

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Talbot House, Talbot Street

1 SUMMARY

Application No: 14/02526/PFUL3for planning permission

Application by: Corstorphine +Wright on behalf of Lester Hotels

Proposal: Demolition of buildings except for front section of Talbot House.
Erection of new buildings (of up to 8 storeys) comprising studios, cluster flats, and accessible flats and conversion of front section of Talbot House to provide student facilities (revised scheme).

The application is brought to Committee because it is for a major development in the city centre providing a significant number of student apartments and also involves a S106 planning obligation. Committee is being recommended to grant planning permission subject to the completion of the S106 planning obligation and the recommended conditions.

To meet the Council's Performance Targets this application should have been determined by 28thJanuary 2015

2 RECOMMENDATIONS

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 £153,007 towards the upgrade or improvement of open space or public realm within the city centre.
- ii) A student management agreement.

(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. 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 spans between Talbot Street and Wollaton Street and includes the office buildings of Talbot House and Wollaton House. The original east section of Talbot House dates from the 1920s and is in a classically influenced Art Deco style. A larger block was added on Talbot Street in the early 1970s. Wollaton House was then added on Wollaton Street in the late 1970s. The 1970s blocks are both in brown brick and glass and are monolithic in their appearance.
- 3.2 On Clarendon Street to the east of the site are two storey Victorian buildings that are in use by various office and service businesses. To the west is a 1970s office building, Chaddesden House, which spans between Talbot Street and Wollaton Street and is occupied by Domestic & General. Opposite on Talbot Street to the north is a further 1970s office building, Lambert House, which is occupied by Experian.
- 3.3 The application buildings were formerly occupied by Experian, who had been using them for offices and a data centre. The offices were vacated a number of years ago. The data centre use continued to be operated until the summer of 2011, when the buildings then became fully vacated.
- 3.4 The application site is located within the Canning Circus Conservation Area.
- 3.5 Planning Permission and Conservation Area Consent was granted on 12 August 2013 for the demolition of the existing buildings except for front section of Talbot House and the erection of new buildings (of up to 8 storeys) and conversion of front section of Talbot House to provide student accommodation with ancillary facilities. These permissions remain extant (12/02660/PFUL3&12/02661/LCAC1).
- 3.6 A planning application was submitted in April 2014 for a similar proposal to that now currently submitted (14/00942/PFUL3). The applicant elected to withdraw this submission in order to review the proposed format and layout of accommodation. The current application is a revised version of this initial proposal.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the redevelopment of the site following the demolition of all the existing buildings except for the retained Art Deco front section of Talbot House. The new development would be in a quadrant form, with a central landscaped courtyard space and other ancillary external spaces. The primary new development blocks would front onto Talbot Street and Wollaton Street, with connecting blocks linking both sides.
- 4.2 The proposed new blocks would vary in height across the frontages to both streets. On Talbot Street the block would begin at six storeys adjacent to Chaddesden House, rise to seven storeys, and then fall to six and then five storeys adjacent to the retained front section of Talbot House. On Wollaton Street the first block adjacent to Chaddesden House would be eight storeys, with a set back top floor. The second block would also be eight storeys, with a set back top floor, then falling to five storeys adjacent to the corner office building on Clarendon Street.
- 4.3 The proposed development is for student accommodation with ancillary facilities. A total of 434 student bedrooms would be provided within the scheme, to be accommodated within a range of apartment formats:

74 Studios (single bedroom apartments with a kitchen area)
110 'Twodios' (two bedroom apartments with a shared kitchen area)
40 Clusters (three to six bedroom apartments with a shared kitchen/living area)

Communal areas, laundry rooms, a front reception and offices, a gym, and cycle and refuse storage areas are also provided.

- 4.4 The original section of Talbot House is proposed to be retained and used for a range of student facilities including a library, study, and meeting spaces. It is proposed that the ground floor would be used as a café, which would also be accessible for public use.
- 4.5 The central landscaped courtyard space would be accessed from both Talbot Street and Wollaton Street. This would function as the central circulation and amenity space. There would be a large internal cycle store with direct access off Wollaton Street and a further section of cycle racks located adjacent to the primary reception entrance off Talbot Street.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

77 (Chaddesden House), Lambert House, 100-102 (Mansion Studios), & 104 Talbot Street
1-7 (odd) & Marriots, St. Georges House, Clarendon Street
135-137, 139 Wollaton Street
4 & 31-42 (consec.) Regent Court, Derby Street

The application has also been advertised by site and press notices. No responses have been received.

