



Additional / To Follow Agenda Items

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

Nottingham City Council Planning Committee

Date: Wednesday, 22 September 2021

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Governance Officer: Kate Morris **Direct Dial:** 0115 876 4353

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Wards Affected: St Anns (May 2019)

Item No:

**Planning Committee
22nd September 2021**

Report of Director of Planning and Regeneration

Site Of 135-137, Lower Parliament Street

1 Summary

- Application No: 21/01294/PFUL3 for planning permission
- Application by: DLP Planning Ltd on behalf of LPS Nottingham Limited
- Proposal: Erection of purpose built student accommodation, together with a basement car park to provide public car parking spaces and ground floor commercial unit, landscaping, public realm and associated works.

The application is brought to Committee because it is a major development, on a prominent site owned by the City Council.

To meet the Council's Performance Targets this application should have been determined by 14th September 2021, extension of time agreed in principle with the applicants.

2 Recommendations

To **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:

- (a) Prior completion of an agreement under s111 of the Local Government Act 1972 to secure Section 106 Planning Obligation which shall include:
 - (i) A financial contribution of £621,298 towards affordable housing
 - (ii) A financial contribution of £364,822 towards open space improvement
 - (iii) A financial contribution of £47,900 towards local employment & training and provision of employment opportunities during construction works.
 - (iv) A student management plan
- 2.1 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.
- 2.2 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning 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.

3 Background

- 3.1 The site is L shaped and fronts onto Huntingdon Street and Brook Street, and was formerly occupied by Housing Aid offices, demolished last year. To the west of the

former building is a surface car park providing 48 parking spaces. The site in its entirety is owned by the City Council and in the process of being sold to the applicant – Watkin Jones. Immediately to the east of the site is the 5 storey Mansion Place student accommodation and to the north-west a 2 storey development which forms the Royal Mail depot/storage building. Further afield on the opposite side of Brook Street is the approved yet unimplemented Blueprint development of 13 dwellings with those fronting Brook Street being approximately 3 storeys in height. Further to the west are existing two storey terraced properties facing the Royal Mail depot. To the east is the 11 storey IQ exchange building. Fronting the site on the opposite side of Lower Parliament Street is the Edge; a 4 storey residential building.

- 3.2 The site is not within a conservation area and is within Flood Zone 1 in accordance with Environment Agency mapping. The development has been the subject of pre-application advice in relation to the principle of development, layout, scale and mass, accessibility and sustainability.

4 Details of the proposal

- 4.1 Planning permission is sought for the construction of new Purpose Built Student Accommodation (PBSA), a commercial unit and basement car park. The PBSA would provide 354 bed spaces arranged in a mix of studios and clusters (83 x studios and 42 clusters ranging in size from 5 -7 bed.) 48 car parking spaces would be provided in the basement as a public car park which would be leased back to the Council as replacement provision.
- 4.2 The development will comprise two separate buildings arranged either side of a central, publicly accessible pedestrian route linking Lower Parliament Street and Brook Street. The larger building would be up to 12 storeys in height, approximately rectangular in shape, with the proposed retail store fronting Lower Parliament Street. The smaller building would also be rectangular, up to 7 storeys with the car park access to the rear of the building accessed from Boston Street.

Both buildings would be constructed of brick; predominantly red brick is proposed for the larger building and grey for the smaller.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

97 individual properties consulted on Brook Street, Lower Parliament Street and Boston Street.

Press & site notices displayed

Objection received from Cllr Johnson stating:

Residents in St Ann's don't want more student accommodation we need social housing.

Three letters of representation received raising the following points:

General acceptance of proposals to regenerate and redevelop sites within the vicinity of The Salvation Army William Booth Memorial Halls. The Salvation Army understands that students need quality living space and a holistic supportive environment during their university years. Developers understand this too- hence

the provision of gyms, catering facilities, libraries, medical. It is hoped that developers will look to engage with the Salvation Army to discuss wider support provision for the student population in this part of the city which could include provision of funding to enhance existing facilities.

Civic Society: Nottingham Civic Society objects to the height and intensity of the proposed purpose built student accommodation. The scale of the building at 12 and 7 storeys high would overwhelm the remnants of Victorian and early twentieth-century townscape which have survived on the western side of Lower Parliament Street. The Victorian former factory (The Edge) and its neighbours, represent an outpost of the Lace Market townscape, conveying a strong sense of the Victorian city's character.

