

**REPORT OF CHIEF PLANNER**

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

**1 SUMMARY**

Application No: 17/02705/PVAR3

Application by: Tim Groom Architects on behalf of Primus Alliance Nottingham Ltd

Proposal: Amendment to external design and increase in number of units from 215 units to 222 units variation of condition S1 (Plans) of planning permission 15/00462/PFUL3

This application is to vary the external appearance and number of units of a scheme which was previously reported to Planning Committee.

To meet the Council's Performance Targets this application should be determined by 28th February 2018

**2 RECOMMENDATIONS**

**2.1 GRANT PLANNING PERMISSION** for the variation to condition S1 (Plans) of planning permission 15/00462/PFUL3 subject to:

a) The transfer of those obligations contained in the section 106 agreement dated 28 May 2015 (linked to permission reference 15/00462/PFUL3) namely:

- (i) A financial contribution of £86569.75 towards the provision and/or enhancement of open space at the Victoria Embankment;
- (ii) A student management scheme including a restriction on car usage

to the current variation permission (reference 17/02705/PVAR3) :

b) the indicative conditions listed in the draft decision notice at the end of this report

2.2 Power to determine the final details of the conditions of the planning permission and the form and content of the transfer of the section 106 obligations as at recommendation 2.1a) above to be delegated to the Chief Planner.

2.3 That Councillors are satisfied that Regulation 122 (2) Community Infrastructure Levy Regulations 2010 is complied with, in that the section 106 provision sought as at recommendation 2.1a) above 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 Councillors are satisfied that the section 106 provision sought as at recommendation 2.1a) above would not exceed the permissible number of

obligations according to Regulation 123(3) Community Infrastructure Regulations 2010.

### **3 BACKGROUND**

- 3.1 The application relates to a cleared site which is currently being used as an unauthorised car park (the matter is being dealt with by Planning Enforcement). The site is located to the western corner of the Queens Road/Summer Leys Lane junction. To the west and adjoining the site is 48-50 Queens Road, a Grade II listed building which is used as a self-storage facility, this building is also known as Meadows Mill. To the east, on the opposite corner of Summer Leys Lane, is the Hicking building which comprises 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 the Tinker's Leen adjoins the site, with a single storey building straddling the watercourse. Beyond this building and to the corner of the Summer Leys Lane/Crocus Street junction are industrial/commercial buildings.
- 3.2 The site is within the Station Conservation Area and also located within Flood Zone 2.
- 3.3 In 2015 planning permission (reference 15/00462/PFUL3) was granted for a student development comprising 215 self-contained units with ancillary communal accommodation and a retail unit at ground floor level. This comprised an 8 storey building with the majority of the 215 studio bedrooms located on the upper floors. On the ground floor communal facilities including a reception, gym, cycle storage, laundry facility and function/common rooms. The building was designed to have primary outward facing elevations to Queens Road and Summer Leys Lane, and a returning to face the Tinkers Leen. The building formed a loose 'U' shape arranged around an open landscaped courtyard. The wing facing the Tinkers Leen was to be staggered at each floor, gradually reducing in floor area and providing the end units with roof terraces. The retail unit was to front Queens Road.
- 3.4 The building was to be slightly set back from the back edge of pavement and to 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 was set back from the lower floors, was to be largely glazed and the roof finished in standing seam aluminium.
- 3.5 An application for a non-material amendment was submitted at the end of last year to slightly alter the appearance of the 2015 scheme. The proposal was to provide a curved edge to the corner of the building at the junction of Queens Road with Summer Leys Road in order to overcome a land ownership issue that had arisen. Approval was granted for this amendment under planning reference 17/02359/PNMA.

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

- 4.1 The current application seeks to vary condition S1 (Plans) of the 2015 permission to enable changes to be made to the external appearance and internal layout of the development. The application is made in accordance with s73 of the Town and Country Planning Act 1990. When assessing such an application the local planning authority may only consider the question of the conditions to which planning permission should now be granted, rather than revisiting the principle of the scheme or amending any other part of the permission.

- 4.2 The proposed building would be of a comparable height and footprint to the previous scheme, with principal changes being to the design and materials of the elevations and an increase in the amount of communal facilities to be provided on the ground floor, as a result of the loss of the retail unit.
- 4.3 Externally the building will change from being finished in a dark rainscreen cladding to primarily being finished in brick. The building's overall design aesthetic has been altered so that it reflects, but in a more contemporary fashion, the character of the adjacent mill buildings. It incorporates a tall ground floor with large glazed openings, and recess detailing around windows that are similar in scale and proportion to the openings on the adjacent historic buildings. A curved corner is proposed to the Queens Road/ Summer Leys junction, also continued to the seventh floor which is set back and of a largely glazed, lightweight appearance. Intricate brick detailing is proposed around the windows and to the curved corner.
- 4.4 Accompanying the change to the design aesthetic of the building has been a simplification of the floorplan; the south western corner of the building will no longer be staggered at each floor, but rather the building in this area will be set in at the fifth floor level. As a result, the roof terraces proposed on each floor, other than on the seventh floor, will be removed.
- 4.5 By removing this staggered floorplan configuration, additional floor space is now available which together with a rationalisation of the number of staircases, has enabled further studios to be provided, with an increase from 215 to 222. However, the number of units to be provided only increases by 3% and as the building's footprint and scale remain unaltered, this change is not considered to be sufficient to warrant the submission of an entirely fresh planning application.
- 4.6 As with the previous scheme, the developer is committed to offering local employment and training opportunities during the construction phase of the development.