Additional consultation letters sent to:

Highways: No objections subject to conditions including construction management arrangements; reinstatement of redundant footway crossings; and implementation of cycle parking facilities.

Pollution Control: No objection subject to conditions including air quality assessment in relation to proposed combined heat & power (CHP) system; noise assessment in relation to mechanical services plant or equipment; sound insulation; and ventilation and means of discharging and dispersing fumes from proposed café and dining areas.

Housing Strategy: No objection. Consider that proposed student use is appropriate for this location given the surrounding uses that have emerged over recent years, the proximity to the universities, and areas of HMO over concentration from which the development could draw.

Nottingham Civic Society: Reiterates objection to the 2012 planning application. Whilst the retention of the front section of the building, including the staircase, is welcomed, the Civic Society would like to see more of the internal features and fixtures (e.g. original Boardroom) reused in the development. Concern about the proposed height of the redeveloped buildings is reiterated. Those buildings fronting

both Talbot Street and Wollaton Street are about three residential storeys too high, taller than the advice contained in the adopted City Centre Urban Design Guide. These buildings would impact negatively upon the streetscape of the Canning Circus Conservation Area, in particular upon Clarendon Street with its row of late Victorian villas. The Civic Society thinks the mass of the scheme should be reconsidered.

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):

BE12 - Development in Conservation Areas.

BE13 - Demolition in Conservation Areas.

E4 - Previously Used Employment Sites.

H6 - Student Housing.

NE9 - Pollution.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 5 – Nottingham City Centre

Policy 10 – Design and Enhancing Local Identity.

Other Planning Guidance

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Use for student accommodation.
- (ii) Demolition of existing buildings.
- (iii) Scale and design of proposed development.
- (iv) Amenities of neighbouring occupiers.
- (v) Highways

Issue (i) Use for student accommodation (Policies E4 and H6, and Policy 5)

- 7.1 The application buildings have been vacant for several years and, in terms of the quality and adaptability of their office accommodation, are classed as Grade C (functional space at below average rent). It is considered that there is very limited prospect of the application buildings being reused/re-let for office accommodation. It is also considered that the loss of Talbot House would not affect the supply of sites or premises for employment use and that the proposed alternative student accommodation use therefore accords with Policy E4 of the Local Plan.
- 7.2 The concept of a 'student quarter' being developed on Talbot Street has taken hold, with three purpose built/conversion student accommodation developments having been completed in recent years. Talbot House is conveniently located within a short walking distance of Nottingham Trent University campus and city centre amenities. It is considered that the provision of further good quality purpose-built accommodation on this street will attract students that would otherwise occupy houses of multiple occupation outside of the city centre. Accordingly, it is considered that the proposed student accommodation use complies with the Building Balanced Communities Supplementary Planning Document, Policy H6 of the Local Plan, and Policy 5 of the Aligned Core Strategy regarding the location of student accommodation development.

Issue (ii) Demolition of existing buildings (BE13)

- 7.3 The application site is located within the Canning Circus Conservation Area. The application proposes the demolition of the existing buildings except the Art Deco front section of Talbot House. This proposal is consistent with the Conservation Area Consent that was granted on 12 August 2013 and which remains extant.
- 7.4 The retained and converted Art Deco front section would be used as a café, accessible for public use, with the upper floors to be used as library, study, and meeting spaces for student residents. It is considered that this building has significant merit to the character of the Conservation Area and that its retention and use in association with the development is to be welcomed. The presence of this building will also benefit from becoming detached on the Talbot Street frontage.
- 7.5 It has been considered that the two 1970's office blocks that front onto Talbot Street and Wollaton Street on either side of the site do not make a positive contribution to the special character of the Conservation Area. Indeed their monolithic massing and design could be concluded to have a negative impact on the appearance of the area. Their demolition has been previously agreed as part of the previous permission for redevelopment and it is considered appropriate that this is approved again in association with the current proposal.
- 7.6 The rear wing of Talbot House is considered to make some contribution to the Conservation Area. Whilst it had been previously considered for retention and conversion, it was agreed that its design and layout did not provide an efficient use of land, with high floor to ceiling heights and wasted internal space affecting the viability of the proposed student accommodation use. It was concluded that it would be appropriate to allow the demolition and rebuild of this element to the same scale and design of the existing building. It is considered that this demolition remains justified in accordance with Policy BE13 and is based the merits of the replacement buildings which are discussed in more detail below.

