

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**Grove Hotel, 273 Castle Boulevard**

**1 SUMMARY**

- Application No: 18/01082/PFUL3 for planning permission
- Application by: Leonard Design Architects on behalf of Mr Sam Burt
- Proposal: Refurbishment and external alterations to the existing public house on the ground floor. Change of use of the upper 2 floors to 2no. student cluster apartments. Conversion of the existing loft space to 6no. student studios. Erection of three storey extension to the rear consisting of 19no. student studios (In total 38 student beds)

The application is brought to Committee because application relates to a major development on a prominent site, where there are important land use considerations. The Ward Councillors have also objected to the proposal.

To meet the Council's Performance Targets this application should be determined by 24th December 2018

**2 RECOMMENDATIONS**

**2.1 To GRANT PLANNING PERMISSION subject to:**

(a) prior completion of a Section 106 Planning Obligation to secure:

- (i) An off-site Public Open Space financial contribution of £8,011.54 towards improvements at Kings Meadow Wildlife Site;
- (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 Director of Planning and Regeneration.**

**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 relates to the Grove Public House, formerly known as the Grove Hotel. It is a three storey public house located at the far western end of Castle Boulevard and now been vacant and boarded up for many years. It is a corner plot bounded by Castle Boulevard and Grove Road. The Grove was built around 1886 and is an attractive red brick Victorian building with historic importance to the surrounding area. The building sits at the back edge of the highway and accommodated a pub on the ground floor and hotel rooms on the upper two floors. In its latter years the upper floors were converted into a second bar and function room. The building covers a large part of the site apart from a small car park with room for approximately 5-6 vehicles located to the rear, accessed from Grove Road.
- 3.2      The Grove sits at the southern side of the Abbey Bridge roundabout, a major arterial route in and out of the city centre. To the southwest are residential properties in the form of two storey terraced houses along Grove Road. On the opposite side of Grove Road to the south east is the rear elevation of the Castle Gardens apartments. Further along Castle Boulevard there are a number retail and commercial units.
- 3.3      Vehicular Access from Grove Road onto Castle Boulevard is now prevented by the new cycle way which runs along Castle Boulevard, and so vehicular access from Castle Boulevard is currently via Alderney Street and Grove Road.

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

- 4.1      The application is for a mixed use development which proposes to retain and extend the existing building. It is proposed to retain the use of the ground floor of the existing building as a public house. The remaining part of the building and extension would form purpose built student accommodation comprising of 2 x 6/7 bedroom cluster flats on the two upper floors of the existing building and 25 studio apartments in the roof space of the existing building and the proposed extension (38 bedrooms in total).
- 4.2      The extension would be located to the south of the existing building and occupy the former car park. It is proposed to be three storey in height and contemporary in its design. The extension would be constructed in red brick to complement the existing building. At the ground floor the extension would include the main entrance to the student accommodation at the junction of Castle Boulevard and Abbey Bridge, communal space, secure parking and waste/recycling store to serve both the pub and the student accommodation. Servicing for the pub would continue to be from Grove Road.

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

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

Castle Gardens  
Grove Road  
Castle Boulevard

12 representations have been received from local residents which are summarised below:

- The development is for another student property in a residential part of Nottingham that is already saturated with students HMOs. The development would be contrary to Council policy that seeks to restrict such accommodation to 25%. Residents consider that the development would exacerbate the existing high concentration of students in the area and further contribute towards the unbalanced community in Lenton contrary to the policies of the Development Plan.
- The demographic in Lenton needs to be re-balanced by bringing in more families and working professionals.
- The impact that additional students in the area would have on residential amenity in terms of noise, disturbance, other forms of anti-social behaviour, poor waste management and poor upkeep of gardens.
- The impact that additional students would have on local services such as shops and schools.
- Concern that it will be another student pub, like many others in the locality, adding to the current problems of anti-social behaviour and noise disturbance.
- Some residents question the business case for re-opening the pub and its future viability.
- Concern that the extension would not respect the character and appearance of the existing pub, which is seen as having distinct architectural features.
- One residents likes the proposed design and feels that it would renovate what is seen as an impressive and historic building in Lenton. They agree that maximum use should be made of the building and grounds.
- The lack of a smoking area is questioned meaning people will stand outside causing increased noise and disturbance.
- Three resident welcome and support the planning application and the pub re-opening. They question the lack of a kitchen and function room to serve the pub.

