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**Nottingham
City Council**

Nottingham City Council Planning Committee

Date: Wednesday, 17 July 2024

Time: 2.00 pm

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

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: Jane Garrard

Direct Dial: 0115 8764315

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** 3 - 8
To confirm the minutes of the meeting held on 19 June 2024
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
- a Temporary Car Park London Road Canal Street Nottingham** 9 - 38

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Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 19 June 2024 from 2.00 pm - 3.58 pm

Membership

Present

Councillor Leslie Ayoola (Chair)
Councillor Kirsty L Jones (Vice Chair)
Councillor Graham Chapman
Councillor Kevin Clarke
Councillor Faith Gakanje-Ajala
Councillor Sam Harris
Councillor Imran Jalil
Councillor Anwar Khan
Councillor Gul Nawaz Khan
Councillor Samina Riaz

Absent

Councillor Zafran Nawaz Khan
Councillor Pavlos Kotsonis
Councillor Sam Lux
Councillor Naim Salim

Colleagues, partners and others in attendance:

Laura Alvarez - Heritage and Urban Design
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Director of Planning and Transport
Laura Wilson - Senior Governance Officer
Tamazin Wilson - Solicitor

1 Appointment of Vice Chair

Resolved to appoint Councillor Kirsty L Jones as the Vice-Chair for the 2024/25 municipal year.

2 Apologies for absence

Councillor Pavlos Kotsonis – other Council business
Councillor Sam Lux – leave

3 Declarations of Interests

None.

4 Minutes

The minutes of the meeting held on 17 April 2024 were confirmed as a true record and signed by the Chair.

5 Land rear of Players Court and Radford House, Norton Street

Rob Percival, Area Planning Manager, presented application 24/00076/PFUL3 for planning permission for the erection of a 7 storey Purpose Built Student Accommodation (PBSA) with 116 apartments (587 bedspaces), with ancillary communal facilities and landscaping.

A presentation was made, which included indicative images of the proposal and, in the discussion that followed, the following points were made:

- (a) The design and scale of the development overall is fine. The inclusion of rounded ends on the building is welcomed, and appears to be becoming a feature in Nottingham which should be continued.
- (b) The dominance of the grey needs to be softened.
- (c) Where possible officers should continue to aim to negotiate appropriate review mechanisms in S106 agreements for developments where viability assessments have been submitted resulting in less than policy compliant financial contributions so that those contributions can be recalculated based on the updated information provided at the later view date.
- (d) S106 spend is delegated to the Director of Planning and Transport, but it would be appropriate for the Committee to receive an annual report on what the S106 money is spent on.
- (e) The green spaces and biodiversity are welcomed.
- (f) The condition protecting the archaeological interest in the tunnels and air raid shelter underneath land adjacent to the site is welcomed.
- (g) The insulation specification is supported, along with the lighting and solar panel proposals.

Resolved to

- (1) Grant planning permission for the reasons set out in the report, subject to:**
 - (i) prior completion of a Section 106 Planning Obligation to secure the following:**
 - a minimum financial contribution of £274,040 towards affordable housing in lieu of onsite provision;
 - a minimum financial contribution of £167,960 towards the provision or enhancement of off-site Public Open Space or Public Realm;
 - a student management plan and restriction on occupants keeping private vehicles within the City.

Subject to a review mechanism in respect of the above financial

contributions should development not be commenced within 2 years of the issue of planning permission, with power delegated to the Director of Planning and Transport to allocate any additional monies available as he sees fit between affordable housing and public open space up to the policy compliant level.

- (ii) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report.**
- (2) Delegate authority to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to the Director of Planning and Transport.**
- (3) Agree that the Committee is 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.**
- (4) Request that an annual report on how S106 contributions are spent is submitted to the Committee for information.**

6 Cleared site at junction of Traffic Street and Wilford Road, site of Laboratories Corner, Traffic Street, Wilford Road

Rob Percival, Area Planning Manager, presented application 22/00188/PFUL3 for planning permission for the erection of a part 7, part 12 (excluding lower ground level), and part 17 storey building comprising student accommodation and associated access, open space and ancillary communal facilities.

