

**REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

**Car Park On Site Of Queens House, Queens Road**

**1 SUMMARY**

Application No: 15/00462/PFUL3 for planning permission

Application by: CPMG Architects Ltd on behalf of Langar Investments Ltd

Proposal: New student development comprising 215 self-contained units with ancillary accommodation at ground floor and associated works.

The application is brought to Committee because this is a major application on a prominent site where there are important design and heritage considerations.

To meet the Council's Performance Targets this application should be determined by 18th May 2015

**2 RECOMMENDATIONS**

**1. GRANT PLANNING PERMISSION** subject to the conditions substantially in the form of those listed in the draft decision notice at the end of this report, and subject to:

- (a) Prior completion of a Section 106 Planning Obligation which shall include:
- (i) A financial contribution of £86569.75 towards the improvement and provision of sport, recreational and visitor facilities at the Meadows Recreation Ground;
  - (ii) A student management scheme which shall include a restriction on car usage.

(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 the conditions of planning permission to be delegated to the Head of Development Management and Regeneration.

**2.1** 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.

**2.2** That Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 The application relates to a cleared site currently in use as a surface car park. The site is located to the western corner of Queens Road and Summer Leys Lane. To the west and adjoining the site is Meadow Mills, a Grade II listed building. This building is used as a self storage facility. To the east on the opposite corner of Summer Leys Lane is the Hicking building, comprising apartments. To the north on the opposite side of Queens Road is a surface car park and beyond this is the railway station. To the south Tinker's Leen adjoins the site, with a single storey building straddling the watercourse. Beyond this building and to the corner of Summer Leys Lane and Crocus Street are further industrial/commercial buildings.
- 3.2 The site is within the Station Conservation Area and is also located within Flood Zone 2.
- 3.3 In 2007 planning permission was granted for an 8 storey building comprising 92 self-contained apartments and ground floor retail. (Reference 06/00056/PFUL3). This building included parking for cars at ground and basement levels. It was proposed to be built predominately in brick with the top two levels having timber panelling and glazed areas. The planning permission has now lapsed.

### **4 DETAILS OF THE PROPOSAL**

- 4.1 The current proposal is for student development comprising 215 self-contained units with ancillary accommodation at ground floor, and associated works.
- 4.2 The building would have 8 storeys with the majority of the 215 studio bedrooms located on the upper floors. A reception, gym, cycle storage, laundry facility and function and common rooms are to be incorporated on the ground floor. The building would have primary elevations facing Queens Road and Summer Leys Lane, and returning to face Tinkers Leen. The building would form a loose 'U' shape. 7 studio units would be to the rear of the ground floor and would be arranged around an open landscaped courtyard. The wing facing the Tinkers Leen would be staggered at each floor, gradually reducing in floor area so as to provide the end units with roof terraces, and to allow light to penetrate the courtyard area. Other units on the inner, secondary, elevations would have Juliette balconies. Most of the units on the seventh floor would have access to their own roof terrace.
- 4.3 The ground floor would be slightly set back from the back edge of pavement with the upper floors being in line. The building would be finished in a dark rainscreen cladding to the primary frontages, with treated timber cladding to the elevations which face into the courtyard. The top floor, which is set back from the lower floors, would be mainly glazed with the roof finished with an aluminium standing seam design.
- 4.4 The developer is offering local employment and training opportunities during the construction phase of the development.

### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

#### **Adjoining occupiers consulted:**

Boots rear stores, Queens Road  
48-50 Queens Road

Apartments 1 – 116 inclusive (no 13), Block 2, The Hicking Building Queens Road  
Nottingham Bearing Company Crocus Street  
W H Tew Engineering Ltd Crocus Street  
7 Crocus Street

A site notice was posted and a press notice published. The overall expiry date was 29<sup>th</sup> March 2015.

Five letters received.

One letter from Nottingham Civic Society:

- The height and bulk of the building would overwhelm Meadows Mill (listed building) and detract from its setting.
- The scale would result in a dark and gloomy courtyard.
- The design of the building does not relieve its massive appearance.
- The design is overwhelmingly horizontal in its impact.
- Proposed materials not appropriate.
- Student occupation welcomed as would add activity and vitality to the area.