These buildings are non-designated heritage assets, not yet assessed for Nottingham Local List status which should recognise their townscape value. The stature of these buildings should not be compromised by assertively tall structures crowding around them. Whilst Lower Parliament Street is relatively wide at this point, the heights now proposed could still result in buildings which loom over and detract from the appearance of their smaller neighbours. Five or six storeys would be a comfortable height in the streetscene and could be assimilated without damaging the context of existing buildings.

There does not seem to have been any analysis of the impact of this tall development upon some of the long and medium-range views around the Sneinton Market Conservation Area close by. Such tall buildings can dilute the presence of traditional landmarks by crowding out views of the Victoria Leisure Centre's distinctive tower from the north-west or reducing visibility of the unusual silhouette of the Grade II listed Park View Flats' stair towers. Whilst supporting documents identify the fact that views of Nottingham Castle would be obtained from some of the upper floor accommodation of the new development, no consideration appears to have been given to the interrupting of such long-range views of Nottingham Castle from the residential areas further east by the insertion of the tall building or to the cumulative impact of this and other tall buildings under consideration in Eastside in the creation of an impenetrable visual wall, cutting the historic city centre off from the residential areas to the east. The City Centre Urban Design Guide qualified its 'Tall Buildings' Zone Rules' with guidance to avoid just such an eventuality.

NCS welcomes the creation of the pedestrian route through the site to help break down the mass of this urban block and is supportive of the brick elevations with well-recessed windows providing they are detailed to create the effect achieved in the CGI images. However, the detailing comprising alternating brickwork courses of different depths is unlikely to work very well on such a dark grey material of the lower block. The use of rows of headers to differentiate between floors on the red brick building will not deliver the definition sought without some variations in brickwork depth too.

The density of occupation implied by the scale of these buildings is still too intensive on this site - creating inadequate public space around the buildings for landscaping and sustainability measures, whilst building in pressures on servicing such dense developments, making them unsustainable development contrary to local plan policy.

Nottingham Local Access Forum: The Forum supports those aspects of the application that are aimed at maximising the permeability of the site. Creating a public realm that links Lower Parliament Street and Brook Street, with pedestrian access through the site as well as to the two blocks of development, appears to fulfil this objective. The Forum is not totally convinced that the natural surveillance of this walking routes has been achieved, particularly at the north eastern end of the site. This will be exacerbated outside term time, when many students will be absent. It is regrettable that the development involves the loss of mature trees. It is noted that para 8.20 of the Design and Access Statement does aspire to enhance the ecological value of the site through the inclusion of native tree and shrub planting within the landscape design of the new development. The landscape plan for the development must be enforced by appropriate conditions which reflect this. The site is well located to promote active travel to academic institutions. The Forum welcomes the provision of cycle parking to facilitate this. Although there is a sufficient number of spaces for student residents, the amount of visitor spaces falls short of that advised in Appendix 1 of the Local Plan Part 2, and no provision is made for the commercial use. It is noted the secure internal provision is for a two-tier systems. This can work well but only accommodates standard cycles. Heavier cycles such as e-bikes and cycles designed for those with mobility impairments would generally not be well catered for in such systems and it is suggested that appropriate provision is included for such bikes as well as for charging facilities, within the proposed cycle parking.

The Forum requests that an appropriate condition is imposed with regard to cycle parking that meets all these concerns. The site closely abuts adjacent footways. The Forum requests that a condition is imposed which requires a safe environment for both pedestrians and cyclists during construction.

Additional consultation letters sent to:

Planning Policy: No objection

The proposed scheme complies with Local Plan policies and in particular Policy 5 of the Aligned Core Strategy Local Plan Part 1 (2014) regarding the location of student accommodation development, as well as Policy H05 and H06 of the Local Plan Part 2 (2020). In addition, the proposals are in line with adopted Housing Aid Information Planning Guidance and the draft emerging Eastside SPD due to the mix of uses included in the scheme. There are no principle policy objections to the proposed development in this location.

Conservation Officer: No objection

I share the Civic Society's concerns about the risk of a tall building wall developing between the residential areas to the east and the City Centre, but I am confident that the East Side SPD will seek to tackle this head on. In this particular case I don't think there is a problem with blocking of longer views from the east as these are channelled quite strongly down Robin Hood Street and St Ann's Well Road.

The setting of the Lace Market fringe buildings on the other side of Huntingdon Street doesn't worry me. To my mind Huntingdon Street forms a clear transition between the two areas and the block on the west side is pretty self-contained in terms of its character, scale and massing.

Pollution Control: No objection

Subject to conditions including environmental noise assessment and implementation of sound insulation scheme (including commercial plant noise) and implementation of the approved air quality scheme.