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

### **Adjoining occupiers consulted:**

119 neighbouring properties (in the Hicking Building Queens Road, the self-storage building Queens Road, and the engineering business located on Crocus Street) were notified of the proposal by letter and the application was also publicised by both a site and press notice. The consultation period expired on the 3<sup>rd</sup> January 2018. As a result of this publicity, 2 letters of objection have been received, these objections raise the following matters:

- The proposed development is 7 floors whilst the Hicking Building is only 5 floors. The height of the building will substantially affect the amount of light into flats within the Hicking development and will affect privacy.
- At night the new building will cause light pollution, increased noise and disturbance from comings and goings.
- Incompatibility with the Hicking Building which is mainly for young professionals and families.
- With the Hicking 2 building being built plus this development additional traffic will be introduced which will cause congestion.

### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No comments received in regards to this application, but in regards to the 2015 application pre-commencement conditions relating to sound insulation, remediation and air quality were requested which were attached to the planning permission. As this application seeks only a variation to condition S1 (Plans), the conditions attached to the permission will remain unchanged.

**Highways:** The proposal sees an amendment to previously approved planning application 15/00462/PFUL3 to alter the external design and layout of the proposed building. These alterations will also see the number of student flats on the site increase from 215 to 222 units (an increase of seven).

The proposed alterations include the removal of the originally proposed parking bays on Summer Leys Lane for student pick-up and drop-off for the development. The main entrance, also originally on Summer Leys Lane, has been altered to be from Queens Road. The removal of parking bays has been offset by the enlarged cycle store compared to that originally proposed. The site is within a highly sustainable location, adjacent to the rail station and close to city centre amenities.

The applicant must be aware that the development is situated on a “red-route” which prevents the parking or loading/unloading along the length of Queens Road, where the main entrance has been relocated. The majority of Summer Leys Lane (west side) also has restricted parking availability. This will restrict any potential for loading and unloading by students for the development.

From a highways perspective, the increase in the number of student flats by seven is seen as minor considering the level of flats proposed on the site. However, given the restrictive nature of the site in terms of parking and servicing, we would re-iterate that the previously suggested highway conditions are retained for the application, and that a travel plan is considered for the site.

**Environment Agency:** In relation to the current application the EA have advised that in the absence of a flood risk assessment (FRA), that they object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

The reason for objecting is that the application site lies within Flood Zone 2 defined by the Environment Agency Flood Map as having a medium probability of flooding. Paragraph 103, footnote 20 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit an FRA when development is proposed in such locations.

A FRA was submitted alongside application 15/00462/PFUL3, however the new application features an intensification of a more vulnerable use and since its time of writing new guidance has been published which addresses the following:

The EA also advise that since the previous application flood risk standing advice has changed and it is now a requirement that ground floor levels should be a minimum of whichever is the higher of 300 mm above the general ground level of the site, or 600mm above the estimated river or sea flood level.

Due to the location and vulnerability of the development it is required that the FRA considers the Higher Central (30%) and Upper (50%) allowances for climate change scenarios. Since the time of writing the FRA, the Environment Agency has released new data for the Nottingham area that includes new climate change allowances and additional breach data. This data shows that the 1 in 100 year plus 30% breach scenario flood depths can reach 25.7m AOD at the site. In the FRA related to application 15/00462/PFUL3 flood resilience was proposed to a level of 25.48m AOD which would cause flooding to a depth of 0.22m. This is concerning as the development features ground floor self-contained units with no safe first floor refuge.

**Lead Local Flood Authority:** In relation to increasing the number of studios to be provided, no objections are made, however the FRA approved under the 2015 application should take account of the comments made in regards to finished floor levels and recommends that no ground floor residential accommodation be provided.

