

REPORT OF CHIEF PLANNER

67 Lower Parliament Street, Nottingham

1 SUMMARY

Application No: 16/02306/PFUL3 for planning permission

Application by: Allan Joyce Architects Ltd on behalf of Nottingham Trent University

Proposal: Demolition of existing buildings and construction of new 6 storey building for education use (Class D1), with rooftop terrace and plant room.

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

To meet the Council's Performance Targets this application should be determined by 9th January 2017

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

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 the conditions to be delegated to the Chief Planner.

3 BACKGROUND

3.1 The application site is located at the corner of Lower Parliament Street and Convent Street and forms part of the city block of buildings that is owned by the applicant and is operated as Confetti. Confetti is a specialist creative industry education and training centre which provides graduate courses in music, gaming, TV, film, graphic design, live events and more. The site is currently occupied by a two storey flat roofed brown brick building that is used by Confetti for education and office uses. It is estimated that the building dates from around 1950. It has a corner entrance with a stone surround onto Lower Parliament Street and stone edging to the window openings at ground and first floors. There is a steel shuttered service entrance onto Convent Street.

3.2 Opposite across Convent Street is the Pryzm/former Oceana nightclub and opposite across Lower Parliament Street is the Antibo restaurant building (currently vacant) that marks the boundary of the Lace Market Conservation Area on this side of the street. Lower Parliament Street is one-way at this point towards the city

centre and Convent Street is also one way with a right-turn exit onto Lower Parliament Street.

- 3.3 The application site also falls within the boundary of the Eastside Regeneration Zone.

4 DETAILS OF THE PROPOSAL

- 4.1 The applicant advises that the success of Confetti has enabled a growth in student numbers over recent years and that there is a 5-year plan for sustained growth (approximately 700 students). The existing buildings within the block are advised to be at capacity and therefore more teaching spaces and facilities are required to meet this planned growth.

- 4.2 Having reviewed the accommodation requirements for the proposals, the brief to the architect has also included the need to resolve site-wide issues, including the desire to identify the block with a 'fully-fledged' university building, to reduce the number of existing access points to one main entrance, to provide students with a better range of facilities to improve their student experience, and to make the block fully DDA compliant, with lift and ramped access links into the existing buildings.

- 4.3 Arising from this brief, the proposed development is for a 6-storey building at the corner of Lower Parliament Street and Convent Street, reducing to 5 storeys adjacent to the neighbouring building on Convent Street. The main entrance to the building would remain at the corner of Lower Parliament Street with Convent Street, giving access to a large reception space. There would be lift and stair access to the upper floors, with the first floor containing café spaces and computer suites/seminar rooms, the second floor containing a learning resource centre and computer suites/seminar rooms, and the third to fifth floors containing computer suites/seminar rooms only. The proposed building would be connected to the existing neighbouring buildings by ramps that are required to mediate between the differing levels between floors.

- 4.4 The contemporary form of the proposed building includes a significant cantilevered corner element that projects over the main entrance and footways to Lower Parliament Street and Convent Street. This element is proposed to be clad in Corten steel, which is pre-weathered steel product that has a stable rust-like appearance. This would be applied in large panels in a random arrangement across each level of the building. By contrast, the Convent Street element of the building is proposed to be constructed using a black brick. Both elements of the building would have large punched windows openings within deep reveals, including double height glazed corner elements. Perforated Corten steel mesh screens and the use of textured patterns within the black brickwork are intended to provide a further layer of interest to the elevations.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been publicised by site and press notices. Individual consultation letters have also been issued to the following properties:

Prysm/Oceana, Lower Parliament Street
50 Lower Parliament Street Nottingham
54 - 60 Lower Parliament Street Nottingham

69 - 73 Lower Parliament Street Nottingham
Flats 1-12 Butterworth Building, Western Street
1 – 11 (o) Beck Street
47 Heathcoat Street
310 Huntingdon Street
4, 6 - 10 Convent Street Nottingham

Additional consultation letters sent to:

Pollution Control: No objection subject to planning conditions requiring ground contamination investigation and remediation (if deemed necessary), implementation of the approved air quality management scheme, verification of implementation of approved mechanical services plant or equipment, and details of piling or other foundation designs to minimise noise and vibration effects on surrounding occupiers.