City Archaeologist: A programme of archaeological works should be required as a condition of planning permission.

Highways: No objection

Subject to conditions relating to gate positioning, redundant footway crossings being reinstated, cycle parking, electric vehicle charging points, travel plan.

Biodiversity Officer: No objection

Detailed landscaping design, planting scheme and management plan should be made a condition of any permission and should specifically secure the inclusion of green roofs. An Ecological enhancement plan to show the types and locations of bat and bird boxes should also be secured.

Drainage Officer: No objection

The development proposes to reduce existing discharge rates by 30% by attenuation, in the form of both a blue roof system and geo-cellular storage. This is a welcomed and acceptable approach.

The use of bio-retention has also been deemed viable and is to be confirmed by the landscape architect. I would request that this is explored and that any landscaping is incorporated with storage and surface water management in mind to maximise the benefits of the landscaping. Tree pits proposed should also seek to be designed as SuDS tree pits where possible. There are some details mentioned in the landscaping report however further details should be submitted the team to fully explore this.

Given the surface water flood risk of the site and higher risk of surrounding roads, there is a risk of the basement flooding. The drainage strategy does identify the need for the basement car park to have a package pump station. Will this system be adequate enough to mitigate this risk? If not, what is proposed to manage potential surface water run-off in the basement.

Please could the applicant provide details of how the proposed drainage (and landscape features that are to be investigated to achieve surface water benefits) will be maintained for the lifetime of the development and who will be responsible for undertaking this?

6 Relevant policies and guidance

National Planning Policy Framework (2021):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (2014):

- Policy 1 - Climate Change
- Policy 6 – Role of Town and Local Centres
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 11: The Historic Environment
- Policy 14: Managing Travel Demand
- Policy 17 – Biodiversity
- Policy 19 – Developer Contributions

Local Plan Part 2 - Land and Planning Policies (January 2020)

- Policy CC1 - Sustainable Design and Construction
- Policy CC3 – Water
- Policy HO1 - Housing Mix
- Policy HO3 - Affordable Housing
- Policy DE1 - Building Design and Use
- Policy DE2 - Context and Place Making
- Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
- Policy EN2 - Open Space in New Development
- Policy EN6 - Biodiversity
- Policy EN7 – Trees
- Policy RE1- Facilitating regeneration
- Policy RE3- Creative quarter
- Policy TR1 – Parking and Travel Planning
- Policy IN2 - Land Contamination, Instability and Pollution
- Policy IN4 - Developer Contributions

7. Appraisal of proposed development

Main Issues

- (i) Principle of development
- (ii) Scale and design
- (iii) Impact on amenity
- (iv) Other matters

(i) Principle of Development (ACS Policy 5 and LAPP Policies HO5, HO6 RE1 and RE3)

- 7.1 The application site is located in the City Centre and within walking distance of Nottingham Trent University campus (including Confetti on Lower Parliament Street/Huntingdon Street), and city centre amenities. Policy 5 of the ACS supports city centre living initiatives including student housing where appropriate.
- 7.2 Notwithstanding the potential impacts of the Covid 19 pandemic upon the future demand for student accommodation, monitoring reports on the provision of student accommodation have consistently illustrated the need to maintain an on-going supply of additional bedspaces in order to meet increases in the number of students attending further and higher education courses within the city. The strategy to meet this on-going supply has been to focus upon the provision of high quality Purpose Built Student Accommodation (PBSA) within the City Centre and thereby to attract students that could otherwise occupy houses of multiple occupation outside of the City Centre.
- 7.3 Policy HO5 of the LAPP acknowledges that purpose built student accommodation of an appropriate scale and design will be encouraged within the City Centre boundary, subject to accordance with site and area specific policies. As part of the sales pack for the site the Council produced informal guidance to steer future development of the site. The guidance set out that the site provides the opportunity to create high quality residential led development consisting of a mix of apartments and/or student accommodation along with other uses including retail, office, leisure and/or class E use on the ground floor to increase activity. It is considered that the proposed development is broadly in line with guidance provided for this site. Consideration has also been had of the Eastside SPD. This document is still in draft format and currently being consulted upon and as such at present does not carry any significant weight in policy terms. The SPD should it be adopted in its current format, seeks to ensure that the Eastside is not dominated by any one type of residential occupant and that development is mixed use in nature and improves connections from the Eastside towards the city centre. The site is divided into two separate buildings with connectivity provided through the centre creating improved linkage from Brook Street through to Lower Parliament Street and the city centre. Policy RE3 of the LAPP supports the provision of accommodation including student accommodation as part of mixed-use schemes. As detailed within the description of development whilst the predominant use of the site is that of PBSA, a retail unit is provided with the applicant stating they are in dialogue with local, independent operators regarding future occupation. Furthermore, the site provides a 48 space public car park to better facilitate connectivity between this part of the Eastside and the city centre.