A presentation was made, which included indicative images of the proposal and, in the discussion that followed, the following points were made:

- (a) There is concern with the height of the tallest element of the building and the impact it could have on the skyline views to and from the Castle, but the setting of the Castle has been assessed and it is felt appropriate. The scale of wider development on the Southside has generally been suppressed with only limited elements of greater height supported in a number of appropriate locations, which include this site, to ensure that the views to and from the Castle will not be compromised. This is the last plot to be developed in this locality so there is not the opportunity for future developments of a comparable scale.**
- (b) The universities originally raised concerns about the ratio of cluster apartments to studios, so the number of cluster apartments has been increased to 67% against a target of 80%. As a result Nottingham Trent University now support the scheme. The University of Nottingham agree that this change is a step in the right direction but do not consider this enough to remove their concerns, while acknowledging that it is a well considered scheme.**
- (c) Any purpose built student accommodation lends itself to conversion to apartments if it is no longer required for student use.**

- (d) The architecture of the development is appealing, but it was queried whether the windows on the upper floors of the tallest element were too narrow..

Resolved to

- (1) Agree that the requirements of regulations 18(3) and (4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the 2017 Regulations”) are satisfied by reason of the submission of the Environmental Statement as part of the application which includes at least the following information:**
 - (a) a description of the development comprising information on the site, design, size and other relevant features of the development;**
 - (b) a description of the likely significant effects of the proposed development on the environment;**
 - (c) a description of the measures envisaged to avoid, prevent or reduce and offset likely significant adverse effects on the environment;**
 - (d) a description of the alternatives studied by the developer and an indication of the reasons for the option chosen, taking into account to environmental effects;**
 - (e) a non-technical summary of the information referred to at resolutions 1(a) – (d).**
- (2) Agree that the environmental information being the Environmental Statement has met the requirements of schedule 4 to the 2017 Regulations.**
- (3) Agree that that no further information pursuant to regulation 25(1) of the 2017 Regulations is required.**
- (4) Agree that the environmental information (namely the Environmental Statement together with any representations made by any body required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development) has been examined and considered.**
- (5) Agree that, as required by regulation 26(1)(b) of the 2017 Regulations, the Committee has reached a reasoned conclusion on the significant effects of the proposed development on the environment, as contained in the report.**
- (6) Agree that in the opinion of the Committee the reasoned conclusion referred to at resolution (5) above addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development and the Committee is therefore satisfied pursuant to regulation 26(2) of the 2017 Regulations that the reasoned conclusion is up to date.**
- (7) Agree that the Committee does not consider it appropriate to impose monitoring measures pursuant to regulation 26(1)(d) and regulation 26 (3)**

of the 2017 Regulations given the nature, location and size of the proposed development and its effects on the environment.

- (8) Agree that, following the determination of the application, the publicity and notification requirements pursuant to regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Transport be delegated authority to undertake the necessary requirements.**
- (9) Grant planning permission for the reasons set out in the report, subject to:**
- (a) Prior completion of a Section 106 Planning Obligation to include the following:**
- (i) a financial contribution of £860,532 towards the provision of affordable housing;**
 - (ii) a financial contribution of £520,471 toward the provision or enhancement of off-site Public Open Space/Public Realm;**
 - (iii) a Local Employment and Training contribution of £122,207, including targets associated with Local Employment and Training opportunities;**
 - (iv) 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;**
- (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and the additional condition in the update sheet.**
- (10) Delegate authority 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 Transport.**
- (11) Agree that the Committee is 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.**

Councillor Kevin Clarke requested that his vote against the recommendations be recorded.

7 Garages rear of 17 to 21 Marshall Street, Nottingham

Martin Poole, Area Planning Manager, presented application 23/00008/PFUL3 for planning permission for the construction of four terraced houses.