Highways: The principal of the building is acceptable from a highways perspective. The site is situated in a city centre location so no parking provision is acceptable. As the building has no parking any concerns regarding additional traffic generation compared to the previous use of the site are negated. The Highway concern with this proposal is the building overhang on the junction of Lower Parliament Street and Convent Street which overhangs the full width of the footway on Convent Street. The applicant has said that this issue is not of concern because Convent Street will be pedestrianised. However even a pedestrianised street has to allow access to vehicles in emergency and for servicing. A compromise position could be if the overhang was kept 1 metre away from the carriageway similar to the canopy overhangs of the nightclub on the opposite side of Convent Street.

Drainage: No objection. The site has a low risk from surface water flooding. Support the provision of the green roof that is proposed.

Biodiversity: No objection. Satisfied with the submitted bat survey, which did not find any evidence of bats.

Archaeology: There is particular potential for the presence of caves on the site. A Desk Based Assessment has been produced. Following demolition it will be clearer what effect previous development of the site has had upon archaeological remains. A planning condition is recommended to ensure that a programme of archaeological works take place. As a minimum this will involve an archaeological watching brief during the breaking of ground in accordance with an approved Written Scheme of Investigation.

Design Review Panel (25.8.16): The Panel welcomed the creation of a flagship building for Confetti, applauding the partnership work of Confetti and Nottingham Trent University in promoting the creative technology industry and the benefit this has within the city. A well-received scheme, the Panel agreed that the design approach that has been taken is right for the site, commending its aspiration and potential to create a striking new development for the city with a strong visual presence. The Panel had no concerns with the massing on Parliament Street. However, the Panel felt that the Convent Street elevation required a more polite approach, suggesting that the new building should step down a little in deference to the 3 storey building immediately adjacent, reflecting the wider context of building heights stepping up and down. In terms of other materials, the Panel reinforced the need for the use of quality materials and the inclusion of detailing as being key to

the success of the building. The suggested use of Corten steel was favourably received by the Panel, though attention needs to be given to detailed design. The opportunity to express the brand identity of Confetti in the fabric of the proposed building was welcomed by the Panel. The Panel supported the proposed pedestrianisation of Convent Street, recognising the potential to create a public space and improved setting for the proposed development.

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 unless material planning considerations indicate otherwise, 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. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making 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 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 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.
- 6.5 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 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 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):

ST1 - Sustainable Communities.

BE12 - Development in Conservation Areas

BE16 - Archaeology

CE1 - Community Facilities

NE9 - Pollution

T2 - Local Transport Planning Conditions or Obligations

T3 - Car, Cycle and Servicing Parking

Aligned Core Strategies (ACS) (September 2014)

Policy 1 - Climate Change

Policy 7 - Regeneration

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

Other Planning Guidance

Nottingham City Centre Urban Design Guide (May 2009)

Eastside Regeneration Area Interim Planning Guidance (June 2004)

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

(i) Design and heritage considerations - Whether the proposed development in terms of its use, layout, scale, massing and external appearance is appropriate to its position in the city centre, its relationship to the adjacent Lace Market Conservation Area, the Eastside Regeneration Zone, and neighbouring properties (Saved Local Plan Policy CE1, BE12 and ACS Policy 7, Policy 10).

- 7.1 This city block is owned by Nottingham Trent University and is substantially occupied by the Confetti college. In the context of its city centre location, it is considered that the replacement with a larger building of the same education use is considered to be appropriate and in accordance with Policy CE1.
- 7.2 The existing building is a relatively poor quality, small scale building that is of no particular merit to the street scene of this area of the Eastside Regeneration Zone. Its redevelopment is therefore considered as a significant opportunity to replace it with a new, purpose-designed building that will have greater presence and quality in the street scene as well as providing the needed accommodation for the improvement of existing student facilities as well as the envisaged expansion in student numbers. The provision of this comprehensively designed scheme would help maximise development potential in the Eastside regeneration Zone would therefore accord with Policy 7 of the ACS.

