

REPORT OF CHIEF PLANNER

100 - 104 Derby Road, Nottingham

1 SUMMARY

Application No: 17/01999/PFUL3 for planning permission

Application by: GraceMachin Planning & Property on behalf of Mr K Tang

Proposal: Demolition of former restaurant building. Construction of a 5-storey building comprising a retail ground floor use (Class A1) with student accommodation above in a mix of studios and cluster flats.

The application is brought to Committee because it is a major application on a prominent City Centre site where there are important design considerations.

To meet the Council's Performance Targets this application should have been determined by 19th December 2017. An extension of time has been agreed until 19th January 2018.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 (a) prior completion of a Section 106 planning obligation to secure:
 - (i) a public open space contribution of £11,595.65 towards the creation of a new garden area at the former rose garden area of the Arboretum; and
 - (ii) a student management plan, to include restrictions on car use.

(b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Chief Planner.
- 2.3 That Committee 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.
- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site is located between Derby Road and Wollaton Street proximate to Canning Circus, with frontages to both streets. The site is currently occupied by a

three storey and single storey range of pitched roof buildings that were last used as a restaurant but have been vacant for several years. The site falls within the Canning Circus Conservation Area. The adjoining range of buildings at 106-124 Derby Road are listed Grade II.

- 3.2 The application proposal follows a competition process where local architectural practices were invited to tender on the basis of a brief that was provided by the applicant and the City Council's Urban Design team. This competition approach was used following several attempts by the applicant to bring forward a scheme for the redevelopment of the site, but where the proposals being presented were considered disappointing. There was a good response to the competition from which the applicant then selected preferred architect and indicative design. The architect has then developed the design further into this full submission.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the demolition of existing range of buildings and the redevelopment of the site with a 5-storey building having a retail ground floor and student accommodation above. The main entrance to both uses would be via shopfront entrances onto Derby Road, with a reception and stair and lift core to the upper floor student accommodation. Fire escapes and services, including cycle and bin storage would be to the rear. The student accommodation on the upper floors would be in a studio format between the second and fourth floors and four cluster flats on the fifth floor. The accommodation would have primary elevations onto Derby Road and Wollaton Street.
- 4.2 The developer has indicated that they will work with the Council's Employment and Skills team in relation to the use of local labour for the construction phase of the development and is prepared to commit to this via the S106 agreement.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

A total of 115 neighbouring and surrounding properties have been individually notified of the application proposals, including those on Derby Road, Wollaton Street, Talbot Street, Cottage Terrace, and within Ropewalk Court and Imperial House.

The application has also been advertised by press and site notices.

The following comments have been received:

Neighbour: Support. Looks good with a shopping offer too. A massive improvement to the existing undesirable property. Will be a very good space for students.

Neighbour: Objection. The building will reduce natural light to the business studio space at Floor 1 of 175 Wollaton Street, resulting in reduced amenity and increased lighting costs. Maintenance accessibility will also be affected. Area is already saturated with students, who are only present for part of the year.

Neighbour: Objection. The building will reduce natural light to the business studio space at Floor 3 of 175 Wollaton Street, resulting in reduced amenity and increased

lighting costs. Maintenance accessibility will also be affected. Area is already saturated with students and building could be made into something that would help the retail shops within the area.

Neighbour: Support. Business is located opposite to the site. Proposal is ideally located, hopefully reducing pressure on high student concentration areas such as Lenton and Arboretum. Hockley has seen many positives from new build student accommodation and flats so don't think that there will be a negative impact, but the Council should monitor the balance in the area.

Nottingham Civic Society: Objection to the proposed demolition of the buildings within the Canning Circus Conservation Area as they represent part of the earlier (late 18th / early 19th century) development of one of Nottingham's principal radial roads. The design of the replacement building does not justify this loss of historic fabric and is not of adequate quality for the conservation area, being too high, unstepped in its massing on a sloping site, and presenting a poor plain solid to void ratio especially at the top floor. The irregular fenestration pattern is at odds with neighbouring buildings where strong vertical emphasis is balanced with pronounced horizontal features in an ordered, symmetrical arrangement.

Additional consultation letters sent to:

Conservation Officer: No objection subject to further details. The existing properties have been extensively altered. While there is some historic interest in these structures, the site provides an opportunity for enhancement in the street scene of the Conservation Area and a suitable replacement scheme could justify their loss.

The proposed design seeks to emulate the height and gabled form of the two neighbouring buildings and the use of a consistent height across the new building is considered acceptable in this context, particularly as the massing is broken down into three gabled elements of a similar width to those found on the historic buildings. While the older neighbouring buildings provide a symmetrical window layout it is considered that the creation of a contrast is beneficial, and on the first second and third floors, the ratio of solid to void, basic window proportions and reveal depths do still take their cues from the neighbouring buildings, resulting in a sympathetic relationship between the old and the new. The introduction of additional detailing to the fourth floor gables would be of benefit to the overall design. Likewise, the detailed design of the shopfronts requires further clarification.