A presentation was made, which included indicative images of the proposal and, in the discussion that followed, the following points were made:

- (a) It is important to ensure that the oriel windows are made of good quality materials to survive exposure to the weather. These are subject to further approval.
- (b) The fencing needs to be of high quality to ensure that it is able to withstand the more frequent stronger winds now experienced in the UK.
- (c) The development is supported as it is in keeping with the area.

Resolved to grant planning permission subject to conditions substantially in the form listed in the draft decision notice, with power to determine the final details of the conditions to be delegated to the Director of Planning and Transport.

8 Dates of future meetings

Resolved to meet at 2pm on the following Wednesdays:

2024	2025
17 July	22 January
21 August	19 February
18 September	19 March
23 October	23 April
20 November	
18 December	

Wards Affected: Castle (May 2019)

Item No:

**Planning Committee
17th July 2024**

Report of Director of Planning and Transport

Temporary Car Park London Road, Canal Street

1 Summary

Application No: 23/01690/PFUL3 for planning permission

Application by: ARC Design Studio Mr Edward Stammers on behalf of BNM
Finley House Limited Mr James Egan

Proposal: Purpose built Student Accommodation (PBSA) comprising 81 beds
(25 Studio beds and 56 Cluster beds)

The application is brought to Committee as it has raised significant local interest.

To meet the Council's Performance Targets this application should have been determined by 12th February 2024. An extension of time has been agreed to cover the period until determination, including the completion of the S106

2 Recommendations

2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to no material objections being raised by the Environment Agency and to:

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

- a financial contribution of £176,018 towards affordable housing in lieu of on-site provision;
- a financial contribution of £106,460 towards the provision or enhancement of off-site Public Open Space or Public Realm, in lieu of on-site provision;
- a Local Employment and Training contribution of £23,327, including targets associated with Local Employment and Training Opportunities;
- 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

(ii) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;

2.2 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 Transport.

2.3 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 Site and Surroundings

- 3.1 The application site is bounded by Cliff Road, Canal Street/London Road and Pemberton Street, and sits to the northwest of the of the London Road roundabout. The site is currently being used as a car park, but the front of the site was formerly occupied by a row of Alms Houses. Immediately to the west and north of the site are two storey residential properties (on Cliff Road and Pemberton Street). To the east is a recent development of apartments on a former petrol filling station site that is 4/5 storeys high fronting Pemberton Street and the London Road roundabout, rising to a 10-storey tower on the London Road/Poplar Street/Plumtre Square corner.
- 3.2 The site occupies a prominent position fronting London Road, which is the southern gateway route into the City Centre. The site is overlooked by the dramatic cliff of the Lace Market with its numerous listed buildings, including the Grade I listed St Mary's Church, visible on the skyline and forming landmarks within the Lace Market Conservation Area. The cliff marks the southern edge of the Lace Market Conservation Area. Further to the south is the Station Street Conservation Area and the adjoining Nottingham Canal Conservation Area, whilst beyond the site to the northeast is the Sneinton Market Conservation Area, and to the northwest is the Old Market Square Conservation Area.
- 3.3 One of the key views of the application site and Lace Market cliff beyond is from southern approach along London Road. In the 18th century and 19th century the application site formed part of an intensive industrial and residential area sitting beside the river Leen, which was canalised. Recent archaeological investigations on the former petrol filling site and the application site itself, have also revealed substantial medieval deposits. The late 20th and early 21st century residential developments on and at the foot of the Lace Market cliff, all respect an appreciation of the historic townscape and understanding of its topography and geology. There are glimpses of the lower sandstone cliff face from London Road.
- 3.4 The site sits within the Creative Quarter, Flood Zone 2, an Archaeological Constraints Area, an air quality management zone and also a ground water protection zone.
- 3.5 Planning permission was previously granted under application reference 17/01992/PFUL3 for purpose-built student accommodation (PBSA) comprising 67 studio bedrooms. The scheme was refined during the lifetime of the 2017 application, resulting in a building of 2 and 3 storeys that respected the wider context and local townscape. It was recognised at the time that the scheme would restrict views of the lower cliff face that is currently visible from the London Road approach, but that it also presented an opportunity to redevelop a gap site and repair a prominent broken street edge to Canal Street/London Road and Pemberton Street. Additionally, it was noted that the lower cliff face would still be visible in shorter and glimpsed views along Cliff Road and Pemberton Street.