## **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 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):**

H6 - Student Housing

BE10 - Development Around Listed Buildings

BE12 - Development in Conservation Areas

NE9 – Pollution

NE10 - Water Quality and Flood Protection

R2 – Open Space in New Developments

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

### **Main Issues**

- (i) Principle of the Development
- (ii) Building Design including impact on the character and appearance of the Conservation Area and setting of Listed Buildings
- (iii) Impact on Neighbours
- (iv) Flood risk

### **Issue (i) Principle of the Development**

- 7.1 The principle of the development and the provision of student accommodation was established through the grant of the 2015 planning permission, which is extant and implementable until 25<sup>th</sup> May 2018. As a variation of condition application under section 73 of the Town and Country Planning Act 1990, consideration is limited to the specific changes that are now proposed and the impact of those changes, i.e. to the approved drawings insofar as they relate to the external appearance and

internal layout of the building, and to the increase in the number of units from 215 to 222.

**Issue (ii) Building Design, Impact on character or appearance of the Conservation Area and on the setting of a listed building** (Aligned Core Strategy Policies 10 and 11, Local Plan Policies BE11 and BE12)

- 7.2 The height, footprint, scale and mass of the building were considered and approved as part of the 2015 application, which was reported to Planning Committee on 22<sup>nd</sup> April 2015.
- 7.3 The change now proposed to the overall aesthetic and elevational treatment of the building more closely reflect the character and appearance of the large, adjacent mill buildings. The removal of the stagger to each floor on the south-western corner also simplifies the design and better respects the more regular form of these neighbouring buildings. The relocation of the entrance to Queens Road frontage and increased communal facilities in this area are felt to be a more appropriate response to this principal thoroughfare, creating an enlivened and more active frontage. The introduction of brickwork as the primary external material and the detailing incorporated within this are considered to be further and significant benefits of this revised scheme. Overall, it is considered that the external changes proposed 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, Meadow Mills there will be a sufficient gap between this and the proposed development such that it would not be detrimental to its immediate setting.
- 7.4 Conditions were attached to the 2015 permission requiring submission of all external materials which would be carried forward to the current scheme. Additionally, given the introduction of intricate detailing within the brickwork, it is considered necessary to secure further and precise details of how this will be constructed.
- 7.5 The proposed changes are considered appropriate and the scheme complies with Aligned Core Strategy policies 10 and 11, and Local Plan policies BE11 and BE12.

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

- 7.6 As indicated above no significant changes are proposed to the height or overall scale of the building. The only change in terms of massing occurs in the south west corner; this part of the site is adjacent to single storey industrial buildings and the Meadows Mill self-storage building. Having regard to the neighbouring uses and the relationship with these adjacent buildings, the alterations to the proposed building would not materially change its impact upon the amenity of neighbouring occupiers.
- 7.7 It is noted that the objections received in relation to the scheme relate to the impact on the Hicking building, which is located to the east of the site. The impact on the residential amenity of this building was considered as part of the 2015 application. The Committee Report prepared at the time states that '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.' The changes now proposed would not materially alter the relationship between the two buildings or raise any new issues for the occupants of the Hicking building.

- 7.8 The matters raised in relation to noise and disturbance for the occupiers of the adjacent residential property were also considered as part of the 2015 application. Details of the measures to address this are at paragraphs 7.11 and 7.12 below.
- 7.9 The proposed changes to the scheme sought as part of this variation of condition application would comply with Aligned Core Strategy policy 10 and Local Plan policies H6 and NE9.

#### **Issue (iv) Flood Risk (Local Plan Policy NE10)**

- 7.10 The matters relating to flooding were assessed as part of the previous application in 2015. The current proposals relate specifically to the external appearance and internal layout of the scheme and have a neutral impact on flood risk, particularly as the revised scheme does not introduce any further residential units to the ground floor of the building. The increase in the number of units from 215 to 222 is not significant in this regard and would have no material bearing on the assessment of the flood risk issue relating to the revised scheme. Flood risk mitigation measures were addressed in a condition of the previous permission and if the variation to condition S1 (Plans) is approved by Committee, this condition would be carried through to the new variation permission. With regard to the current comments from the Lead Local Flood Authority advising that there should be no residential accommodation on the ground floor, as indicated previously the approved scheme included such accommodation. The Environment Agency did not object to that previous scheme when flood risk was originally assessed as part of the previous application in 2015.

#### **Other Matters**

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

- 7.11 The minor increase in number of units would not materially alter levels of traffic associated with the development. Additionally the 2015 permission contained a condition requiring details of how parking requirements generated by the student use will be managed, and the S106 completed in 2015 (see paragraph 7.13 below) contained restrictions on students' retention of private motor vehicles within the City of Nottingham whilst they occupied the building. Through these mechanisms the 2015 permission provides appropriate measures to manage student parking to avoid detriment to highway safety and residential amenity. The site is also within a highly sustainable location, adjacent to the rail station and close to city centre amenities. A condition is recommended requiring details for the loading and unloading of occupants' possessions at the beginning and end of each term.