Nottingham Action Group support the applicant's intention to retain the Victorian building. They have however stated that there several aspects of the proposed scheme which mean that NAG cannot support the proposed scheme:

**1. Student Accommodation:** The applicant has not submitted any support in this application to show that this location is suitable for student accommodation. Lenton is quite regularly described as the 'epicentre' of studentification in Nottingham, and no area of Lenton more so than the streets around Lenton Boulevard, Castle Boulevard and Abbey Bridge where the concentration of student accommodation in HMOs is substantially higher than the threshold set out in the Building Balanced Communities SDP.

NAG consider that although significant development of purpose built accommodation (new build and conversion of existing buildings), particularly around the city centre, has resulted in students moving out of HMO accommodation in parts of the city, the evidence is that this is not happening in Lenton. Therefore, it is highly questionable whether the student accommodation proposed in this application will in any way contribute towards the restoration of balance and sustainability to Lenton. In fact, it is more than likely that it will merely add to the imbalance, potentially attract more students into the area and in doing so will

exacerbate the well-documented problems which Lenton's long-term residents are being required to deal with.

Lenton is seen by NAG to be almost saturated with students, and to permit this development to take place will not only increase the number of students, but will encourage other casual developers to put in applications to convert other premises into yet more student accommodation.

**2. Design Considerations:** They consider that there are aspects of the proposed design which need to be addressed given its proposed use namely:

- Noise and amenity considerations for living accommodation above the retained pub.
- Lack of amenity space and communal areas.
- Lack of features in the design to reduce opportunities for crime and anti-social behaviour.
- Lack of office for on site management.
- No provision for students with disabilities and disabled parking spaces.
- No provision on site for student drop off and pick at the beginning and the end of term.

**3. Alternative Use:** NAG suggest the building should be re-designed as good quality accommodation for non-student residents ie. apartments.

The Local ward councillors for Lenton and Dunkirk have also raised objections to the proposed development. They state that the Grove sits in a residential area of Lenton, which is recognised as having a high concentration of transient residents, typically housed in HMOs, and a deficit of long-term residents. They believe that the imbalance has created tensions in the community, with a high number of complaints about anti-social behaviour, parking and environmental crime. They are concerned that although the planning authority has put measures in place to prevent the spread of HMOs and to control the growth in housing for transient residents, this has not so far had a significant impact and the serious problem of a lack of housing for long-term residents remains. They therefore object to the conversion of the public house for student accommodation as it would not address the housing problems in the area. In addition, whilst they welcome the plans to return the public house into use, the development of the surrounding site into an additional 22 student studios would appear to conflict with the operations of a pub. The business would be left without any outdoor space for customers during warm weather and especially for smokers. Councillors do not believe that this proposal in its current form would create a viable business.

Councillors also object to the creation of 22 student studios to the side of the public house. They consider that the extension would impact negatively on the adjacent houses on Grove Road and the residential apartments opposite. They conclude that the site would be significantly and unacceptably overdeveloped.

Nottingham Civic Society have stated that they have reservations about the design of the extension to this Locally Listed Building. They have no objection to the mix of uses and consider that keeping the ground floor as pub best reflects the buildings heritage. They do however consider that the design of the extension detracts from the character and interest of the Victorian building. A prominent feature of the existing gable end facing Abbey Bridge is the large, arched window lighting the staircase. They consider it a pity to lose this feature. In addition, the design of the

extension itself does not relate well to the proportions of the Victorian pub building. They feel that the mass and design of the proposed extension should be reconsidered.

**Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objections. Conditions relating to contamination, noise assessment and a noise management plan are recommended.