4 Details of the Proposal

- 4.1 Permission was originally sought for a PBSA scheme comprising 90 beds (19

studio beds and 71 cluster beds). Like the scheme approved in 2017, the development would have a J shaped footprint positioned at the back of the Canal Street/London Road and Pemberton Street pavements. The building was to be largely four storeys high with a fifth storey to the corner of the Pemberton Street/London Road junction. This original iteration had the building sited a minimum of 2.6m from the side wall of 115 Cliff Road, whilst its western elevation would have sat a minimum distance of 14.3m from the rear elevations of 105 to 115 Cliff Road (odds only). Additionally, to ensure that the scheme would respond appropriately to the site's location within Flood Zone 2, the finished ground floor level was to be raised approximately 1.3m above existing ground level of the site and that of the neighbouring properties on Cliff Road.

- 4.2 This original scheme raised concerns in relation to its impact on the Lace Market cliff face and associated heritage assets, and also upon the residential amenity of neighbouring occupants of Cliff Road. During negotiations to address these issues the applicants also sought to increase the proportion of studio to cluster flats being proposed, a further concern. The scheme has been through numerous iterations since with the latest proposal, received in May 2024, being subject to a further round of neighbour consultations.
- 4.3 As now proposed, the height of the building has been reduced by one floor (largely three storeys high with a fourth storey to the corner) and the upper floors to the western and northern side of the building have been pulled away from the Cliff Road properties. The building would now sit approximately 4.2m from the side wall of 115 Cliff Road and the west elevation, at ground floor level, would be set at a minimum distance of approximately 15.5m from the rear elevations of 105-115 Cliff Road, and 19.7m from the rear elevation of 103 Cliff Road. The first and second floors of the west elevation would now sit at a minimum distance of approximately 20m from the rear walls of 103-115 Cliff Road, with the third floor (fourth storey) being set approximately 22.3m from the rear elevation of 113 Cliff Road, and 19.1m from the rear elevation of 115 Cliff Road.
- 4.4 To further protect the privacy of neighbouring occupants, screening has been added to ramps proposed to the rear of the building and oriel windows added to the rear (west) and side (north) elevations, which restrict views from within the accommodation. A yard area to the rear was initially to be raised along with the finished floor level of the building, with steps alongside the side boundary wall with 115 Cliff Road. These have now been removed and the yard level is to remain as existing.
- 4.5 Unlike the previous scheme, a lower ground floor has been introduced (part below ground level) that would accommodate communal facilities, with some cluster flat and studio accommodation being provided to the ground floor of the building. As revised, the scheme now comprises 81 beds (25 studio beds and 56 cluster beds).
- 4.6 The building is of a contemporary design but one which reflects the character and appearance of the older industrial buildings in the Lace Market. The building curves around the Pemberton Street/London Road corner, where the main entrance with larger glazed elements is positioned, whilst the rest of the front façade would have a regular fenestration pattern set within deep window reveals. The building is primarily to be finished in red bricks with reconstituted and natural stone as the accent material, particularly around the main entrance. Brick detailing is proposed to each floor level and the parapet line. To assist in breaking up the mass of the building, two slightly recessed areas of living green wall have been incorporated to

its front elevation. The third-floor storey, which would be set back from the front edge of the building, is to be finished in a bronze cladding with projecting fins, a material that is also to be used as the side panels for the windows on the main body of the building.

- 4.7 The studios would range in size from 17sqm to 22 sqm. Cluster flat bedrooms would be minimum of 13 to 14 sqm with 5 sqm of living being provided per person. The communal facilities extend to 271 sqm and incorporate a resident's lounge, cinema/games room, gym and laundry room.