Issue (iii) Scale and design of proposed development (Policy BE12 and Policy 10)

- 7.7 The application site occupies significant lengths of frontage on both Talbot Street and Wollaton Street. The existing buildings are considered poor in their appearance and there is, therefore, an opportunity to redefine these streets with a high quality new development.
- 7.8 The City Centre Urban Design Guide identifies the application site as falling within the 'Zone of Repair' where it is expected that new development will respect and repair the historic character of the area. Although the historic character of both Talbot Street and Wollaton Street have been significantly eroded by 1970's developments that have had little or no regard to this character, it is possible to draw scale references from the retained Art Deco front section of Talbot House and from the wider local area, including Derby Road.

Talbot Street

- 7.9 The scale of the proposed development on Talbot Street is consistent with the previously approved scheme, stepping up the street from the retained Art Deco front section. It is considered that development of this scale is appropriate to its context and will provide the street scene of Talbot Street with a development that

has an active façade and dynamic appearance. Whilst it is recognised that the height of this new block exceeds the recommended height within in the City Centre Design Guide, it is considered that regard has been paid to the context with other developments on this section of Talbot Street. Furthermore, it is considered that the proposed scale and appearance of the development will help to establish a new identity and character, redefining the street and making a positive contribution to the character and appearance of the Canning Circus Conservation Area.

Wollaton Street

- 7.10 There are two proposed new blocks of development onto Wollaton Street. These blocks are also consistent with the previously approved scheme and follow the same principle of stepping development height in relation to the level of the street. The architecture of the proposed new blocks shares the same language as the new block to Talbot Street and it is considered that this common treatment will establish an identity to the development as a whole.
- 7.11 The marked change to the existing Wollaton Street elevation is that the building line of the proposed development is brought forward towards the edge of the street. At present the existing Wollaton House building is set substantially back from the edge of the street, allowing for a service lay-by into the site. The tall rear section of Talbot House is similarly set back, with only a short three storey later addition fronting onto Wollaton Street. The City Centre Urban Design Guide supports the use of building lines onto the edge of the street and states that this is key to the success of buildings in contributing to the urban form of the city and character of its streets. It is, therefore, considered that the proposed development follows the principle of re-establishing the building line in accordance with the 'Zone of Repair' objectives.
- 7.12 It is also considered that the scale and design of the proposed blocks will significantly improve the street scene of Wollaton Street and will make a positive contribution to the character and appearance of the Canning Circus Conservation Area.

Courtyard Space

- 7.13 The proposed layout establishes a courtyard space between the blocks. This space would function as the main circulation space for student occupants. The formation of the courtyard will allow sunlight and daylight to penetrate the scheme as well as providing an outlook for accommodation within the centre of the site. It is considered that the extent of separation across the courtyard space will provide an appropriate level of amenity for student residents.

Materials

- 7.14 The proposed materials palette is for a buff multi brick, copper/brown coloured metal sheeting with a standing seam, and off-white render. The concept is to use these materials in a layered fashion on the façade. The copper/brown coloured metal sheeting is to be used in vertical panels and seams. This material will form the expressed outer layer of the building. The buff multi brick is the base layer to the primary street elevations and has been selected to blend with the colour of the tall sections of Bulwell stone retaining walls that are a particular characteristic of Wollaton Street. The link blocks and internal elevations of the development are proposed in off-white render as a lighter quality finish that will maximise reflected light within the courtyard and internal amenity spaces.

- 7.15 All glazing is to be set back with deep reveals to accentuate the modelling of the façade. Expressed feature frames in an off white/light grey finish are also proposed to alternate as a further contemporary design feature.
- 7.16 A materials palette will be available for view at the Committee meeting. It is important that the palette is of a complementary range and quality to its context. It is also recommended that a sample panel be constructed on site for review as a condition of consent.
- 7.17 Subject to conditions, it is therefore considered that the scale and design of the proposed development would be appropriate to the city centre, neighbouring properties and adjacent Canning Circus Conservation Area in accordance with Policy BE12 and Policy 10.