**Highways:** No objections. Conditions relating to cycle provision, a traffic management plan for the drop off and pick up of students, and redundant vehicular crossings to be reinstated, are recommended.

**Drainage:** The development would be required to reduce surface water run-off by 30%, in comparison with its previous use. Methods of sustainable urban drainage should be used.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (July 2018):**

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application.

Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes, where it is needed, that groups with specific housing requirements (including students) are met and that land with permission is developed without delay. Paragraph 80 requires that significant weight be placed on the need to support economic growth and productivity. Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles. Paragraph 103 states that significant development should be focused on locations which are or can be made sustainable. Paragraph 118 requires that substantial weight be given to the value of using brownfield land and promoting the development of under-utilised land and buildings. Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places.

### **Aligned Core Strategy (ACS) (September 2014):**

Policy A - Presumption in Favour of Sustainable Development.

Policy 1 - Climate Change.

Policy 8 - Housing Size, Mix and Choice.

Policy 10 - Design and Enhancing Local Identity.

Policy 14 - Managing Travel Demand.

Policy 19 – Developers Contributions.

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

ST1 - Sustainable Communities.

H2 - Density.

H6 - Student Housing.

R2 - Open Space in New Development.

NE9 - Pollution.

NE10 – Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 – Car, Cycle and Servicing Parking.

Building Balanced Communities Supplementary Planning Document

Monitoring of Student Households report (March 2017)

Planning Guidance for the Provision of Open Space within Developments,  
Supplementary Planning Guidance

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

### **Main Issues**

- (i) Principle of student accommodation
- (ii) The design and appearance of the development
- (iii) Impact on amenity of surrounding residents
- (iv) Highway considerations
- (v) Planning obligations

### **(i) Principle of student accommodation (Policies A and 8 of the Aligned Core Strategy, Policies ST1, H2 and H6 of the Local Plan, and the Building Balanced Communities SPD (BBCSPD))**

- 7.1 As student accommodation, the principle of the proposal needs to be considered against Policy 8 of the ACS, the saved policies ST1 and H6 of the Nottingham Local Plan and the Building Balanced Communities Supplementary Planning Document (BBC SPD).
- 7.2 Policy ST1 of the Local Plan seeks to provide and maintain balanced communities within the City, noting that family housing is particularly important to sustain local communities and support local schools as centres of communities. Policy ST1 promotes "a balanced mix of housing size, type and affordability in the area, particularly promoting housing for families with children".
- 7.3 In addition, the Building Balanced Communities Supplementary Planning Document (BBCSPD) expands on Policies ST1 and H6 (student housing) and sets out the City Council's approach to the imbalance caused by the overconcentration of student

housing. It promotes the diversion of students from general housing into purpose built student accommodation in appropriate locations. The BBCSPD references that an area is in danger of becoming imbalanced if the percentage of student households exceeds 25% of the total number of households in that area (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students). The methodology in the SPD shows this and adjoining census output areas to have a concentration of 37.2% of student households. However, the BBCSPD also advises that this formula should not result in an overly rigid and mathematical approach to decision making and should not be used as the sole determining factor for proposals in this regard. The BBCSPD also sets out some exceptions to the general presumption of resisting further student accommodation in areas of high concentration, which include where:

- *The development is located within a shopping frontage on a major radial route, where it assists in the regeneration and re-use of retail premises, such as conversion of redundant shops or accommodation above shops*