Four other objections are:

- Site too small for 215 student flats, would result in over development and be claustrophobic on the street.
- Noise, mess and anti-social behaviour from student flats.
- Should follow the scale of the new station car park building.
- The building should only be 4 storeys high plus ground floor (taken from a reference in the City Centre Design Guide)
- Main entrance should be off the major road (Queens Road)
- Single aspect apartments not to be permitted if they are less than 6m long.
- The proposal removes a parking facility in an area where parking is already limited.
- Student population would dominate the area.
- Contrary to Local Plan policies H6 and ST1 and to the Building Balanced Communities SPD.
- The drop off/pick up area appears unsuitable for the scale of the development. This will lead to further on street parking problems. The scheme should include parking.
- Is the development sustainable e.g. long term use and alternatives.
- Is the ground contaminated as no information submitted in relation to this.
- The proposed building would affect the existing view and access to light for the occupiers of Hicking Building.
- Privacy would also be affected.

**Additional consultation letters sent to:**

**Heritage and Urban Design:** The building is welcomed within the Southern Gateway. Although it is a large building, the height and overall massing appear appropriate to the surrounding context, characterised by a number of large Victorian warehouses. The success of the building relies on robust, high quality, materials. The contemporary appearance of the building would be enhanced with the use of a dark aesthetic which would ensure the longevity of the appearance of the building, along what is a heavily trafficked route.

**Pollution Control:** Recommend pre-commencement conditions relating to sound insulation, remediation strategy for contamination and a scheme for air quality management.

**Highways:** Recommend pre-commencement conditions relating to a construction management plan, removal of drop off/pick up point, re-instatement of redundant crossings in the highway, and details of any street trees.

**Environment Agency:** To be reported at Committee.

**Drainage:** Due to risk of flooding, recommend that the ground floor units should be omitted. Condition required regarding surface water run off rate.

**Regeneration:** This development is in the Southern Gateway area of the City. The Council's priority for the core of the Southern Gateway area around Arkwright Street is for Office led development however for less central sites in this area, residential development would be appropriate including Student residential schemes. This development is an important development adding to the growing momentum of physical redevelopment of the Southern Gateway area and is in line with the Regeneration Agenda for the area.

## **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 development plan policies, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land, secure high quality design; promote mixed use developments, conserve heritage assets, support the transition to a low carbon future, to manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.3 Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.4 Paragraph 56 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the

development, with paragraph 61 advising this not just limited to architectural appearance but wider design issues such as connectivity and integration of new development into the built and historic environment.

- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 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 considers that LPA's should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance and better reveal their significance.

### **Aligned Core Strategy:**

Policy 7: Regeneration – seeks to develop the Southside Regeneration Zone as a mixed use business district, with a predominance of offices, supported by residential development, new hotels and complementary retail and leisure activity across a number of key sites.

Policy 10: Design and Enhancing Local Identity - new development should be designed to: create an attractive, safe, inclusive and healthy environment.

Policy 11: The Historic Environment - seeks to conserve and/or enhance the historic environment and heritage assets in line with their interest and significance.

### **Nottingham Local Plan (November 2005):**

ST1 - Sustainable Communities.

BE10 - Development Around Listed Buildings.

BE12 - Development in Conservation Areas.

H2 - Density.

H6 - Student Housing.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

R2 - Open Space in New Development.

### **Building Balanced Communities SPD (BBC SPD)**

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of the Development.
- (ii) Building Design including impact on the character or appearance of the Station Conservation Area and the setting of a Listed Building.
- (iii) Impact on Neighbours.

### **Issue (i) Principle of the Development** (Aligned Core Strategy Policy 7, Local Plan Policies ST1, H2 and H6 and the BBC SPD)

- 7.1 The application site is within the Southside Regeneration Zone which is designated for office led mixed use development. Although there is a focus on offices, other supportive uses such as residential development, hotels and complementary retail and leisure are also supported and would contribute to the regeneration of this area and the economic prosperity of the City. The proposal would therefore accord with Policy 7 of the ACS and Policy ST1 of the Local Plan.
- 7.2 The proposal would be compatible with the mixed use characteristics of the surrounding area and would be close to a choice of sustainable means of transport, including, trains, buses and the extended tram network, giving direct access to both of the City's universities. It is also close to the city centre and services such as shopping, entertainment and health. The size and quality of the units are acceptable, with each unit having its own kitchen area and separate bathroom. There are generous communal facilities to the ground floor.
- 7.3 This is considered to be a favourable location for student accommodation that is situated away from family housing and in particular the areas of high student concentration within the traditional housing stock. Subject to a suitable Student Management Plan then the proposal would accord with Policy H6 of the Local Plan and the BBC SPD.