City Archaeologist: No objection subject to condition requiring archaeological watching brief for investigative groundworks. The site is not located within an Archaeological Constraint Area. However, it is within an area of known caves. Although there are no recorded caves within the site of 100-104 Derby road, there is a large cave accessible from the adjacent property. This does not extend beneath the proposed development site. It is possible there are further, unknown, caves within the immediate vicinity and, indeed, beneath the proposed development site. Should any caves be encountered during the recommended investigative works the City Archaeologist should be informed to review the results of the investigations. If it is apparent that any caves are present beneath the site, which could be impacted by the development, the groundworks associated with the development must be carried out under archaeological supervision, in the form of an archaeological watching brief. An emphasis will be placed upon preserving the

cave, in line with saved and emerging local planning policy. If a cave cannot be preserved in situ it will be preserved by record.

Environmental Health: No objections subject to planning conditions requiring environmental noise assessment and sound insulation; air quality assessment and management; and construction noise and dust management.

Highways: No objections subject to planning condition requiring details and approval of a Construction Traffic Management Plan.

Drainage: No objection subject to a surface water reduction rate of 30% being achieved.

Biodiversity: No objection. Satisfied with bat survey. Building should be demolished out of bird breeding season.

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 Paragraphs 126 to 141 of the NPPF set out the government's approach to conserving and enhancing the historic environment. Of particular relevance to this application, paragraph 131 requires authorities to take into account:
 - the desirability of sustaining and enhancing the significance of heritage assets (including conservation areas and listed buildings) and putting them to viable uses consistent with their conservation,

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.7 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):

BE10 - Development Around Listed Buildings

BE12 - Development in Conservation Areas

BE16 - Archaeology

H6 - Student Housing

NE9 - Pollution

R2 - Open Space in New Development

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

Policy 17 - Biodiversity

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) Demolition of existing buildings.
- (ii) Use for student accommodation and amenity of neighbouring occupiers.
- (iii) Scale and design of proposed development and impact on the character and appearance of the Canning Circus Conservation Area

Issue (i) Demolition of existing buildings (BE13)

- 7.1 The application site falls within the Canning Circus Conservation Area and as such proposals for the demolition of buildings must have regard to the contribution that existing buildings may have to the special character of the area. The Conservation Officer has noted that the buildings have been extensively altered and this is evident in their appearance on Derby Road. Despite being of some historic interest, little of the original buildings appear to survive within the fabric of the current buildings and it is also noted that they are in a poor state of repair. Therefore, it is considered that the site provides an opportunity for enhancement in the street scene of the Conservation Area and a suitable replacement scheme would justify their loss in accordance with Policy BE13.

Issue (iii) Use and amenities of neighbouring occupiers (Policy H6, Policy 10 and Building Balanced Communities Supplementary Planning Document)

- 7.2 The application site is located on the fringe of the city centre, which is encouraged as a location for the provision of purpose built and managed student accommodation in accordance with the Building Balanced Communities Supplementary Planning Document and supported by Policy H6 subject to a review of its merits and consideration to the amenity of neighbouring residents. The application site is conveniently located within a short walking distance of Nottingham Trent University campus and city centre amenities. Whilst two neighbour response refers to student saturation in the area, this is balanced by two responses in support of student use with one caveating that the Council should continue to monitor the balance in the area.
- 7.3 It is considered that the provision of further good quality purpose-built accommodation 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 and Policy H6 regarding the location of student accommodation development.
- 7.4 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. The S106 agreement will also aim to ensure that student occupants do not keep or use their cars within the City.
- 7.5 In accordance with Policy H6 and 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.
- 7.6 The retail use of the ground floor of the proposed development onto Derby Road is supported in accordance with Policy 5, reinforcing and enhancing the retail offer on this street through the redevelopment of this longstanding vacant restaurant and building.

Issue (ii) Scale and design of proposed development and impact on the character and appearance of the Canning Circus Conservation Area (Policy BE10, BE12 and Policy 10)