- 7.4 Policy 8 of the ACS sets out, inter alia, that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities, and that within Nottingham City there should be an emphasis on providing family housing, including larger family housing, to meet Sustainable Community Strategy and Housing Strategy objectives.
- 7.5 The latest Nottingham Authority Monitoring Report (March 2017) highlights that in last 9 years there has been a significant rise in the number of students in Nottingham. This has resulted in approximately 12,417 additional students (a rise from 42,292 in 2007/08 to 54,709 in 2016/17). The 2016/17 academic year saw the largest number of full time students in the two universities. It is difficult to predict student numbers given current uncertainties such as Brexit, but the Universities are continuing to invest in their facilities and are both highly rated both nationally and internationally, so the trend of increases in student numbers is anticipated to continue.
- 7.6 It is recognised that policy guidance contained in the BBCPD and development plan documents has been effective in assisting the maintenance and promotion of balanced communities by encouraging well-managed purpose built student accommodation (PBSA) in appropriate locations, with the intention of freeing up other residential properties for occupation by other households. The Council's monitoring has shown that the number of Student Council Tax Exempt properties has fallen by approximately 20% across the city over the last few years. However, despite the increase in number of purpose-built student bed spaces, general housing stock in the traditional areas of high student concentration, i.e. Dunkirk and Lenton and Radford and Park, remain attractive to students, with little reduction in Council Tax exemptions for student households in these areas. The last few years has seen a significant increase in the supply of PBSA, which reached its highest level in 2016/17 when 1,412 additional bed spaces were made available (it is likely that an additional 800 bedspaces will have been provided for 2018/19 academic year). Vacancy surveys were undertaken for the last 4 academic years with PBSA providers who reported very low vacancy rates of less than 1% for 2017/18. Despite the increase supply of PBSA bedspaces being provided, this has actually been less than the number of additional students requiring accommodation within the City.
- 7.7 The latest Nottingham Authority Monitoring Report (March 2017) recognises that

there remains need for a continued supply of bedspaces within attractive purpose built accommodation and that the demand for student accommodation remains high. It is considered that the provision of further good quality PBSA would attract students that would otherwise occupy houses of multiple occupation in Lenton and Dunkirk.

7. 8 Although the application relates to a pub rather than a shop, the principle set out in BBCSPD in Paragraph 7.3 is felt to be equally applicable in this instance. It would not result in the loss of family housing. The creation of student accommodation would also enable the retention and restoration of this locally important historic building and its use as a pub. It is questionable whether a viable residential scheme of apartments could be achieved on the site without demolition of the building. The location of the site is at the periphery of the main areas of high student concentration to the west. The site is effectively bound on three sides by highway and is constrained by the buildings close relationship with Castle Boulevard and roundabout junction, which is a particularly busy part of the highway network. This is not a location where the development would be likely to have a detrimental impact on the amenity of existing residents, given the inward looking nature of the Castle Gardens development, its position at the corner of Grove Road and being alongside a busy arterial route into the City Centre.
- 7.9 The proposed accommodation is of an appropriate size with cluster bedrooms averaging 12sqm and benefitting from associated communal kitchen/living areas commensurate to the size of the cluster flat, and studios ranging from 18-25sqm. It is in a highly accessible location with good pedestrian, cycle and tram links to the City Centre and both University campuses.
- 7.10 The development scheme would retain the existing pub use on the ground floor which in itself has amenity value to the community.
- 7.11 It is concluded that the principle of the development for student occupation is acceptable and that the proposal accords with the Policies A and 8 of the Aligned Core Strategy, Policies ST1, H2 and H6 of the Local Plan, and the Building Balanced Communities SPD (BBCSPD).

**(ii) Design Considerations (Policy 10 of the Aligned Core Strategy and Policies H2 of the Local Plan)**

- 7.12 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.13 The Grove is an attractive Victorian building located in a prominent position. The building has been vacant and boarded up for a long period. Its retention and refurbishment as part of the proposed development is very much welcomed. The proposal would provide a long term viable use for the building and ensure that its importance as local historic landmark is retained for the future.
- 7.14 The extension to the building has been the subject of significant design amendment in terms of its scale, massing and architectural treatment. Great weight has been given to the retention of the existing building as the main feature of the site, with the scale, density and external appearance of the extension respecting both this and that of the terrace housing on Grove Road, with which it sits comfortably within the street scene.