7.4 Policy HO6 of the LAPP states that planning permission will be granted for purpose built student accommodation where this does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. In assessing the development's impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard is to be given to a range of criteria including student concentration, but with exceptions being made for those sites within areas identified in Policy HO5 where new purpose built accommodation is to be encouraged. The application site, being within the City Centre, complies with this exception and is therefore considered to be appropriate in principle for the proposed development based on its location.

7.5 Whilst other criteria form part of the detailed assessment, it is therefore considered that the proposed development accords with Policy 5 of the ACS, Policies HO5 and HO6 of the LAPP.

(ii) Scale and design and impact on heritage assets (ACS Policies 10 and 11, LAPP Policies DE1, DE2 & HE1).

7.6 The scale and design of the proposed development has been discussed extensively as part of the site design brief to ensure the proposed development suitably assimilates into its surroundings. The tallest, northernmost building is proposed to be 12 storeys fronting Lower Parliament Street, reducing to 5 storeys along the Brook Street façade. The southern building on the opposite side of the pedestrian link will be 7 storeys and orientated with the long facades facing east-west, wrapping around the corner of Lower Parliament Street and Boston Street. Materials will primarily be a mix of brick with deep recessed glazing, arranged with a largely vertical emphasis. Brick banding is proposed on the taller building to provide breaks in the elevation and decorative brick detailing included on side facing elevations for interest. The entrance for the accommodation would be off the central pedestrian route through with ground floors of both buildings activated with windows serving social spaces. The Lower Parliament Street frontage to the larger building would also incorporate the retail store entrance.

7.7 The closest listed heritage assets to the site is situated on the corner of Brook Street and Bedford Row approximately 70m to the south east. The proposal is not considered to impact upon the setting of this asset, given the oblique angle and intervening built form of Mansion Place. The 4 storey converted mill building, The Edge, situated on the opposite side of Lower Parliament Street to the development has been considered for Local List inclusion but not formally added. The boundary of the Sneinton Market Conservation Area is situated on Gedling Street, approximately 50m to the east. As per the above consideration relating to any perceived impact on the setting of the nearest heritage asset, intervening existing built form of the IQ Exchange is considered to negate any potential impact on the character of this designated area.

7.8 The proposal for two buildings of different scales and the change in massing from Lower Parliament Street back to Brook Street would ensure that the development doesn't result in the creation of monolithic form, one of the key aims of Informal Planning Guidance provided by Urban Design Colleagues prior to formal submission. The use of different colour bricks as outlined in the submitted CGI images also helps ensure that the development doesn't appear as a continuous mass but provides variety in the street scene. To ensure a successful form of development specific material finishes would be secured via condition. The comments from the Civic Society regarding impact on existing buildings on the

south western side of Lower Parliament Street are noted, however it is considered that the scale and separation between these buildings and the development site would ensure the proposed structures wouldn't overwhelm. The development has been reviewed by the Conservation Officer and no objection raised. It is considered that the scale and design of the proposed development is appropriate to the street scenes of Lower Parliament Street and Brook Street with the design of the buildings providing interest and contrast to this part of the city. The proposal is considered to accord with ACS Policies 10 and 11, LAPP Policies DE1 ,DE2 and HE1

(iii) Impact on Amenity (Policy 10 of the ACS, policies DE1, HO6 and IN2 of the LAPP)

- 7.9 The application is supported by a daylight/sunlight assessment. The closest properties to the site are the existing and recently extended student accommodation at Mansion Place, which wraps around the north eastern boundary of the site. The relationship between the existing rooms in Mansion Place and the development site is considered to be acceptable, with overlooking between the sites generally at oblique angles. Residential properties on the approved Blueprint development fronting Brook Street would, should they be constructed experience largely the same relationship as that from the existing Mansion Place development. Two storey terraced properties are located approximately 35m to the north-west on Brook Street. Given the separation and orientation the proposed development is not considered to significantly impact on current occupiers of these properties. Consideration has also been had to apartments to the south of the site on Lower Parliament Street and the relationship considered to be acceptable.
- 7.10 In terms of amenity for future occupiers of the development; rooms would be a mix of clusters (13-14m²) with associated lounge, dining, kitchen area and studios; 20m². Extensive communal facilities are provided on the ground floors of the buildings with dining space, meeting rooms, games rooms, social space and a gym.
- 7.11 Whilst the potential for antisocial behaviour will always exist in student developments, a student management plan as a requirement of a S106 agreement would need to include a commitment for the operator to work proactively with the local community, including 24 hour contact details and community liaison. Restrictions on keeping private vehicles within the city will also need to be applied and has been a proven deterrent to the potential impact of car parking. It is therefore considered that the development would provide good standards of amenity for future occupiers and appropriate student management measures to minimise any impact of the student accommodation use on the local community. The proposal has been reviewed by pollution control colleagues and no objection raised subject to a number of elements being secured via condition.
- 7.12 The proposal would be in accordance with Policy 10 of the ACS and Policies DE1 and HO6 of the LAPP.

