposed development is appropriate to the site and area in accordance with Policy 10 of the Adopted Core Strategy.

Other Matters (Policies NE9, NE12, R2 ACS Policy 16 (2) (c) and T3)

- 7.14 In accordance with Policy R2, ACS Policy 16 (2) (c) and the Planning Guidance for the Provision of Open Space Within Developments SPG a financial contribution of £79,724.70 towards the upgrade or improvement of open space or public realm within the city will be secured under a Section 106 planning obligation. The characteristics of the site and surrounding area preclude the creation of new publicly accessible open space.
- 7.15 Highways have no objection to the proposed development subject to conditions, including construction management and reinstatement of redundant cross-overs to footway, which have been included in the draft decision notice. It is, therefore, considered that the proposed development accords with Policy T3.
- 7.16 Pollution Control advise that they have no objection subject to conditions relating to noise assessment, air quality management, and remediation strategy to deal with risks with ground and ground water contamination. In accordance with Policies NE9 and NE12, it is therefore recommended that conditions are attached to a consent.
- 7.17 Provision for local employment and training during the construction and operation of the development is also to be included in the Section 106 agreement, having been offered by the applicant.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1)

- 8.1 The application submission includes a Sustainable Energy report. The report advises that proposed connection to District Heating will provide a 53.7% reduction in carbon emissions. The flat roof areas of the building are also to be covered in a sedum system to enhance biodiversity. Subject to planning conditions requiring the implementation of these measures it is considered that the proposed measures accord with Policy 1 of the Adopted Core Strategy.

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: Providing a high quality and sustainable development.

Working Nottingham: Securing training and employment for local citizens through the construction of the development.

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/01925/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9Z7K0LYCB000>

2. Pollution Control, 4.9.14

3. Highways, 12.9.14

4. Nottingham Civic Society, 4.9.14

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

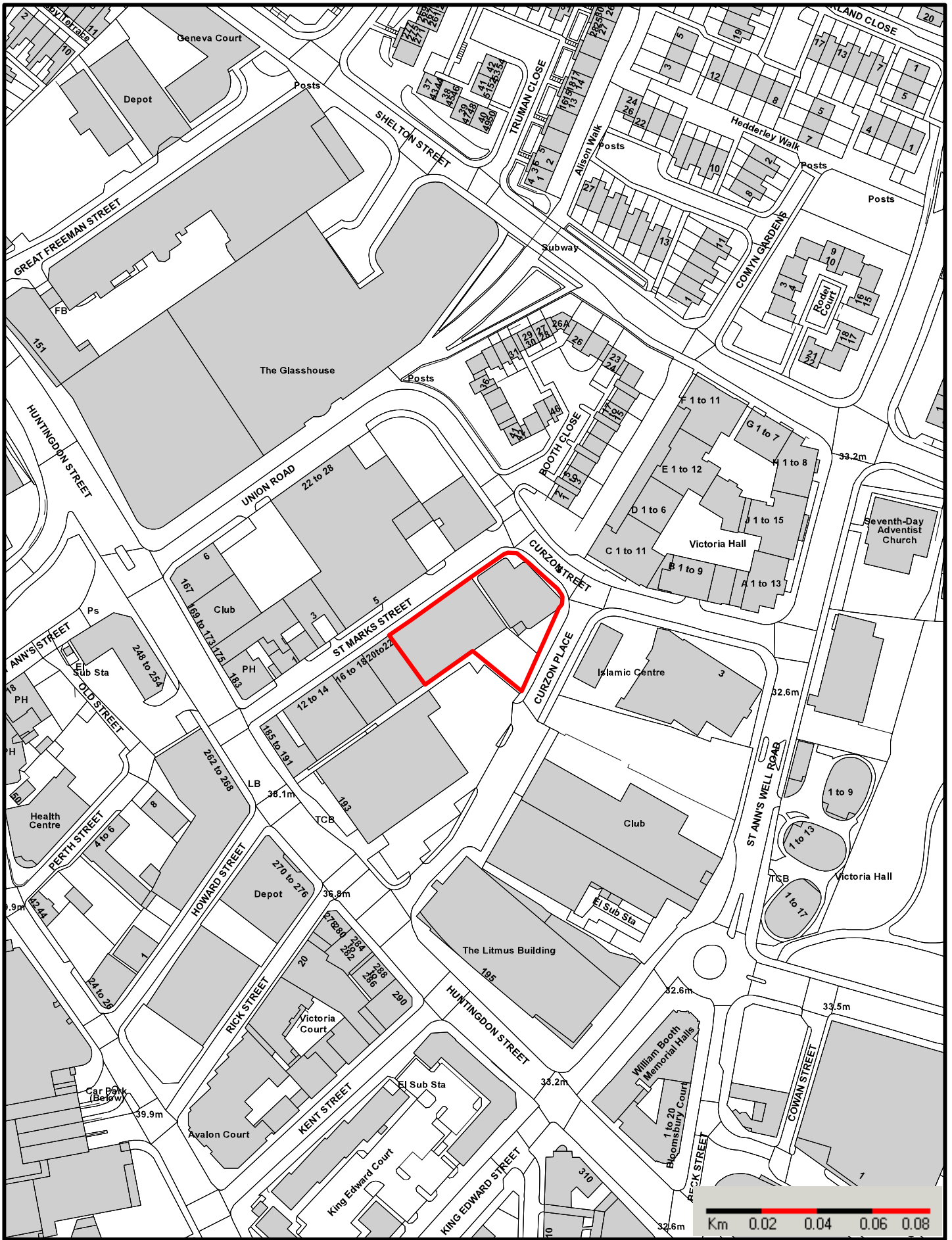
Planning Guidance for the Provision of Open Space Within Developments