- 7.15 The design aesthetic of the extension is contemporary and derived from its two distinctly different frontages and neighbouring buildings. Its aim is not to compete with the highly decorative detailing of the Grove's primary facades, yet also to respect the scale and character of the terraced housing on Grove Road. The proposed elevational treatment to Abbey Bridge Road presents a more striking façade to this prominent frontage with a varied building line and projecting windows (for reasons of protecting the neighbouring property's privacy) that provide visual interest and verticality. These sit above a continuous and very horizontal glazed ground floor that grounds the building and activates this frontage with the main entrance and communal space. The Grove Street frontage is quieter and respects the more regular rhythm and character of the adjacent terrace, which it also steps down too. The final details of the materials would be dealt with by condition, together with hard surfacing.
- 7.16 The development has a shared bin store of 31 sqm located with access from Grove Road. The bin stores have been designed to accommodate both general and recycling bins. The applicant has stated that their cleaning strategy would involve the provision of recycling bins in each kitchen. Management of the student accommodation would include responsibility for putting out and bringing in bins on waste collection days. A waste management strategy will be required by condition.
- 7.17 Environmental Health have confirmed that as with city centre public houses, there is no requirement for retained pubs to be serviced by an outdoor smoking area.
- 7.18 Overall the scale, density, layout and design of the proposed development is considered to be a positive and well-considered response to the site and its context, in accord with the NPPF, Policy 10 of the ACS and Policy H2 of the Local Plan.

**iii) Impact on amenity of surrounding residents (Policy 10 of the Aligned Core Strategy, Policies H2, H6 and NE9 of the Local Plan, and the Building Balanced Communities SPD)**

- 7.19 The proposed development has been designed to take into account the existing residential properties which abut the site and to ensure that there would be no adverse impact upon the amenities of existing residents in terms of light, outlook and privacy.
- 7.20 The applicant's recognise that there is a need for strong management arrangements with purpose built student accommodation. Accordingly, a student management plan is proposed within the S106 obligation to negate issues regarding waste management and anti-social behaviour within the locality. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation.
- 7.21 Environmental Health have also recommended the submission of a noise management plan and noise assessment/sound insulation conditions to protect existing and future residents of the scheme, and to address potential noise disturbance arising from the building and external mechanical plant.
- 7.22 On this basis, the design of the scheme and relationship with surrounding properties would ensure that the proposal would not result in an unacceptable level of harm to existing residents, or result in the types of issues identified in the

Building Balanced Communities document such as noise and disturbance, poorly maintained properties and inappropriate management of waste disposal. The proposal therefore complies with the requirements of Policy 10 of the Aligned Core Strategy, Policies H2, H6 and NE9 of the Local Plan and the Building Balanced Communities SPD.

**(iv) Highways considerations (Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)**

- 7.23 Policy T3 seeks to preclude development that would be detrimental to highway safety. There is no parking provision for this development and there would be a restriction within the student management plan to prevent residents from bringing vehicles to the development and surrounding area. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that the proposed development should not pose a risk to highway safety. In addition the scheme incorporates secure cycle storage with a space per bedroom, well placed on this primary cycle route. The proposed servicing of the pub from Grove Road is also considered to be acceptable. In light of these factors, the development is considered to accord with Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.
- 7.24 It is fully recognised that this is a confined site and that a construction management plan is imperative to ensure that its impact on existing residential properties and Castle Boulevard/Abbey Bridge as a main transport corridor, during construction, is minimised. A requirement for a construction management plan together with other matters requested by Highways can be addressed by condition.

**(v) Planning obligations (Policy R2 of the Local Plan)**

- 7.25 In order to comply with the requirements of the relevant Supplementary Planning Guidance, the developer is required to enter into a section 106 obligation to secure the following:
- A financial contribution towards off-site Public Open Space - £8, 8,011.54 in lieu of on-site provision
  - A student management scheme, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management.
- 7.26 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. This would be directed towards improvements at the Kings Meadow Wildlife Site.
- 7.27 It is confirmed that the Section 106 obligation sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

**Other Matters**

**Contamination and Noise (Policy NE12 of the Local Plan)**

- 7.28 The requirements for a remediation strategy to deal with ground contamination would be secured by condition. The proposals are therefore in accordance with Policy NE12 of the Local Plan.