(iv) Other Matters (LAPP Policies CC3, EN6, EN7, IN2 and TR1)

- 7.13 The comments received from the drainage officer are noted and the applicant has sought to engage and discuss the points raised. Clarification has been provided regarding SuDS tree pits, the drainage strategy for the basement car park and future maintenance arrangement. The further information provided is considered to

be acceptable by the Drainage Officer and the proposal is considered to accord with policy CC3 of the LAPP.

- 7.14 The application site is located within the archaeological constraint area of the city. No recorded caves are detailed in proximity to the site but the development has still been supported by a desktop archaeological assessment. This has been reviewed by the City Archaeologist, who has recommended that a programme of archaeological works should be required as a condition of planning permission.
- 7.15 The comments received from the Local Access Forum are noted and cycle parking provision has been discussed with the applicant and highways colleagues. The development would be policy compliant in relation to resident cycle parking but underprovide in relation to visitor parking allowance. Cycle parking is proposed within both buildings with visitor parking in the landscaped walkway between the buildings. Highways colleagues have reviewed the proposal and given the highly sustainable location of the site raised no objection. Safety comments during construction are again noted and would be covered within a construction traffic management plan which would be secured via condition.
- 7.16 Comments from Highways colleagues are noted and conditions are recommended in relation to reinstating footpaths and the provision of electric vehicle charging points. The proposal would accord with policy TR1 of the LAPP.
- 7.17 The response of Environmental Health is also noted and conditions are recommended in relation to land contamination verification, environmental noise assessment and implementation of sound insulation scheme (including commercial plant noise). In addition details of extraction shall be submitted and agreed should any cooking of food be proposed within the ground floor retail unit. The proposal subject to condition is in accordance with LAPP Policy IN2.

8. Sustainability / Biodiversity

- 8.1 The site is sustainably located as part of the City Centre. The application is supported by an Energy Strategy Report which looks to follow the mantra of 'Be Lean, Be Clean and Be Green'. A range of individual sustainable measures are also to be incorporated within the proposed development including: Passive and active design measures including enhanced building fabric and heating controls, communal air source heat pumps to provide heating and hot water and roof mounted photovoltaics. In accordance with policy CC1 BREEAM Excellent is being targeted with CO² reduction on Building Regulations 2013 proposed in excess of 46%. Comments raised by Environmental Health colleagues relating to potential for overheating have been noted by the applicant and a thermal comfort report for BREEAM purposes is being undertaken and will be based on TM52 (Building Regulations) criterion.
- 8.2 Areas of green roof are proposed on both buildings and the creation of rain gardens which will contribute to biodiversity enhancement in this part of the city. Furthermore as indicated on landscaping proposals, planting would be provided between the buildings and along the Brook Street and Lower Parliament Street frontages. Discussions have been had with the applicant regarding the feasibility of tree planting on Lower Parliament Street and a survey of services along the frontage of the site has been undertaken and the applicant remains confident that tree pits or similar can be provided. Precise details shall be secured via condition.

The comments from the biodiversity officer are noted and landscaping and ecological enhancement shall be secured via condition.