### **Issue (ii) Building Design, Impact on character or appearance of the Conservation Area and on the setting of a listed building** (Aligned Core Strategy Policy 10, Local Plan Policies BE11 and BE12)

- 7.4 The proposed building would be eight storeys, with the uppermost floor set back and largely glazed. It is of a height and scale commensurate with that of the buildings to either side, namely, the Hicking Building and Meadow Mills. The height also conforms to the guidance set out in the NCC Urban Design Guide which states that opportunities exist for taller buildings in the vicinity of the Station Hub. The set back of the uppermost level helps to soften the height and reflects the clerestory approach of the adjacent buildings. The Civic Society have highlighted the City Centre Urban Design Guide's reference to buildings in the Southside Regeneration Area being ground + four storeys in scale. This is felt to be a very general guide and as mentioned elsewhere, taller buildings are recognised as being appropriate in the vicinity of the station. It is also noted that whilst having a greater number of floors, the proposal is of a comparable scale to the Hicking building which is 4 + 2 storeys in height; the difference a result of a change in the floor to ceiling heights. To the rear wing, overlooking the Tinkers Leen, the floors are staggered to further reduce the scale and massing and to allow for greater light penetration to the rear elevations overlooking the courtyard.

- 7.5 There are both horizontal and vertical elements to the adjacent Hicking building, with a horizontal emphasis created by the width of the building and its very strong and regular fenestration pattern. The proposed building has strong vertical elements to emphasise the corners and horizontal bands of windows with deep reveals.
- 7.6 The materials proposed are dark rainscreen cladding to the external facing elevations and a treated timber cladding to the internal elevations (facing into the courtyard). The dark but neutral aesthetic is felt to be an appropriate response to context; the building would read as a very obviously contemporary addition to the Queens Road frontage that would contrast positively with the larger scale and very wide red brick buildings either side. A red brick for the proposed building was not necessarily felt to be the right response, which would have over emphasised the 'wall' like effect that the current buildings present to Queens Road. The dark finish is also a robust and durable response to the weathering associated with traffic along this stretch of the inner ring road. The contrasting approach to the inward facing elevations is to provide a lighter and warmer feel to this more private space, which would enhance the sunlight penetrating this part of the building and make the courtyard a more welcoming place to use as break out space from the communal areas.
- 7.7 In conclusion it is felt that the proposed building would enhance the character and appearance of the Station Conservation Area and the setting of the adjacent listed building. Furthermore, in respect of the listed building, Meadows Mill, there will be a sufficient gap between this and the proposed development such that it would not be detrimental to its immediate setting.
- 7.8 There would be no parking provision associated with the development and this is considered to be acceptable given the sustainable location of the site. It is noted that there is pressure for on street parking resulting from local businesses, residents and commuters. A scheme of on street charging for parking is to be introduced in the area in the near future, which will alleviate pressure.

**Issue (iii) Impact on Neighbours** (Aligned Core Strategy Policy 10 and Local Plan Policies NE9 and H6)

- 7.9 The proposal would have an acceptable impact on the amenities of adjacent occupiers to the north, west or south. The nearest residential property is in the Hicking building to the east. Some of the apartments in this building would face the proposed development, with a distance of 13m between the two buildings. As this is a city centre residential development where the density and proximity of developments are closer together, it is considered that the relationship between the two buildings is acceptable.
- 7.10 In terms of noise and disturbance for the occupiers of the adjacent residential property, a suitably worded student management plan would be required as part of any planning permission, secured under the Section 106 obligation. The plan would include details of those responsible for managing the occupants, including an out-of-hours contact number and other measures such as a moving in/out strategy, in order to minimise the potential for any disturbance for the neighbouring occupiers.

## **Other Matters**

### **Flooding (Local Plan Policy NE10)**

- 7.11 The site is located within Flood Zone 2. The proposed scheme reduces impermeable areas of the site through the introduction of landscaped areas and a safe access/egress route has been identified via London Road. Other measures such as appropriate surface water drainage would be incorporated in to the building and it is considered that the development would not contribute to flood risk in this area or on this site. With regard to the recommendation from Drainage requesting that there be no accommodation on the ground floor, the consultation response from the Environment Agency is awaited before a definite conclusion is reached on this matter. An update will be provided at Committee.

### **Highway Improvements (Aligned Core Strategy Policy 10)**

- 7.12 Street trees are proposed to the Summer Leys Lane frontage which will be secured through condition. Other improvements such as the re-instatement of redundant crossings can also be addressed by condition. Any amendments required to Traffic Regulation Orders can be dealt with through the appropriate highway's legislation (a section 278 agreement).