##### **S106 Planning Obligation**

- 7.12 A student management plan was included within the section 106 agreement completed on 28 May 2015 (which was linked to the original permission ref 15/00462/PFUL). Under that s106 agreement the developer was required to take steps to ensure that no noise, disturbance or nuisance should affect neighbouring properties or residents, to provide a point of contact for local residents to report disturbance caused by occupiers of the development, and to keep the development



site clean and tidy and free from litter. Also, other measures such as a moving in/out strategy were included in the student management plan.

- 7.13 In addition to the student management plan, the 2015 section 106 agreement included provision for payment of an open space contribution of £86569.75 towards the provision and/or enhancement of open space at the Victoria Embankment.
- 7.14 As this application is solely to vary condition S1 of the previous permission, including a minor increase in the number of residential units, the proposed variation involves no material alteration in the extent of the obligations which would be sought by way of section 106 provision. It is proposed that the obligations contained in the 2015 section 106 agreement and linked with the 2015 permission should be applied to the 2017 variation permission.
- 7.15 The 2015 s106 agreement contains a clause which allows the contracting parties to agree by way of an exchange of correspondence that the obligations contained in that agreement may be applied to any other permission on the site. It is anticipated that this mechanism will be used in this case, and the developer has indicated its willingness. However, to ensure that appropriate authorisation is available to transfer the 2015 obligations to the 2017 variation permission, the recommendation at paragraph 2.2 enables the Council to enter into a formal deed for the purpose of the transfer of the obligations should this become necessary.
- 7.16 The planning obligation sought would assist in satisfying the requirements of Policy R2 Open Space in New Developments of the Local Plan and also addressing amenity matters in regards to Policy 10 of the Aligned Core Strategy and Policy NE9 Noise of the Local Plan. The obligations sought are (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.
- 7.17 The contribution sought towards the provision and/or enhancement of open space at the Victoria Embankment would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

## **8. SUSTAINABILITY / BIODIVERSITY**

The changes proposed to the scheme raise no further sustainability or biodiversity matters. Previously applied conditions would be carried over that require the building to be connected to the District Heating system and the provision of photovoltaic panels to the south facing elevation. Likewise a landscaping scheme would be required and street trees provided to Summer Leys Lane.

## **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: 17/02705/PVAR3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P06PCELY01B00>

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

Nottingham Local Plan (November 2005)

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# NOMAD printed map



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Key  
City Boundary

Description  
No description provided

**My Ref:** 17/02705/PVAR3

**Your Ref:**

**Contact:** Miss Jenny Cole

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Date of decision:

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

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Application No: 17/02705/PVAR3  
Application by: Primus Alliance Nottingham Ltd  
Location: Car Park On Site Of Queens House, Queens Road, Nottingham  
Proposal: Amendment to external design and increase in number of units from 215 units to 222 units variation of condition S1 (Plans) of planning permission 15/00462/PFUL3

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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.*



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**Not for issue**

Continued...

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 scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to no greater than 10.0 l/s.
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.
- Confirm how the avoidance of infiltration of the surface water drainage will be managed.

*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 L<sub>Amax</sub>(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.*

12. Prior to the commencement of the development details of the proposed brick detailing to the building shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include cross section drawings to a scale of at least 1:20 and shall show the brick detailing and reveal depths to window and external doors, the detailing to the curve located on the corner of Queens Road and Summer Leys Lane and anywhere else on the building. The building shall be finished in accordance with the approved details.

*Reason: To ensure that the development is of satisfactory appearance to accord 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)

13. 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.*

14. 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.*

15. 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.*

16. 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/repaired.

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

17. 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.*

18. 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.*

19. 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.*

20. 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.*

21. The approved student accommodation shall not be brought into use until traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the accommodation at the start and finish of the academic terms has been submitted to and approved by the Local Planning Authority.

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





## Regulatory/ongoing conditions

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

22. 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.*

23. 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.*

24. The development shall be carried out in accordance with the approved Flood Risk Assessment report dated 13th February 2015, and the following mitigation measures as detailed within the FRA:

1. The internal finished floor levels shall be set at least 150mm above the external ground levels.
2. Flood resilient measures recommended in section 11.1 of the approved FRA shall be incorporated throughout the design and construction of the proposed development.
3. The occupants of the site shall sign up to the Environment Agency Flood Line Warnings Direct via <https://fwd.environment-agency.gov.uk/app/olr/register> or by calling the Flood line on 0845 988 1188.

*Reason: To ensure that the development reduces 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.*

25. The traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the approved student accommodation at the start and finish of the academic terms, to be submitted to and approved by the Local Planning Authority under Condition 20 of this consent, shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

*Reason: In the interests of highway safety 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 forms, drawings and other documents comprising the application as validated by the council on 29 November 2017.

*Reason: To determine the scope of this permission.*

## Informatives



**DRAFT ONLY**  
**Not for issue**

Continued...

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: 17/02705/PVAR3

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.