**8. SUSTAINABILITY (Policy 1 of the ACS and Policy NE10 of the Local Plan)**

- 8.1 The site is located in an accessible location and the proposal secures the re-use of this vacant building.
- 8.2 The extension is proposed to be in line with current Building Regulations requirements involving appropriately insulated walls, floors and roofs. Energy efficient lighting and reduced consumption water fittings are also proposed.
- 8.3 The development would be required to reduce surface water run-off by 30%, in comparison with its previous use.

**9 FINANCIAL IMPLICATIONS**

A financial contribution of £8,011.54 has been negotiated in accordance with the Open Space SPG.

**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: Redevelopment of a cleared brownfield site with a quality sustainable residential development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

**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: 18/01082/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P9NBRJLYJZE00>

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

Nottingham Local Plan (November 2005)

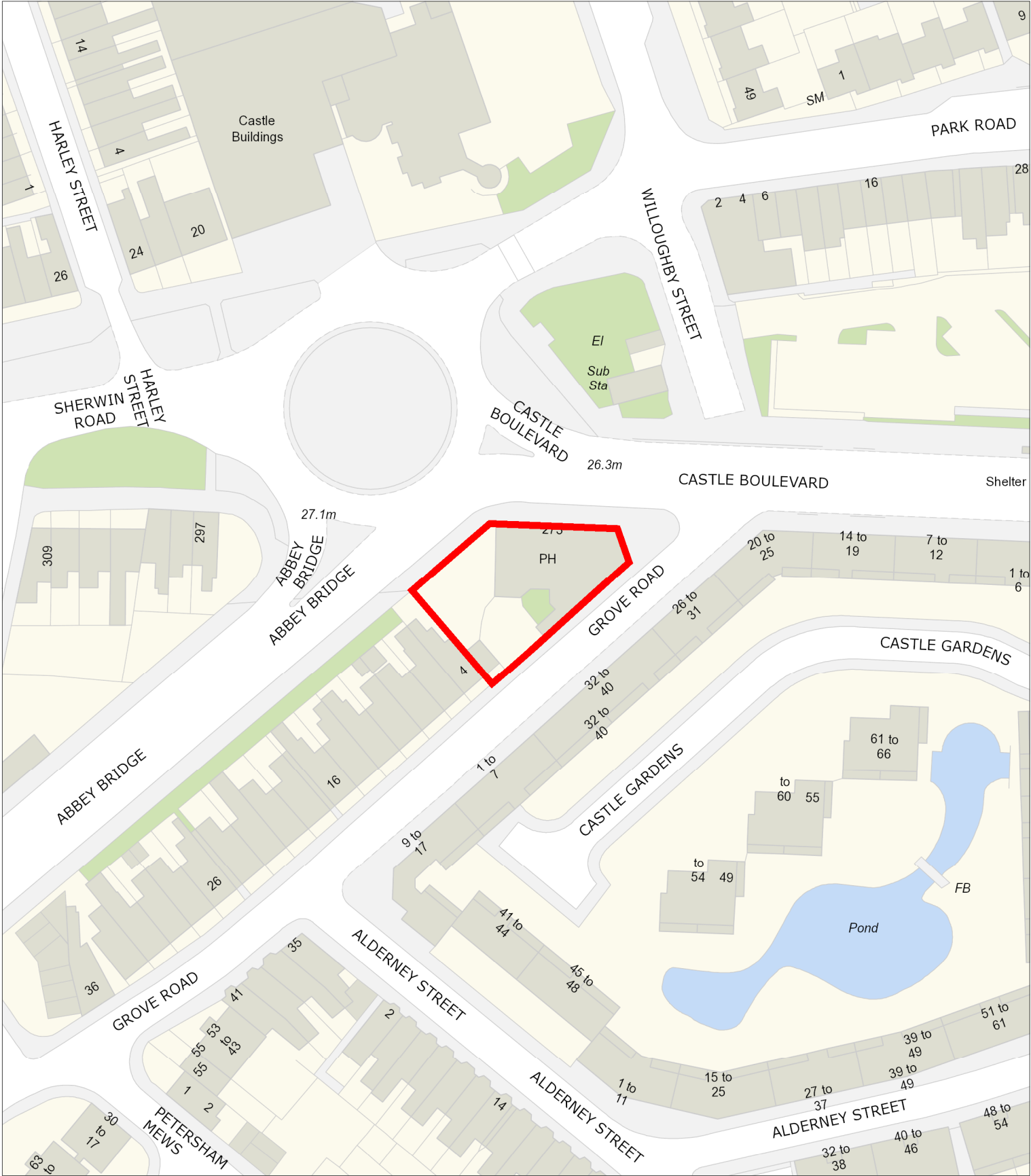
- Aligned Core Strategy (ACS) (September 2014)
- Building Balanced Communities SPD (BBCSPD)
- Open Space SPG.