5 Consultations and Observations of other Officers

Adjoining occupiers consulted:

128 neighbouring properties on Cliff Road, Pemberton Street (including within the recent development on the former petrol filling site) and those to the Lace Market Cliff edge have been notified of the proposal, in writing, twice. The first round of consultation expired 10.12.2023 and the second 31.05.2024.

The application has also been publicised through a press and site notice; these notices expired 14.12.2023.

As a result of this publicity, 10 representations were received in response to the initial consultation and 13 in response to the second. 9 of the representations received in response to the second round of consultation were from members of the local community who had not responded to the first round.

Issues common to both rounds of consultation were:

- Objection to the scale and mass of building
- Would obscure cliff face (the cliff area next to 17 and 19 Pemberton Street)
- Development would cause residential amenity impacts - overbearing, impact on light, privacy, noise and disturbance etc. Impact on garden areas - right to light impacts
- Construction of development would cause pollution, noise and vibration
- Student use would cause noise, disturbance and increase anti-social behaviour, which is affecting residents
- Over concentration of students in the area
- Need for student accommodation?
- Loss of Council Tax as student accommodation being proposed
- Construction traffic would block accesses and roads, access to fire hydrants affected
- Drop off of students by taxis after nights out will block access to neighbouring housing and roads
- Impact on wildlife
- Impact on archaeology (implication of lower ground floor also raised)
- Impact on property values
- Existing residents need to be rehoused or compensated – due to amount of noise and disturbance/vibration issues from recent developments in the area and road changes

Other issues raised in the first round of consultation, but not the second:

- Lack of landscaping on site

- Local businesses affected by students - anti-social behaviour
- Waste storage location and lack of such facilities

Another issue raised in the second round of consultation:

- What would the boundary treatment to the rear boundaries 105-115 Cliff Road be?

Additional consultation letters sent to:

Environment Agency (EA) – No objections regarding Flood Risk or Ground Water Source Protection Zone. National Flood Risk Standing Advice should be applied in this instance.

Following receipt of revised plans in May 2024, which included the creation of a lower ground floor, the EA has been re-consulted and their further comments are awaited.

Highways Team – No objections, subject to a condition requiring cycle parking and informatives relating to the need for S278 and TRO agreements. They have also advised of on-going discussions to make Pemberton Street one way.

City Archaeologist – This is a complex site in terms of both the archaeological remains present at the site, and the planning history which has resulted in archaeological works undertaken to partially satisfy planning conditions (from a previous approved application) remaining incomplete.

The site is one with demonstrable evidence of late medieval and post-medieval tanning, an important industry in Nottingham from the medieval period onwards. Previous excavation of part of the site revealed the survival of large numbers of tanning pits/vats as well as remains of other industrial structures associated with tanning. Furthermore, evidence was identified for medieval water management. It is my belief that the remains date from the late 14th century onwards. Deposits of earlier date provide important information about previous land use, and there is the potential for deposits of paleoenvironmental interest.

Should planning permission be granted for 23/01690/PFUL3, then two conditions relating to archaeological work should be required to cover a programme of archaeological works and details of post-excavation, reporting and archive deposition.

The City Archaeologist was also asked for comments on the lower ground floor proposed in May this year. They have advised that archaeological work already undertaken on site did include excavation of this area, and that as such there should be no further implications. Their comments and recommendations remain as provided in their initial response.

Waste Management – No objections. The waste bin store is adequate, it would be easier if the access doors were facing the road. Any path/surface to the road from the bin store needs to be level and hard surface and a drop-down kerb to the road is required.

Designing out Crime Officer – No objections, though highlighted that the scheme should be built following secured by design standards.

University of Nottingham – No objections, supported the proposed cluster flat/studio ratio, bed types and amenity space allowances as originally proposed - 90 beds (19 studios and 71 cluster beds). They did express concern when the applicant sought to alter the number of bedspaces to 84 with a cluster/studio mix of 66 studios and 18 clusters, but the scheme was subsequently revised further in favour of clusters.

Nottingham Trent University - No objections, also supported the proposed cluster flat/studio ratio, bed types and amenity space allowances as originally proposed. Likewise expressed concern with the iteration that increased the number of studios. However, also recognised that there were site constraints due to the proximity to Cliff Road properties and the importance of the local townscape in heritage terms.