9 Section 106 (LAPP Policies EE4, HO3, HO6 and IN4)

- 9.1 In accordance with The Affordable Housing Contributions arising from Purpose Built Student Accommodation Supplementary Guidance a contribution of £621,298 towards affordable housing provision is would be required in accordance with policy HO3.
- 9.2 In accordance with The Provision of Open Space within New Residential and Commercial Developments Supplementary Guidance an open space contribution of £364,822 towards open space improvements would be required in accordance with Policy IN4.
- 9.3 The applicant has engaged with and indicated that they will work with the Council's Employment and Skills team in relation to creation of future local construction and operational job opportunities. A financial contribution of £47,900 in accordance with Policy EE4 of the LAPP would also be required.
- 9.4 A student management plan will be a necessary requirement of a S106 agreement and includes a commitment for an operator to work proactively with the local community, including 24 hour contact details and community liaison and a restrictions on student occupants keeping private vehicles within the city. It is considered that appropriate student management measures will therefore minimise any impact of the student accommodation use on the local community in accordance with Policy HO6 of the LAPP.
- 9.5 The proposed obligations accord with planning policy and are therefore necessary, reasonable, and directly related to the development meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
- 9.6 The site is not in the ownership of the Applicant and is in the ownership of the Council. The Council cannot enter into a s106 agreement with itself. To secure the CIL Regulations 2010 compliant planning obligations, prior to the grant of planning permission, an agreement under s111 of the Local Government Act 1972 would need to be entered into by the Applicant with the Council to require the Applicant, upon obtaining a legal insert in the site, to enter into a s106 planning agreement to secure the required obligations.

10 Financial Implications

Financial contributions as detailed above are in accordance with policies EE4, HO3 and IN4 of the LAPP and relevant Supplementary Guidance. These are £621,298 towards affordable housing, £364,822 towards open space improvement and £47,900 towards local employment & training.

11 Legal Implications

Section 111 of the Local Government Act 1972 (LGA1972) is entitled "Subsidiary powers of local authorities". It is a generalised catch-all provision to enable local authorities to "do anything.... which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions" (Section 111(1)).

The use of the power under Section 111 is by its very nature applied to a very wide range of local authority functions, and its use must be subsidiary to the discharge of some particular function.

In the present case, the power under Section 111 would be used by the council to enter into an agreement with the applicant which will secure the entering into of a planning agreement under S106 of the 1990 Act. Accordingly, the relevant principal function to which the use of S111 is subsidiary in this case is S106 of the Town and Country Planning Act 1990 (as amended).

Under S106 of the 1990 Act only persons with an interest in land can enter into planning obligations with the local planning authority (by agreement or otherwise) and gives local planning authorities powers to enforce such planning obligations.

The Applicant is not currently in a position to enter into a planning obligation with the Council as local planning authority under S106 because it does not yet have an interest in the relevant land. As the landowner and also the local planning authority, the Council cannot covenant with itself to comply with the planning obligations, nor can they be enforced against themselves.

To secure the necessary planning obligations an agreement under section 111 LGA72 would be necessary with the applicant which will secure the entering into of a planning agreement under S106 of the 1990 Act upon them obtaining a legal interest in the land.

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

12 Equality and Diversity Implications

The provision of DDA compliant accessible buildings and parking spaces.

13 Risk Management Issues

None.

14 Strategic Priorities

Encourage purpose built student accommodation in places where it reduces pressure on family housing. Ensuring that all planning and development decisions take account of environmental and sustainability considerations. Ensuring Nottingham's workforce is skilled.

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

17 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 21/01294/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QUQBH0LYFXF00>