- 7.3 Occupying the full area of the site, the layout of the proposed building is focussed upon the provision of a prominent and legible ground floor entrance and reception space. This is to become the key entrance to the block, with lifts, ramps and stairs providing access through to the other buildings and thereby also rationalising the movement and circulation within the block. The upper floors maintain the focus of the layout upon the corner of Lower Parliament Street with Convent Street, providing a café at first floor and a learning resource centre at second floor that are able to take advantage of this position, including the proposed cantilevered projection of the building over the pavements to both street. Whilst the other teaching spaces and computer suites are located to the rear and centre of the plan, these benefit from their insular position and are provided with window openings onto courtyard spaces within the block. The primary stair core also performs as a glazed break to the west elevation onto Convent Street and other seminar rooms are also placed on this elevation to provide opportunities for further visual interest on this elevation. It is recognised that the layout of the proposed building, and particularly the integration with the other buildings in the block, has provided the architect with significant challenges. It is considered that the proposed layout is an appropriate response to those challenges as well as being one that will provide the building with an active outlook onto the street.
- 7.4 The proposed scale and massing of the building has been adapted during the pre-application stage and in particular in response to the comments of the Design Review Panel. In concurring with the support of the Panel regarding the proposed scale of the building, it is considered that this is an appropriate position for a building of greater height than its surrounding neighbours, providing it with a prominence and presence in the street scene that is appropriate to its function and to the Confetti campus block as a whole. Following the Panel's views, the massing of the building has been reduced on Convent Street to better relate to the existing buildings and, whilst the corner block has been consequently raised a storey in order to maintain the required amount of floorspace, it is considered that the design of this change has been managed without significant other consequences in relation to the impact of the proposed development. Accordingly, it is considered that the scale and mass of the proposed development is appropriate to the site, to neighbouring developments, and to the street scene of the area which includes the opposite boundary of the Lace Market Conservation Area across Lower Parliament Street.
- 7.5 The external appearance of the proposed building is intended to be deliberately striking in its contemporary design, with its randomly arranged Corten cladding, large-scale picture windows, cantilever, and contrasting black brick being a contemporary statement within the street scene of the area. This design approach has been encouraged in pre-application meetings with the applicant and has also been supported by the Design Panel. Whilst there are other good buildings within the block and area, including the Pryzm/former Oceana nightclub building, the street scene of the area remains rather fragmented with no dominant architectural style. Accordingly, it is considered that a bold contemporary approach will benefit the character of the area in providing a quality focal contemporary building.
- 7.6 Elements of the design of the building are being developed by the architect to provide further assurance that the depth of detailing and quality of finishes are assured. If not completed and available for the Planning Committee meeting, provision of these details would be secured as a condition of a planning permission.

- 7.7 It is considered that the layout, scale, massing and external appearance of the proposed development is appropriate to its position in the city centre, its relationship to the adjacent Lace Market Conservation Area, the Eastside Regeneration Zone, and neighbouring properties in accordance with Policy BE12 of the Local Plan and Policies 7 and 10 of the Aligned Core Strategies.

Other Material Considerations

Highways (Policies T2, T3 and Policy 10)

- 7.8 Highways concern regarding the proposed cantilever overhang on the junction of Lower Parliament Street and Convent Street has been raised with the applicant, who has been advised that a Section 177 Licence under the Highways Act 1980 will be required. Highways state that the provisions of the granting of a license will require the structure to be maintained in good condition and that its liability will be the responsibility of the applicant. Highways recommendation that the cantilever overhang be kept 1 metre away from the carriageway has been discussed with the applicant as well as the raising of the soffit to improve the height and quality of space around the main entrance. The applicant has acknowledged these concerns but advises that the design is unable to be varied due to the DDA needs of the scheme to link through to the neighbouring buildings, and to the structural design of the building as a whole. The applicant also refers to the limited use of Convent Street as a one-way street and to their intentions regarding future pedestrianisation subject to Highways approval. The applicant has, therefore, requested acceptance of the submitted design and confirms that they are prepared to enter into the Section 177 process following consent. On this basis, it is considered that the proposed development remains in accordance with Policy 10 of the Aligned Core Strategies.
- 7.9 The application makes no provision for car parking, which is supported by Highways and recognises the sustainable city centre location of the proposed development. The application does, however, make provision for a new secure cycle store within an existing storage area off Convent Street, which is expected to be able to house 35 cycle racks. It is therefore considered that the proposed development accords with Policy T2 and T3 of the Local Plan.

Pollution and Contamination (Policy NE9)

- 7.10 Pollution Control has no objection to the proposed development subject to conditions requiring ground contamination investigation and remediation (if deemed necessary), implementation of the approved air quality management scheme, verification of implementation of approved mechanical services plant or equipment, and details of piling or other foundation designs to minimise noise and vibration effects on surrounding occupiers. These conditions have been included in the draft decision notice appended to this report and it is therefore considered that the proposed development accords with Policy NE9 of the Local Plan.