Issue (iv) Amenities of neighbouring occupiers (Policy 10)

- 7.18 The application site adjoins Chaddesden House to the west and a terrace of buildings to the east that front onto Clarendon Street. These buildings are all in commercial use.
- 7.19 The existing Talbot House and Wollaton House buildings occupy most of the boundary of the site with Chaddesden House and are of a scale that dominates the remaining space between the buildings. Whilst the proposed development would be larger in scale when compared to the existing buildings, it is considered that the proposed layout, including the courtyard space between the blocks, provides an appropriate relationship between the two sites. The prospect of a future conversion or redevelopment of Chaddesden House also cannot be discounted and it is considered that the proposed development would not prejudice this potential.
- 7.20 The relationship of the proposed buildings to those on Clarendon Street is noted to be similar to the relationship of the existing rear section of Talbot House, with the only taller section being that part towards Wollaton Street. It is considered that the existing use of the buildings on Clarendon Street are not prejudiced by the proposed relationship, and it is noted that many of these commercial properties make limited use of their rear spaces which adjoin the application site.
- 7.21 A student management agreement is to be provided as part of the S106 planning obligation. Amongst other aspects, the terms of this agreement aims to ensure that neighbouring occupants are provided with a point of contact for immediate response to any instances of nuisance or disturbances caused by occupiers of the development.
- 7.22 In accordance with Policy 10, it is therefore considered that the amenity of neighbouring occupiers would not be significantly affected by the proposed development and that appropriate student management measures will be in place to ensure that any instances of nuisance or disturbance will be dealt with.

Issue (v) Highways (Policy T3)

- 7.23 The proposed development makes no provision for on-site parking. Highways recognise that the surrounding highway is highly restricted by Traffic Regulation Orders and that there is unlikely to be any parking displacement from the development. Highways have also previously noted that there are pay and display

car parks in the vicinity of the site that will allow the families of students to park off-street at the beginning and end of terms.

- 7.24 It is intended that a student management agreement will be provided as part of the S106 planning obligation. It is intended that a clause within the S106 will aim to ensure that student occupants do not keep or use their cars within the city. This has become a successful deterrent to student car use and is common to all major student accommodation developments within and around the city centre.
- 7.25 Subject to appropriate highway conditions, it is considered that the proposed development accords with Policy T3.

Other Matters (Policies NE9 and R2)

- 7.26 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG it is intended that the Section 106 planning obligation secures a financial contribution of £153,007 towards the upgrade or improvement of open space or public realm within the city centre.
- 7.27 Pollution Control advises that they have no objection subject to conditions. In accordance with Policy NE9, it is therefore recommended that conditions relating to air quality assessment, site investigations relating to any contaminaton, implementation of sound and acoustic ventilation measures, and maximum noise levels in relation to any plant equipment are attached to a consent.
- 7.28 Provision for local employment and training during the construction and operation of the development is also to be included in the Section 106.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1)

The application submission includes an Energy Statement. The report advises that a strategy of passive construction measures, active energy efficient equipment, and Low Carbon technology will meet the 10% renewable requirement. The Energy Statement considers that Combined Heat & Power technology is most appropriate and this is proposed to be incorporated into the heating and hot water systems to reduce the primary energy requirement of the development. Common areas of the building are to be heated using air source heat pumps as a means of utilising renewable energy from ambient air. Roof mounted photovoltaic panels are also to be provided. 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 1 of the Aligned 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: 14/00942/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N47SSTLYCB000>