### **Contact Officer:**

Mrs Jo Bates, Case Officer, Development Management.

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# NOMAD printed map



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Key



City Boundary

Description

No description provided



Nottingham  
City Council

**My Ref:** 18/01082/PFUL3 (PP-06968118)  
**Your Ref:**  
**Contact:** Mrs Jo Bates  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
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NG1 7EG

Date of decision:

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

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Application No: 18/01082/PFUL3 (PP-06968118)  
Application by: Mr Sam Burt  
Location: Grove Hotel, 273 Castle Boulevard, Nottingham  
Proposal: Refurbishment and external alterations to the existing public house on the ground floor. Change of use of the upper 2 floors to 2no. student cluster apartments. Conversion of the existing loft space to 5no. student studios. Erection of three storey extension to the rear consisting of 20no. student studios (In total 38 student beds)

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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.  <i>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.</i>
<b>Pre-commencement conditions</b> (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) Based on the findings Phase 1 Geo-Environmental Desk Study (Preliminary Risk Assessment) by MEC Ltd, dated September 2018 report reference: 24306/09-18/6220.
- 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 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 proposed development poses no contamination risks to accord with Policy NE12 of the Local Plan.*
3. The development, including all site preparation works, shall not be commenced until a Construction Management Plan detailing how the development works are to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include as a minimum:
- Measures to be taken to reduce noise and disturbance to neighbouring properties;
  - Schedules - to include timings of the construction works;
  - Licenses - including hoarding and works within the highway;
  - Traffic Management requirements;
  - Impact on highway, capacity and congestion;
  - Access across highway;
  - Storage;
  - Deliveries, loading and unloading;
  - Contractor staff parking provision;
  - Measures to prevent the deposit of debris onto the highway.
- The construction of the development shall take place in full accordance with the approved plan
- Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies NE9 and T3 of the Local Plan.*

4. Prior to the commencement of above ground development a verification plan based on the sound insulation scheme recommended within the noise assessment report by MEC Ltd, referenced: 24306/09-18/6230 dated September 2018 shall be submitted to and be approved in writing by the Local Planning Authority.

The sound insulation scheme and structural work between the commercial & domestic areas of the development shall 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).

The sound insulation scheme verification plan shall include details of the acoustic measurements and other data that will be collected following completion of the development in order to demonstrate that the internal noise levels set out above have been achieved.

*Reason: To ensure that an appropriate noise environment for future occupants and to accord with policies H2 and NE9 of the Local Plan and policy 10 of the ACS.*

5. Prior to the commencement of above ground development, details of all external materials, including details of the windows/doors, means of enclosure and hard surfaced areas of the site, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include any new windows and doors in the existing building.

The development shall thereafter be implemented in accordance with the approved materials.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of securing a sustainable development in accordance with Policies 10 of the Aligned Core Strategy.*

6. Prior to the commencement of above ground development, large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements of the extension shall be submitted to and approved in writing by the Local Planning Authority:

- a) Elevations: including window, glazing systems, reveals, window panels and entrances;
- b) Roofs: including edges, parapets, and oriel windows;
- c) Plant: including, external ventilation systems, and other similar elements that are integral to the fabric of the building.