- 7.7 The scale of the proposed development responds to the terrace of buildings on either side of the site and as such is regulated by the height of these buildings. This scale is continued across the depth of the site to produce full height frontages to Derby Road and Wollaton Street, thereby significantly increasing the amount of floorspace within the development when compared with the existing buildings. Lightwell elements are included within the plan of the building which respond to existing lightwells as part of the neighbouring buildings and assist with the amenity of the internal plan of proposed accommodation. This lightwell plan has been recently adjusted further to recognise the comments of the neighbouring business occupants regarding potential loss of natural light. The scale and plan form of the development is therefore considered to be appropriate to the area and its neighbouring buildings.
- 7.8 The design of the proposed development is deliberately contemporary in its style, taking important cues from the form and character of the street scene and appearance of the buildings that make up this impressive section of Derby Road, but also contrasting this with contemporary elements that will identify it as a building of its time. The three bay and three gabled elevations to Derby Road and to Wollaton Street reflect the characteristic pattern and rhythm of development along the street. The tall proportion of fenestration also draws directly from the neighbouring buildings, whilst the asymmetrical arrangement of fenestration and combination of projecting windows, deep reveals and honeycomb brick are contemporary elements that add to the modelling aspects of the elevations and their design interest.
- 7.9 A stepped elevation had been reviewed as part of the design development of the project. However, it was considered that the short steps that this produced were not characteristic of the buildings on Derby Road, whereas the proposed single level with its three-gabled elevation better reflects the plot widths and rhythm of the elevations and street scene.
- 7.10 Further detailing of the elevations has also been recently provided by the applicant, including additional brickwork detailing to the gables, clarification of the details of individual elements including the set-back top floor and recessed downpipe breaks between the gables, and the shopfront designs where control over the consistency of detailing and finishes is important to their success as potentially three individual shop units. These further details will be presented to Committee. Subject to the assurance of these details by planning conditions, it is considered that the proposed development will be of a high quality that is appropriate to its context and will enhance the appearance of the Canning Circus Conservation Area and adjoining relationship to the Grade II listed terrace at 106-124 Derby Road. It is therefore considered that the proposed development accords with Policies BE10, BE12 and Policy 10.

Other Matters (Policies BE16, NE9 and R2)

- 7.11 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG the Section 106 planning obligation would secure a financial contribution of £11,595.65 towards the creation of a new garden area at the former rose garden area of the Arboretum. This would not exceed the

permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

- 7.12 The City Archaeologist has no objection subject to a planning condition requiring archaeological watching brief for investigative groundworks and archaeological supervision including preservation in situ or recording in the event that any caves are discovered during groundworks. Subject to this condition it is considered that the proposed development accords with Policy BE16.
- 7.13 Environmental Health advises that they have no objection subject to conditions. In accordance with Policy NE9, conditions relating to environmental noise assessment and sound insulation; air quality assessment and management; and construction noise and dust management have been included in the draft planning permission that is attached to this report.
- 7.14 Highways have no objection to the proposed development subject to a planning condition requiring details of a Construction Traffic Management Plan, in the interests of highway safety throughout the construction period.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

- 8.1 The city centre location of the application site is inherently sustainable with good access to local services and public transport. The applicant advises that the building fabric will be highly insulated and airtight in accordance with the current Building Regulations.
- 8.2 The Biodiversity Officer has confirmed that the submitted bat survey is satisfactory and advises that the building should be demolished out of bird breeding season.
- 8.3 It is therefore considered that the proposed development accords with Policies 1 and 17.

9 FINANCIAL IMPLICATIONS

A financial contribution of £11,595.65 has been negotiated in accordance with the Open Space Supplementary Planning Guidance.

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

Securing training and employment for Nottingham 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: 17/01999/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OVV1AFLY01B00>

2. Highways, 3.10.17

3. Environmental Health, 2.11.17

4. Drainage, 9.10.17

5. Biodiversity, 12.10.17

6. City Archaeologist, 26.9.17

7. Nottingham Civic Society, 18.10.17

8. Neighbour, 11.10.17

9. Neighbour, 18.10.17

10. Neighbour, 18.10.17

11. Neighbour, 10.11.17

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

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

Description
No description provided

My Ref: 17/01999/PFUL3

Your Ref:

Contact: Mr Jim Rae

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

GraceMachin Planning & Property
5 Malin Hill
Plumpton Square
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Nottingham
NG1 1JK

Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990 APPLICATION FOR PLANNING PERMISSION

Application No: 17/01999/PFUL3
Application by: Mr K Tang
Location: 100 - 104 Derby Road, Nottingham, NG1 5FB
Proposal: Demolition of former restaurant building. Construction of a 5-storey building comprising a retail ground floor use (Class A1) with student accommodation above in a mix of studios and cluster flats.

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 a Construction Traffic 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 Traffic Management 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 and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.



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Not for issue

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3. 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.

4. Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:

- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents
- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance
- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours
- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders

The applicant shall adhere to the approved Noise and Dust Management Plan throughout the demolition and construction works to be undertaken on site.

Reason: In the interests of the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.

5. 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 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.

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).

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.



6. Other than demolitions and site clearance works, no development shall commence until further information regarding the disposal of surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

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

7. 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.

8. No development shall commence until large-scale elevation and section drawings of the approved ppc aluminium frame and box windows have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure the quality of detailed design of these elements of the development in accordance with Policy 10 of the Adopted Core Strategy.

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 air quality management scheme (i.e. the use of mechanical ventilation) 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 users of the development in accordance with Policy NE9 of the Nottingham Local Plan.

10. 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 residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 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 19 September 2017.

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

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 (e.g. 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.

4. Construction & Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0900-1300)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers.

Dust/Grit and Other Fugitive Emissions

Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

5. 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.

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.

6. It is advised that the building should be demolished out of bird breeding season.

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.

DRAFT⁶ ONLY
Not for issue

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RIGHTS OF APPEAL

Application No: 17/01999/PFUL3

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.



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Not for issue