2. Pollution Control, 5.11.14

3. Highways, 24.11.14

4. Housing Strategy, 25.11.14

5. Nottingham Civic Society, 25.11.14

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments

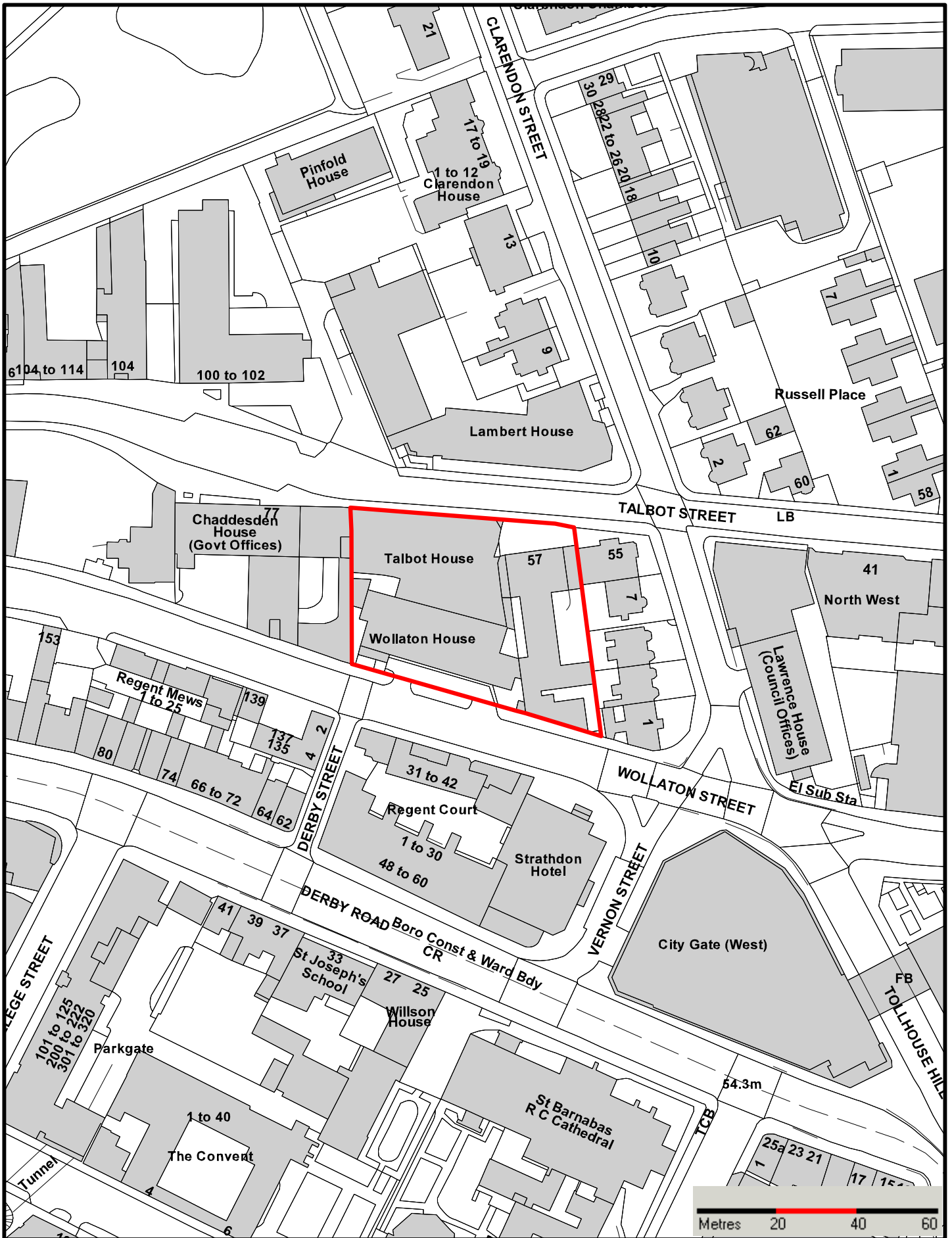
Supplementary Planning Guidance

Nottingham City Centre Urban Design Guide

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Nottingham
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Date of decision:

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

Application No: 14/02526/PFUL3 (PP-03739352)
Application by: Lester Hotels
Location: Talbot House, Talbot Street, Nottingham
Proposal: Demolition of buildings except for front section of Talbot House. Erection of new buildings (of up to 8 storeys) comprising studios, cluster flats, and accessible flats and conversion of front section of Talbot House to provide student facilities (revised scheme).

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. 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.

3. Prior to the commencement of the development, an assessment of the combined heating and power generating (CHP) proposals for the development, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- a) Air quality impact assessment
- b) Stack height calculation
- c) Abatement techniques and mitigation of potential impacts

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

Reason: In order to ensure that the CHP does not adversely affect air quality in the area or occupants of the approved development in accordance with Policy NE9 of the Nottingham Local Plan.

4. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not to exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

Reason: In order to ensure that noise from plant not affect the amenity of neighbouring properties or occupants of the approved development in accordance with Policy NE9 of the Nottingham Local Plan.