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

*Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014.*

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

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



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7. Prior to the development being first occupied, the following shall be submitted to and be 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 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 gas contamination of the site has been fully implemented and completed.
- Reason: To ensure that the site is appropriately remediated in accordance with policy NE12 of the Local Plan.*
8. Prior to first occupation of the development, a verification report, which shall include the data referred to in the verification plan approved under condition 3, to demonstrate that the approved structural work has been achieved & the sound insulation scheme and any complementary acoustic ventilation is fully operational and meets the required internal noise levels, shall be submitted to and be approved in writing by the Local Planning Authority, including the post completion acoustic measurements between the commercial and domestic floors of the development.
- Reason: To ensure that an appropriate noise environment for future occupants and to accord with policies H2 and NE9 of the Local Plan and policy 10 of the ACS.*
9. Prior to the first occupation of the development, a Waste Management Plan shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The submitted management plan shall include provisions for the management of waste arising from the development, details of the management company responsible for the building and waste management, and details for the collection of waste from the development.
- Reason: To ensure waste arriving from the development is dealt with in an appropriate manner to safeguard the amenities of the future and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategy*
10. Prior to the first occupation of the development a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which die are removed or become seriously damaged or diseased within a period of 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 and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.*
11. Prior to first occupation of the development the secure cycle parking shall be provided in accordance with the approved details. The cycle area provided shall thereafter be used for no other purpose other than for the parking of cycles.
- Reason: To ensure that appropriate cycle parking facilities are provided to encourage an alternative mode of transport to accord with policy T3 of the Local Plan and policy 14 of the ACS.*

12. Prior to the first occupation of the development, a detailed Noise Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

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

- Minimise noise arising from operational activities -such as deliveries and bottling up, by technical and physical means, and through management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from any residents
- Provide details of how the internal noise levels in all parts of the proposed development will be controlled & managed to ensure that the noise breakout does not cause noise disturbance
- Provide details of how noise on the street immediately surrounding the proposed development either from customers entering & exiting the premises, queues, smoking areas will be managed
- Regularly review the Noise Management Plan.

*Reason: To ensure that an appropriate noise environment for neighbouring and future occupants and to accord with policies H2, H6 and NE9 of the Local Plan and policy 10 of the ACS.*

13. Prior to the first occupation of the development, any redundant footway crossings and/or damaged or altered areas of footway or other highway shall be reinstated in accordance with details that have first been approved in writing by the Local Planning Authority.

*Reason: To ensure that any redundant crossings or damaged crossings are reinstated appropriately to safeguard highway safety and to accord with policy 10 of the ACS.*

14. The development shall not be occupied until details of a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term has been submitted to and agreed in writing with the Local Planning Authority.

The Traffic Management Plan shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

*Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.*

#### **Regulatory/ongoing conditions**

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

15. The development shall be carried out in full accordance with approved surface water drainage strategy, unless otherwise agreed in writing with 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 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.*

#### **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 24 September 2018.

*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. Contaminated Land, Ground Gas & Groundwater:

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

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

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

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

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

#### 4. Environmental Noise Assessment:

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

Where noise sources shared a floor / ceiling separation or party wall with the development then a sound insulation test of the relevant separation may be required as well as an assessment of the noise source itself and how it is limited or controlled.

The sound insulation scheme verification plan must include the measurement of 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, including any plant and equipment which forms part of the development.

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

#### 5. Highways Informatives:

1. Planning consent is not consent to work on the highway. To carry out the off site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process.

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

2. Planning consent is not consent to work on or from the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place. A Construction Management Plan should be submitted for approval prior to works commencing on site.

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

4. The residents of the approved student dwellings will not be eligible for permits for the adjacent resident parking scheme in operation.

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: 18/01082/PFUL3 (PP-06968118)

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](http://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**