Carbon Neutral Team – Clarification required on whether a passive design/fabric first approach is to be employed.

Environmental Health and Safer – comments awaited

Conservation Officer – This is a highly sensitive historic location. This cliff and the immediate environs are the oldest inhabited parts of the city. St Mary's Church is oldest religious site in the city and centre of the original Anglo-Saxon settlement. The character and appearance of place must be retained or enhanced by any development. The Conservation Officer has also been involved in the design discussions, which resulted in revised plans being submitted in May. They have welcomed the changes made but have queried the inclusion of the bronze cladding and green walls within the scheme.

Nottingham Civic Society (NCS) – (Original scheme) does not object to the proposed development at Pemberton Street, occupying a sensitive site immediately south of the Lace Market Cliff, a recognised feature of heritage townscape significance. The scale and mass of the building appears to respect the setting of key listed buildings nearby, especially St Mary's. The new development would present a suitable foil to the historic buildings on the Lace Market Cliff behind, whilst responding appropriately to the adjoining townscape along Canal Street and Pemberton Street.

Whilst the scheme would largely interrupt existing views of the lower portion of the Lace Market Cliff's exposed sandstone face, upon which the angled ascent of the medieval route Malin Hill is still discernible, the historic skyline silhouette would be respected and the benefit of repairing the London Road Street edge for enhanced community safety and improved street scene at this point, outweighs the maintenance of the lower cliff face view.

NCS agrees with the heritage statement which concludes that the development has a neutral impact upon the settings of nearby heritage assets.

There is one reservation, however, about the impact of the height and close proximity the scheme upon the amenity enjoyed by the occupants of the closest Cliff Road dwellings, creating a constrained and highly enclosed outlook for the existing houses.

Historic England – Historic England were sent a consultation letter in November 2023; however, they have not submitted any comments in relation the current

application.

6 Relevant Policies and Guidance

National Planning Policy Framework (2023) (NPPF)

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.

Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

Making effective use of land: Paragraphs 123-127 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving well-designed places: Paragraphs 131-141 are focused on achieving the creation of high-quality buildings and places. Paragraph 131 notes that the creation of high quality, beautiful and sustainable 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 135 of the NPPF states that planning policies and decisions should ensure that developments 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 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); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and 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.

Conserving the Historic Environment: Paragraph 201 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 203 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or

loss of:

- (a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 207 - 208 states that where a development proposal will lead to substantial harm to a designated heritage asset permission should ordinarily be refused unless certain specified criteria are met. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

It is important to note the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a duty to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. Additionally, section 72(1) of the Act states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: Spatial Strategy

Policy 5: Nottingham City Centre

Policy 7: Regeneration

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

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE4: Local Employment and Training

Policy RE1: Facilitation Regeneration

Policy RE3: Creative Quarter

Policy HO3: Affordable Housing

Policy HO4: Specialist and Adaptable Housing

Policy HO5: Locations for Purpose Built Student Accommodation
Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose-Built Student Accommodation
Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
Policy TR1: Parking and Travel Planning
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions

Supplementary Planning Policy Documents:

Nottingham City Centre Urban Design Guide May 2009

Biodiversity (2020) SPD

The Provision of Open Space in New Residential and Commercial Development (2019) SPD

Affordable Housing Contributions Arising from Purpose Built Student Accommodation (2021) SPD

Nottingham Student Living Strategy (2023)

7 Appraisal of Proposed Development

- (i) Principle of the development
- (ii) Design considerations, impact upon the adjacent conservation area, the setting of nearby listed buildings and key views
- (iii) Impact on neighbour amenity
- (iv) Other matters
- (v) Planning obligations

Issue (i) Principle of the development (Policies A, 2, 5, 7 and 8 of the ACS, Policies RE1, RE3, HO4, HO5 and HO6 of the LAPP)