18 Published documents referred to in compiling this report

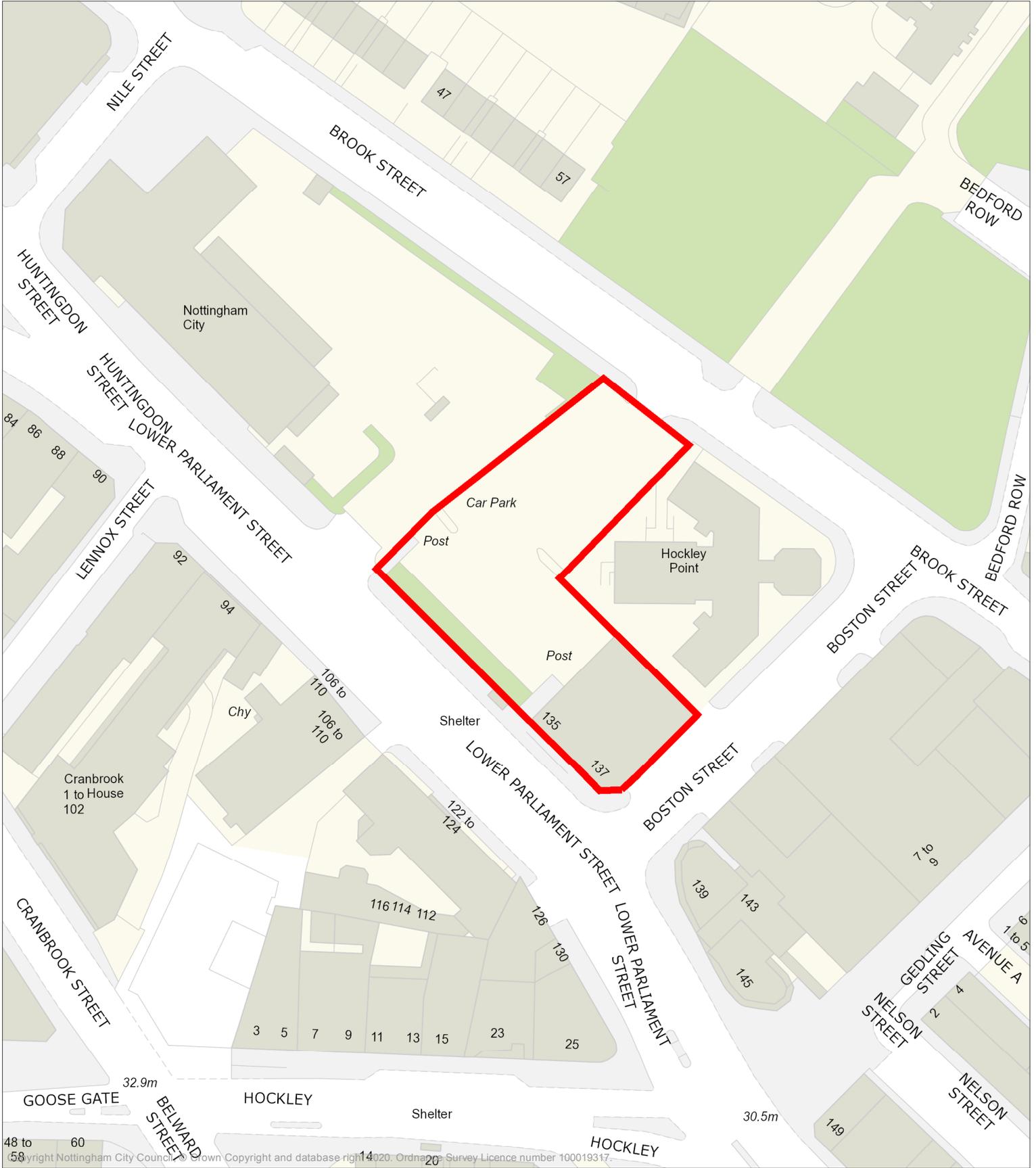
Nottingham Local Plan Part 2 (January 2020)
Aligned Core Strategies (September 2014)
The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)
Affordable Housing Contributions arising from Purpose Built Student Accommodation (May 2020)
Eastside SPD Consultation Draft (June 2021)
NPPF (2021)

Contact Officer:

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NOMAD printed map



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Key
 City Boundary

Description
 No description provided

My Ref: 21/01294/PFUL3 (PP-09868818)
Your Ref:
Contact: Mr James Mountain
Email: development.management@nottinghamcity.gov.uk

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

DLP Planning Ltd
FAO Mr Darren Abbott
6th Floor
City Gate East
Tollhouse Hill
Nottingham
NG1 5FS

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

Application No: 21/01294/PFUL3 (PP-09868818)
Application by: LPS Nottingham Limited
Location: Site Of 135-137, Lower Parliament Street, Nottingham
Proposal: Erection of purpose built student accommodation, together with a basement car park to provide public car parking spaces and ground floor commercial unit, landscaping, public realm and associated works.

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)

DRAFT ONLY
Not for issue

2. No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: In the interests of archaeology and to accord with policy HE1 of the LAPP

3. Prior to the commencement of development a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement and strategy for managing mud or similar debris on the adjacent public highways.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy TR2 of the LAPP

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Not for issue

4. Prior to the installation of any of the following items; glazing/ventilation/mechanical plant items, an environmental noise assessment and sound insulation and ventilation 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 [relevant premises which may not currently be operating, and] 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 and ventilation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic 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 normally more than 45dB L_{Amax}(1 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 and ventilation scheme shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: In the interests of the amenity of future occupiers and to accord with policy DE1 of the LAPP

5. Prior to the installation of any of the following items; glazing/ventilation/mechanical plant items, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

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

Reason: In the interests of the amenity of future occupiers and to accord with policy DE1 of the LAPP

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Not for issue

6. Prior to the commencement of any use within the development where food and drink is prepared, cooked or served, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: In the interests of amenity and to accord with policy DE1 of the LAPP

7. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development including the construction of a sample panel on the site shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS and policy DE1 of the LAPP.

8. 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 for each architectural variation to the building's elevations shall be submitted to and approved in writing by the Local Planning Authority:

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

The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS and policy DE1 of the LAPP.