Supplementary Planning Guidance

Contact Officer:

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Date of decision:

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

Application No: 14/01925/PFUL3 (PP-03581981)
Application by: Globalcove Ltd
Location: 31 Curzon Street And , 24-34 St. Marks Street, Nottingham
Proposal: New student accommodation (198 units) with ancillary and communal facilities following demolition of existing buildings.

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 the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation, based on the Preliminary Phase 1 Report undertaken by CET, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A Remediation Strategy, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), 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 neighbours in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.

4. Other than the demolition of the existing buildings, no development shall commence until an environmental noise assessment and sound insulation scheme has been submitted to and be approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.

5. Other than the demolition of the existing buildings, no development shall commence until an air quality management scheme has been submitted to and be approved in writing by the Local Planning Authority.

The scheme shall include whole building ventilation, and design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality.

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

Reason: The application site falls within an Air Quality Management Area for nitrogen dioxide declared by Order. Therefore, in order to ensure that the occupants of the approved development are not exposed to elevated levels of nitrogen dioxide in accordance with Policy NE9 of the Nottingham Local Plan.

6. Other than the demolition of the existing buildings, no development shall commence until further information regarding the disposal of surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the drainage section of the Highway Authority. The information shall detail as a minimum seek to demonstrate how they will reduce the run-off rates by 30% by the use of green roofs, soakaways, SUDs and permeable materials.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Nottingham Local Plan.

7. Other than the demolition of the existing buildings, the development shall not be commenced until samples of the external materials to be used in the construction of the approved building have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and to comply with Policy 10 of the Adopted Core Strategy 2014.

8. Other than the demolition of the existing buildings, no development shall commence until details of a scheme for the implementation of the following sustainable measures, which are proposed to be incorporated within the development, has been submitted to and approved by the Local Planning Authority:

- a) connection to District Heating System

Reason: In order to ensure that these measures are incorporated into the approved development and, therefore, in the interests of the sustainable development of the site and in accordance with Policy 1 of the Adopted Core Strategy 2014.

9. Before any above ground development commences, large-scale elevation and section drawings to show the detailed design of the following elements of the building (e.g. scale 1:50 and/or 1:20) shall be submitted to and approved in writing by the Local Planning Authority:

- a) All window types and glazing systems,
b) Pre-patinated copper cladding system, including standing seams and joints;
c) External doors.
d) External railings.
e) External louvers.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014.

Pre-occupation conditions

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

10. Prior to first occupation of the development, verification that the approved air quality management scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: The application site falls within an Air Quality Management Area for nitrogen dioxide declared by Order. Therefore, in order to ensure that the occupants of the approved development are not exposed to elevated levels of nitrogen dioxide in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.

11. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

12. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Adopted Core Strategy.

13. The approved development shall not be occupied until the kerb lines and footways to St. Marks Street and Curzon Street, resulting from the existing drop-kerbs and accesses having been made redundant, have been reinstated in accordance with details that are to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety in accordance with Policy T3 of the Nottingham Local Plan.

14. A detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting (trees and shrubs), shall be submitted to and approved by the Local Planning Authority before the development is first brought into use.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

Regulatory/ongoing conditions

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

15. 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 which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 18 August 2014.

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

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

5. 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 nitrogen dioxide, as set out in the Regulations, are not being met.

While no air quality assessment is required in this situation, an air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish which floors of a multi-storey building do not require an appropriate ventilation scheme.

The air quality management scheme shall include the design and configuration specification of the whole building ventilation scheme and 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 / air pollution;
- iii. The discharge of ventilation air shall be from the building façade facing the primary source of poor air quality;

The approved whole building ventilation scheme [including any additional mitigation measures], shall be shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Consideration will also be given to alternative equivalent measures to reduce exposure to poor air quality. However these may require the support of an air quality assessment to demonstrate their effectiveness.

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 and bedrooms between the hours of 07.00 and 23.00.

6. The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance.

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

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

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

7. 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 and prior to any works commencing on site the Highways Network Management team at Loxley House must be notified regarding when the works will be carried out if a disturbance to the highway is likely. Please contact them on 0115 876 5238.

8. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway could occur. Please contact them on 0115 8765238.

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

10. Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

11. Traffic Regulation Orders in the adjacent streets to the access are to be investigated at full cost to the applicant and if required altered accordingly or new TRO's implemented as necessary. Any TRO's altered or proposed in support of the development must first be agreed by the Traffic Management Team in writing. For further information please contact Scott Harrison 0115 8765245.

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.

DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 14/01925/PFUL3 (PP-03581981)

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.