### **Open Space Provision (Local Plan Policy R2)**

- 7.13 A financial contribution of £86569.75 for off-site open space provision is to be secured in the S106 Agreement that would be directed towards the improvement and provision of sport, recreational and visitor facilities at the Meadows Recreation Ground. This work forms part of the wider proposals included in the Victoria Embankment and the Meadows Recreation Ground Master Plan. As referred to in section 2.2 of the Recommendation, this financial contribution would not exceed the permissible number of obligations that can be secured for this infrastructure project according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

## **8. SUSTAINABILITY / BIODIVERSITY**

The building would be connected to the District Heating system and photo-voltaic panels are to be provided to the south facing roof slope.

## **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: 15/00462/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NJV5FELYCB000>

**17 Published documents referred to in compiling this report**

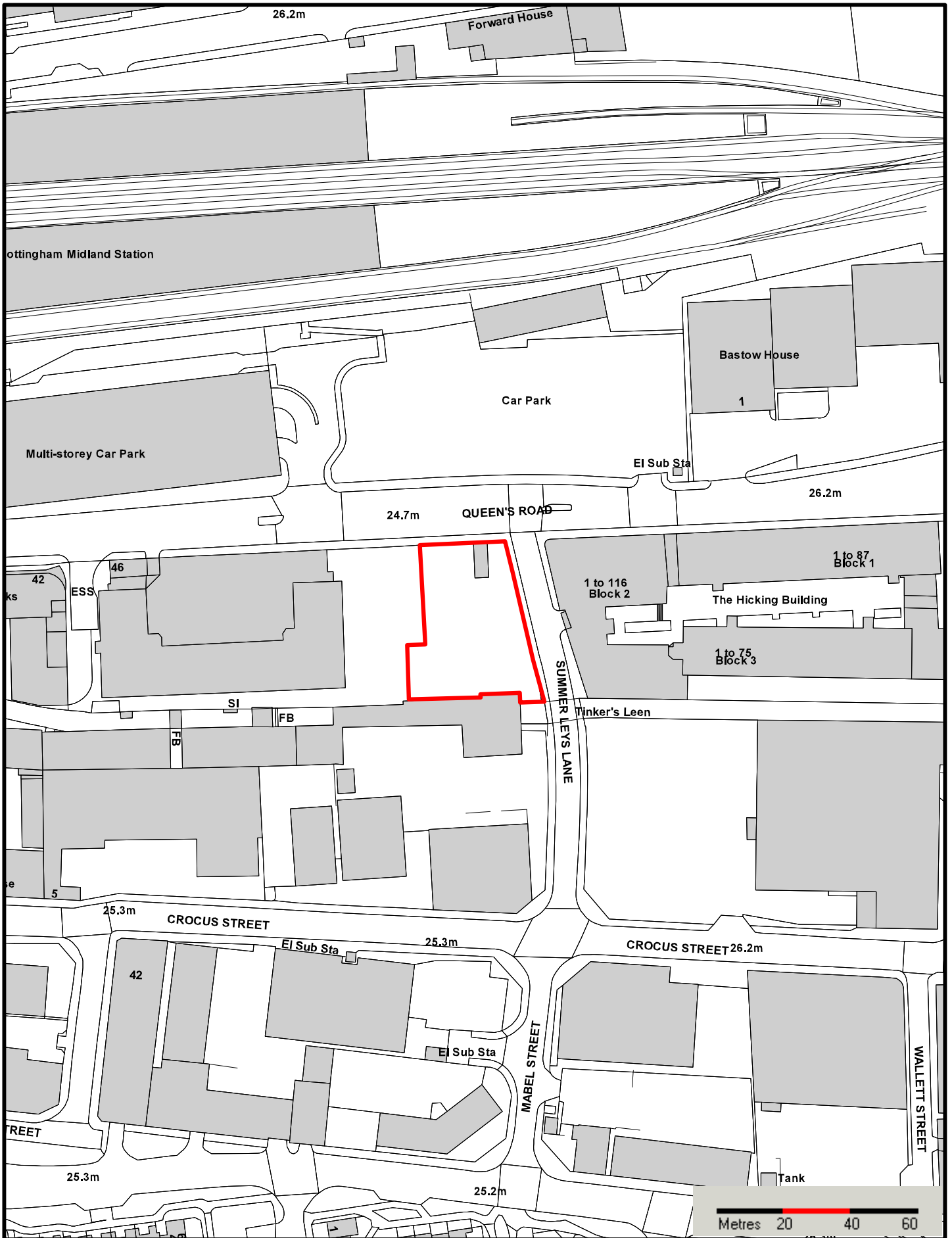
Nottingham Local Plan (November 2005)

**Contact Officer:**

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Date of decision:

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

Application No: 15/00462/PFUL3 (PP-03331443)  
Application by: Langar Investments Ltd  
Location: Car Park On Site Of Queens House, Queens Road, Nottingham  
Proposal: New student development comprising 215 self-contained units with ancillary accommodation at ground floor and associated works.

