

My Ref: 17/01992/PFUL3

Your Ref:

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Date of decision:

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

Application No: 17/01992/PFUL3
Application by: PSG SIPP Trustees Ltd And PSG SSAS Trustees Ltd
Location: Temporary Car Park London Road, Canal Street, Nottingham
Proposal: Erection of student accommodation.

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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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 shall not be commenced until details of the boundary treatment proposed around the site have been submitted to and approved in writing by the Local Planning Authority.

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

6. No development shall be commenced 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. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater 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 and groundwater 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 occupiers of the development to comply with Policy NE12 of the Nottingham Local Plan.

8. Prior to the commencement of the development, an air quality management scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The scheme shall include design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality.

Measures shall include a whole building ventilation scheme and may also include:

- i) Non-residential development of the ground floor.
- ii) Placing non-habitable rooms on the façade of developments facing the primary source of poor air quality.

The air quality management scheme 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 to comply with Policy NE9 of the Nottingham Local Plan.

9. 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 include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for 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 LAm_{ax}(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00

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. Prior to the commencement of development details of the proposed cycle storage shall be 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.

11. Prior to the commencement of development details of the proposed bin storage shall be 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.



12. No development involving the breaking of ground shall take place within the site unless written specification for the implementation of a programme of archaeological works including details of a methodology for undertaking archaeological evaluation and for conducting an archaeological watching brief, during the course of the development, has been submitted to and approved in writing by the Local Planning Authority.

The specification shall include arrangements for:

- i) the recording of any finds made during the watching brief and for the preparation of a final report;
- ii) the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
- iii) proposals for the publication of a summary of the final report in an appropriate journal. On commencement of development the approved watching brief specification shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

The development shall proceed in accordance with the approved programme of works and the watching brief.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy BE16 of the Nottingham Local Plan.

13. Prior to the commencement of development details showing how the area between the proposed building and the public highway will be surfaced and marked shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway Safety and to accord with Policy T3 of the Local Plan.

Pre-occupation conditions

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

14. The approved student accommodation shall not be brought into use until a 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.

Thereafter the scheme shall be implemented at all appropriate times.

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

15. 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 occupiers of the development to comply with Policy NE9 of the Nottingham Local Plan.



<p>16. 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 and groundwater contamination of the site has been fully implemented and completed.</p> <p><i>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.</i></p>
<p>17. Prior to first occupation of the development, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy NE9 of the Nottingham Local Plan.</i></p>
<p>18. Prior to the first occupation of the development existing vehicle accesses that have become redundant shall be reinstated to full height kerbs and any footway disturbed as a result of the development shall be resurfaced, with tactile crossing points installed at an appropriate location on Pemberton Street.</p> <p><i>Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.</i></p>
<p>19. 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.</p> <p><i>Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.</i></p>
<p>20. Prior to the development being first occupied the boundary treatment shall be provided in accordance with details approved under condition 5.</p> <p><i>Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.</i></p>
<p>21. Prior to the development being first occupied the bin storage facility shall be provided in accordance with details approved under condition 10.</p> <p><i>Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.</i></p>
<p>22. Prior to the development being first occupied the cycle storage facility shall be provided in accordance with details approved under condition 11.</p> <p><i>Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>

23. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Flood Risk Statement compiled by TD Infrastructure Ltd, sent by email on 09/04/2018, reference Revision A dated April 2018 and the following mitigation measures detailed within the FRA:

1. Finished floor levels shall be set to 25.92m AOD across the whole development in line with the revised FRA and revised drawings sent by email on 09/04/2018, and there are to be no basement levels below the ground floor.
2. Flood resilient construction measures shall be used as outlined in FRA section 5.5.
3. Occupants of the site shall sign- up to flood warnings.
4. A flood evacuation plan shall be produced and followed by occupants of the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is not at unacceptable risk of Flooding to accord with Policy NE10 of the Local Plan.

24. Waste shall not be collected from site between the hours of 20:00 to 07:30 Mondays to Fridays, 20:00 to 08:30 Saturday and 20:00 to 09:30 on a Sunday and Bank Holidays.

Reason: To ensure that neighbouring properties are not affected by noise from waste being collected from the site at unsociable hours to comply with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference 3088 revision 25I, received 30 April 2018
Drawing reference 3088 revision 26K, received 30 April 2018
Drawing reference 3088 revision 27I, received 30 April 2018
Drawing reference 3088 revision 28G, received 30 April 2018
Drawing reference 3088 revision 30F, received 30 April 2018
Drawing reference 3088 revision 24M, received 30 April 2018
Other reference 2018045 revision tdi307 FRA STATEMENT, received 30 April 2018
Other reference 2018045 revision tdi307 FRA RevA, received 30 April 2018
Drawing reference 3088 revision 30E, received 30 April 2018

Reason: To determine the scope of this permission.

Informatives

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.



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RIGHTS OF APPEAL

Application No: 17/01992/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/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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