5. Before any above ground development commences, large-scale elevation and section drawings to show the detailed design of each part 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. The submissions shall incorporate details of:
- a) Elevations: including cladding and glazing systems; window types, reveals, soffits, entrances, doors, and handrails;
 - b) Roofs: including edges, parapets and terrace areas;
 - c) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building;
 - d) Associated features: including walls, fences and screens.

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.

6. Before any above ground development commences, a large scale sample panel of all proposed external materials to be used in the construction of the approved development shall be erected at a location to be agreed with the Local Planning Authority and shall be retained during the course of the development works. Confirmation of the proposed external materials shall also be submitted to and approved by the Local Planning Authority in writing before any above ground development commences. Development shall then be carried out in accordance with the approved materials.

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

7. No above ground development shall commence until a scheme for the surfacing of the external areas of the development has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the first use of the development.

Reason: In the interests of ensuring the finished quality and amenity of the approved development in accordance with Policy 10 of the Aligned Core Strategy.

8. Prior to the commencement of works to implement the approved cafe element of the development, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from this use shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: In order to ensure that the approved cafe use does not cause odour nuisance to residents of the approved development and neighbouring occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

Pre-occupation conditions

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

9. Prior to first occupation of the development, verification that the approved sound insulation scheme as detailed in section 7 of the 'Residential Noise Impact Assessment' by PDA dated 31st October 2014 (ref 8191/0674/RDC/2) has been implemented and is fully operational shall be submitted to and be approved in writing by the LPA.

Reason: In the interests of the amenity of occupants of the approved development and in accordance with Policy NE9 of the Nottingham Local Plan.

10. Prior to first occupation of the development, verification that the approved combined heating and power (CHP) scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In order to ensure that the CHP does not adversely affect air quality in the area or occupants of the approved development in accordance with Policy NE9 of the Nottingham Local Plan.

11. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

Reason: In order to ensure that noise from plant not affect the amenity of neighbouring properties or occupants of the approved development in accordance with Policy NE9 of the Nottingham Local Plan.

12. Prior to first occupation of the cafe element of the approved development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance from has been implemented and is fully operational shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the approved cafe use does not cause odour nuisance to residents of the approved development and neighbouring occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

13. 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.

14. 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.

15. The approved development shall not be occupied until the kerb lines and footways to Talbot Street and Wollaton 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.

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 forms, drawings and other documents comprising the application as validated by the council on 29 October 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. Air Quality - Heating & Power Generation

The proposals for biomass for heating (and power generation) or any Combined Heat and Power systems (over 60kWe) using natural gas or bio-fuel will be screened and assessed against the guidance set out in Biomass and Air Quality Guidance for Local Authorities by Environmental Protection UK (June 2009) which may be found at

<http://www.lacors.gov.uk/lacors/upload/22062.pdf> and Combined Heat and Power: Air Quality Guidance for Local Authorities by Environmental Protection UK (February 2012) which may be found at http://www.iaqm.co.uk/text/guidance/epuk/chp_guidance.pdf

4. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

5. Environmental Noise Assessment

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.

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.

6. Control of Odour

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

It is recommended that the ventilation system is designed, installed and maintained by a competent person and includes the following:-

- i. A canopy of adequate size, sited over the cooking appliances,
- ii. Washable or disposable grease filters. Additional odour-reducing filters will be needed in some circumstances.

- iii. A fan of adequate capacity capable of achieving a minimum of 40 air changes per hour in the kitchen area, connected to a variable fan speed control switch is provided
- iv. Ducting to convey cooking fumes and steam to a suitable point for adequate dispersal into the atmosphere. A cap and or cowl at the point of discharge should therefore not be provided.
- v. Permanent make up air facilities which are fitted with back-draught shutters, are insect proof and are sited to ensure efficient circulation of air into the kitchen
- vi. Regular cleaning or changing of any filters and sufficient access points to enable periodic cleaning of the system are provided.

The onus for ensuring that the system does not cause odour nuisance rests with the operator. If the system is found to be causing an odour nuisance at any point, then suitable modification works will be required to be carried out and an abatement notice may be served.

7. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it from occurring.

8. 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.

9. As the proposal includes works adjacent to the highway, the Highways Network Management Team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway will occur. Please contact them on 0115 876 5238 at the earliest convenience.

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: 14/02526/PFUL3 (PP-03739352)

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/pcs.

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.