- 7.1 The proposal presents an opportunity to create a high-quality development on a longstanding, vacant brownfield site below the Lace Market cliff. There would be regeneration benefits associated with repairing the Canal Street/London Road frontage and townscape of the immediate locality, additionally providing community safety benefits in the form of activity and natural surveillance.
- 7.2 At a strategic level, policies 2 and 8 of the ACS support a concentration of residential and other development in urban areas, particularly Nottingham, to meet local needs. Policy RE1 of the LAPP supports proposals that maximise site potential, where they are of appropriate scale, density and design, and also enable the regeneration of brownfield sites. The site is located within the Creative Quarter where Policy RE3 of the LAPP supports the provision of student accommodation where it is compatible with and does not prejudice the activities of adjoining users. The site is also located within the City Centre boundary (as shown on the Policies Map), where Policy HO5 similarly encourages such accommodation.

- 7.3 Policy HO5 states that PBSA of an appropriate scale and design will be encouraged, subject to developers demonstrating that there is a need for additional student accommodation. Acceptable locations are detailed as being, amongst others, within the City Centre boundary subject to accordance with site and area policies such as the 'Quarters' policies. The latest report 'Student Accommodation in Nottingham' (January 2024) recognises that there is still a need for PBSA and that the demand for student accommodation remains high. It is therefore considered that the provision of further good quality PBSA would attract students that would otherwise occupy houses in multiple occupation (HMOs) outside of the City Centre.
- 7.4 Policy HO6 of the LAPP permits PBSA where it does not conflict with the local objective of creating or maintaining sustainable, inclusive communities. Part 2 of Policy HO6 sets out the matters regard will be given to in relation to a development's impact on this local objective. As this site is within an area where PBSA is encouraged by Policy HO5 of the LAPP, consideration does not need to be given to whether there is an existing over-concentration of HMO/student households in the area. The matters to be considered are: the characteristics of the building, site and immediate locality; evidence of existing purpose-built accommodation provision which already impacts on local character and amenity; the impact the development itself would have on the character and amenity of the area considering Policies DE1 and DE2 of the LAPP; whether the proposal would incorporate adequate management arrangements and cycle parking; if the proposal would result in the positive re-use of an existing vacant site and have wider regeneration benefits; whether adequate evidence of need has been provided for the type of student accommodation being proposed; if the accommodation proposed is of appropriate size and provides adequate communal facilities; and whether the accommodation could be reconfigured to meet general housing needs in the future.
- 7.5 The site is within a mixed-use commercial and residential area, although the immediately adjacent buildings are residential in use. It is also situated on a busy frontage of the highway network within the City Centre. Within this context the principle of PBSA is considered to be acceptable. As mentioned above, the redevelopment of this longstanding brownfield site is supported in regeneration terms and the need for the PBSA also demonstrated, including the typology and mix of units, which are supported by both universities. The accommodation is also appropriate in terms of room sizes and the level of communal space, and the floor plans are such that they would lend themselves to adaption as apartments if required in the future. Design considerations are addressed below.
- 7.6 A student management scheme can be required as part of the planning obligation to mitigate any issues of noise, disturbance or anti-social behaviour. It is also recognised that the site is currently used as a open carpark that would inevitably create some level of noise and disturbance, and may well also attract anti-social issues in itself.
- 7.7 Even though 10% of the units provided within the scheme will not be accessible and adaptable units, Policy HO4 of the LAPP does allow this requirement to be set aside where such provision is not viable or technically feasible. Finished floor levels have been raised to overcome flood risk issues, which means studios and cluster flats would largely have to be accessed via stairs or lift. This is a recognised constraint and the reduced provision therefore considered to be acceptable in this

case.

- 7.8 Overall, the proposal is considered to be compatible with the characteristics of the site and surrounding area, in a highly accessible location with good pedestrian, cycle, bus and tram links to the City Centre and both university campuses.
- 7.9 The proposal therefore complies with Policies A, 2, 5, 7 and 8 of the ACS, and Policies RE1, RE3, HO4, HO5 and HO6 of the LAPP.