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

**Time limit**

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

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

**Pre-commencement conditions**

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

2. The development shall not be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

3. The development shall not be commenced until details of all doors and windows including a large scale sectional drawing of 1:20 have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

4. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of any proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. A management and maintenance plan for the landscaping shall also be included.

*Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

5. The development hereby permitted shall not be commenced until details of sustainable drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The information shall seek to demonstrate, as a minimum, details of how run-off rates will be reduced by 30% with the use of SuDS techniques.

*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 to comply with Policy NE10 of the Nottingham Local Plan.*

6. 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: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.*

7. The development shall not be commenced until a sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

The sound insulation scheme shall have regard to the acoustic planning assessment carried out by Sharps Redmore dated 09/02/2015 (ref 1414317), the location of the site in an AQMA and include the specification and acoustic data sheets for plant and equipment, 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 LAmax(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).

Furthermore plant which may result in perceptible vibration in residential rooms shall be isolated from the structure and noise levels in residential rooms from this source shall not exceed NR 20.

The approved sound insulation scheme shall be installed and retained for the life of the development.

*Reason: To safeguard the health and residential amenity of the occupants of the proposed accommodation to comply with Policy NE9 of the Nottingham Local Plan.*

8. The development shall not be commenced until details of a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, and having regard to the Phase 1 Detailed Desk Study dated 09/04/2014 (ref EB/1341/GL/3681) by Curtins, has been submitted to and approved in writing by the Local Planning Authority:

- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A Remediation Plan, 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 occupiers of the development and/or adjoining occupiers to comply with Policy NE12 of the Nottingham Local Plan.*

9. The development shall not be commenced until details of an air quality management scheme have been submitted to be approved in writing by the Local Planning Authority.

The scheme shall apply to the ground, first and second floor parts of the development which have a façade facing Queens Road and shall include design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality.

*Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy NE12 of the Nottingham Local Plan.*

10. The development shall not be commenced until details of the appearance and siting of the photovoltaic panels 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 in the interests of sustainable development, to comply with Policies 1 and 10 of the Aligned Core Strategy.*

11. The development shall not be commenced until details of the street trees to be installed on Summer Leys Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location, type, height and species of each tree along with details of any build-outs and other necessary alterations to the public highway.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of highway safety, to comply with Policy 10 of the Aligned Core Strategy.*

#### **Pre-occupation conditions**

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

12. The accommodation shall not be occupied until the secure cycle storage has been provided and made available for use.

*Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*

13. The accommodation shall not be occupied until the building's connection to the District Heating System is completed and operational, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.*

14. No part of the accommodation shall be occupied until the drainage plans have been installed in accordance with the details approved in relation to condition 5.

*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 to comply with Policy NE10 of the Nottingham Local Plan.*

15. The accommodation shall not be occupied until any redundant footway crossings and/or damaged or other altered areas of footway or highway, have been reinstated/repared.

*Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.*

16. The accommodation shall not be occupied until the following has been submitted to and approved in writing by the Local Planning Authority:

a) 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 gas contamination of the site has been fully implemented and completed.

b) 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 occupiers of the development and/or adjoining occupiers to comply with Policy NE12 of the Nottingham Local Plan.*

17. No part of the development shall be occupied until the sound insulation scheme, including glazing and any complementary acoustical ventilation, has been installed in accordance with the details approved in relation to condition 7.

*Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.*

18. No part of the accommodation shall be occupied until the air quality management scheme has been implemented in accordance with the details approved in relation to condition 9.

*Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy NE12 of the Nottingham Local Plan.*

19. The accommodation shall not be occupied until the photovoltaic panels have been installed and are operational in accordance with the details approved in relation to condition 10.

*Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.*

**Regulatory/ongoing conditions**  
(Conditions relating to the subsequent use of the development and other regulatory matters)

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

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.*

21. The approved street trees shall be planted within 6 months of the first occupation of the accommodation.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned 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 following drawings/documents:  
Location Plan, received 19 February 2015  
Plan reference 001, received 19 February 2015  
Elevations reference 002 revision P1, received 5 March 2015  
Elevations reference 003 revision P1, received 5 March 2015

*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. Highway advice:

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.

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

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.

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.

4. 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.

5. Contaminated Land, Ground Gas & Groundwater

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. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Pollution Control Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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.

## 6. Air Quality

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:

- Exposure of sensitive receptors to poor air quality shall be reduced as far as practicable;
- 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;
- 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 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.

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: 15/00462/PFUL3 (PP-03331443)

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](http://www.planningportal.gov.uk/pes).

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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