9. Prior to above ground development, an ecological enhancement plan as outlined in the comments received from the biodiversity officer (13/7/21) shall be submitted to and agreed in writing with the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of enhancing biodiversity and to accord with policy EN6 of the LAPP.

Pre-occupation conditions

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

10. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 2 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of archaeological interest and to accord with policy HE1 of the LAPP

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Not for issue

11. Prior to first occupation of the development, a Verification Report shall be submitted to and be approved in writing by the Local Planning Authority to demonstrate that the remedial measures set out in the report Supplementary Land Contamination Appraisal by Apex Consulting dated 12/08/2021 rev1 have been fully implemented.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

12. Prior to first occupation of the development, verification that:
- i. the approved electric vehicle changing scheme for the basement car park as set out in the Design & Access Statement by ECE dated June 2021 has been implemented and
 - ii. appropriate cable provision is included in the scheme design and installed as part of the development to prepare for increased demand in future years.

shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport and to accord with policy TR1 of the LAPP

13. Prior to first occupation of any commercial unit where food and drink is prepared, cooked or served verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with policy DE1 of the LAPP

14. Prior to first occupation of the development, verification that the approved sound insulation and ventilation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future occupiers and to accord with policy DE1 of the LAPP

15. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

Reason: In the interests of the amenity of future occupiers and to accord with policy DE1 of the LAPP

16. The approved hard surfacing as detailed in Public Realm Masterplan (Dwg No. 100 issue 3) shall be carried out prior to first occupation of the development.

The approved soft landscaping scheme as shown in the above plan and in greater detail in Landscape and Public Realm document undertaken by Phil Allen Design (210526) including roof top planting as shown on Roof Garden Master plan (Dwg. No. 101 Issue 1) shall be carried out in the first planting and seeding seasons following the occupation of the building. Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development, 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 secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS

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Not for issue

17. The development hereby approved shall not be occupied until such time as precise details relating to tree planting shown to be in the public highway fronting Lower Parliament Street and Brook Street on Public Realm Masterplan Dwg No. 100 Issue 3 has been submitted to and approved in writing by the Local Planning Authority.

The approved planting shall be carried out in the first planting and seeding seasons following the occupation of the building.

Any trees which die, are removed or become seriously damaged or diseased within five years following the occupation of development, 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 secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS

Regulatory/ongoing conditions

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

18. Development shall be in accordance with the approved Energy Strategy Report prepared by Applied Energy dated 09/06/21 unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure the development is sustainable and to accord with the aims of policy CC1 of the LAPP

19. Development shall be in accordance with the approved Drainage Strategy and additional supporting information received on 10/8/21 unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure the development is does not contribute towards flood risk and to accord with the aims of policy CC3 of the LAPP

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 15 June 2021.

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. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for

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agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice. The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses/> They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

4. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Highway Network Management highway.management@nottinghamcity.gov.uk 0115 8765293. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

5. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact highway.management@nottinghamcity.gov.uk 0115 8765293. All costs shall be borne by the applicant.

6. Planning consent is not consent to work on the highway. To carry out off-site works associated with the submission, approval must first be obtained from the Highway Authority. Approval will take the form of a Section 278 Agreement. All associated costs will be borne by the developer. Please contact Highways Network Management highway.management@nottinghamcity.gov.uk 0115 8765293.

7. The applicant is to ensure that bin storage areas are appropriate to the development size and that waste management is appropriately located to ensure easy collection either from an adopted highway or through a waste management contract with access onto the site.

8. To discuss electric vehicle charging points please contact Rasita Chudasama on 0115 8763938.

9. TRO assessments are required to support the development. For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

10. A Travel Plan is to be provided by the applicant alongside a plan for student pick up and drop off at the start and end of each term. To obtain further information on expectations please email HighwaysDM@nottinghamcity.gov.uk.

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

Noise Control: Hours of Work and Equipment

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

Monday to Friday: 07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)

Saturday: 08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)

Sunday: at no time

Bank Holidays: at no time

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

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Continued...

Equipment

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

Dust/Grit and Other Fugitive Emissions

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

Contractors are expected to use appropriate guidance and methods (eg Guidance on the Assessment of Dust from Demolition and Construction v1.1, IAQM, 2016) to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include:-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

12. Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

13. 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.

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

- The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme

- example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)

- photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

14. The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (EMAQ, 2018).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

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Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <https://www.cheshirefire.gov.uk/business-safety/fire-safety-advice-for-businesses/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire: Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

15. The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, 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 verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- 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.

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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.

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: 21/01294/PFUL3 (PP-09868818)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,

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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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