Archaeology (Policy BE16)

- 7.11 An Archaeological Desk Based Assessment has been submitted and has been reviewed by the City Archaeologist. The assessment advises that there is a medium to high potential for Medieval and Post-Medieval archaeological remains to be present and recommends that further archaeological evaluation may be required. The City Archaeologist has therefore recommended a planning condition to ensure that a programme of works involving the minimum of an archaeological watching

brief in association with the construction phase of the proposed development. Subject to this condition it is considered that the proposed development accords with Policy BE16.

8. SUSTAINABILITY / BIODIVERSITY

The Biodiversity Officer is satisfied with the submitted bat survey, which did not find any evidence of bats. It is noted that the proposals include an area of green roof, which is supported by the Drainage Officer in the interests of reducing surface water run off rates. The application Design & Access Statement advises that the proposed building will meet BREEAM 'Excellent' rating and will have an Energy Performance Certificate 'A' rating. To this extent the applicant also proposes to provide 150m² of photovoltaic panels to the flat roof area of the Antenna building at the corner of Huntingdon Street and Beck Street, which is within the applicant's site ownership. The proposed development is, therefore, considered to accord with Policy 17.

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

The provision of DDA compliant accessible buildings.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Great city- creating a vibrant and attractive city centre.

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: 16/02306/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OEPSPTLYLMB00>

2. City Archaeologist, 24.10.16, 5.12.16

3. Drainage, 27.10.16

4. Biodiversity, 2.11.16

5. Pollution Control, 7.11.16
6. Highways, 18.11.16
7. Design Review Panel, 25.8.16

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategies (September 2014)
Nottingham City Centre Urban Design Guide (May 2009)
Eastside Regeneration Area Interim Planning Guidance (June 2004)

Contact Officer:



Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

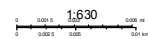
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Key

-  City Boundary
-  Planning Application Polygons

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Description

No map description

My Ref: 16/02306/PFUL3 (PP-05492293)
Your Ref:
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Date of decision:

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

Application No: 16/02306/PFUL3 (PP-05492293)
Application by: Nottingham Trent University
Location: 67 Lower Parliament Street, Nottingham, NG1 3BB
Proposal: Demolition of existing buildings and construction of new 6 storey building for education use (Class D1), with rooftop terrace and plant room.

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. Other than the demolition of the existing building to ground level, no development shall commence until a programme of archaeological works involving the minimum of an archaeological watching brief has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with BE16 of the Nottingham Local Plan.



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Continued...

3. Other than the demolition of the existing building, no development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) 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).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

4. No above ground development shall commence until large-scale elevation and section drawings to confirm the detailed design of the building (e.g. scale 1:50 and/or 1:20) have been submitted to and approved in writing by the Local Planning Authority. The submission shall incorporate details of all elevations, including Corten cladding and mesh screens; glazing systems and reveals; brickwork textures; entrance doors; and parapet balustrade. The development shall thereafter be implemented in accordance with the approved details.

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

5. Other than the demolition of the existing building, development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

6. No above ground development shall commence until a large scale sample panel of all proposed external materials to be used in the construction of the approved development has been submitted to and approved by the Local Planning Authority in writing before any above

ground development commences. The development shall thereafter be carried out in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance 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)

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

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

9. 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: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

10. The approved development shall not be first used until further details of the design of the approved green roof or details of an alternative equivalent SUDS feature has been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the approved development is first used.

Reason: In the interest of ensuring the incorporation of this sustainable feature within the approved development and to minimise the risk of flooding in the area in accordance with Policy 1 of the Aligned Core Strategies.

11. The approved development shall not be first brought into use unless the approved secured cycle parking provision has been implemented and is also available for use by users of the approved development.

In order to ensure that the secure cycle parking is provided and in accordance with Policies T2 and T3 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

There are no conditions in this section.

Standard condition- scope of permission

S1. 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 10 October 2016.

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. Highways

o Structures over the public Highway (Section 177 of the Highways Act of 1980)

Planning consent is not consent to construct structures overhanging the public highway. To carry out such works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 177 Licence and you should contact Highway Design on 0115 876 5277 to instigate the process.

The provisions of the licence shall include requiring the structure to be maintained in good condition, its removal as required by Nottingham City Council as local Highway Authority and its liability to be the responsibility of the Applicant.

It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to construct over the Highway before it is complete. All associated costs will be borne by the developer.

o Construction Works

Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk to ensure all necessary licences and permissions are in place.

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

4. Contaminated Land

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:

- Any 'Cut and fill' operations on site
- 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 or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground contamination of the site.

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health 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 contamination of the site has been addressed satisfactorily.

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: 16/02306/PFUL3 (PP-05492293)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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