Issue (ii) Design considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views (Policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP, the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- 7.10 The existing site is of poor townscape quality and the proposed development offers the opportunity for considerable enhancement. The revisions made to the scheme since first submitted, resulting from a detailed analysis of the development's impact on this sensitive site and the Lace Market cliff, have resulted in what is considered to be a well-conceived development proposal. The scale and mass of the building respect the setting of key listed buildings nearby, particularly St Mary's, and the significance of views of the Lace Market cliff which rises behind the site. The modest height of the building would still allow appreciation of Nottingham's distinctive topography and skyline at this particularly prominent point. Whilst the scheme would largely interrupt existing views of the lower portion of the cliff's exposed sandstone face in longer views, this is considered to be outweighed by the benefits associated with repairing the London Road/Canal Street edge. It is also noted that the lower cliff face would still be visible in shorter and glimpsed views along Cliff Road and Pemberton Street.
- 7.11 The aesthetic of the building and proposed external materials are felt to be respectful of its context, following the lead taken by the other recent developments nearby. The living green wall is an interesting and attractive feature that would additionally help to break down the building's mass; a condition can be used to ensure that this is a robust and well-maintained element of the scheme.
- 7.12 The NPPF Glossary Appendix 2 'The setting of a Heritage Asset' states that *"The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 7.13 The Station Street Conservation Area and the adjoining Nottingham Canal Conservation Area lie further to the south of the site, whilst to the northeast is the Sneinton Market Conservation Area, and to the northwest is the Old Market Square Conservation Area. However, due to the orientation of these surrounding conservation areas together with local topography and townscape the proposed development at Pemberton Street has no visual impact upon them, or any of the listed buildings contained within them. There are no effects on these other conservation areas or listed buildings within them to be considered in terms of paragraph 208 of the NPPF or Policy HE1 of the LAPP and their character and appearance will be preserved.
- 7.14 The significance of this part of the Lace Market Conservation area is partly derived from the prominence of the cliff which terminates the view of the southern approach

along London Road, and from where the prospect of this part of the City Centre is strikingly revealed. For similar reasons, this view is also important for the significance of the numerous listed buildings contained within the Lace Market Conservation Area. As described above, the scale, height and massing of the proposed building have been designed to respect the setting of the Lace Market Conservation Area and the listed buildings contained within its view from the south. The impact on the cliff and its associated heritage assets is considered to be neutral, therefore resulting in 'less than substantial harm' in NPPF and Policy HE1 terms.

- 7.15 Paragraph 208 of the NPPF advises that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The townscape and regeneration benefits of developing this longstanding brownfield site, and the provision of further PBSA in an appropriate location, have been set out above.
- 7.16 It is also important to note the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a duty to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. (Additionally, section 72(1) of the Act states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or land in a conservation area.
- 7.17 In conclusion, it is considered that the public benefit of the scheme outweighs the development's 'less than substantial harm', as set out in Paragraph 208 of the NPPF, and that the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been met. The proposed development also accords with Policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

Issue (iv) Impact on neighbours and future occupants (Policy 10 of the ACS, Policies DE1, HO4, HO6 and IN2 of the LAPP)

- 7.18 The accommodation would provide a good standard of amenity for future occupiers of the development, even with the restricted views being provided by the proposed oriel windows. Although Environmental Health and Safer Places have not commented yet, it is noted that with the 2017 scheme they did request conditions to ensure that appropriate noise attenuation is provided, given the location of the site adjacent to a busy road. Similar conditions can again be included.
- 7.19 A notable number of residents have responded to the consultation process and expressed concern about the impact of the development on their properties in terms of loss of privacy, a view, outlook and light. Given its City Centre location, the site is unusually situated adjacent to more suburban scaled dwellings on Cliff Road, that back onto the site. The scheme has been through extensive amendment to enhance the relationship with these dwellings but the size of the site and need for a development that is also appropriate to the density and scale of the wider townscape has presented challenges in this regard. The scheme approved in 2017 has been used as a benchmark to assess a level of appropriate impact.

- 7.20 In conclusion, it is felt that the final design would ensure that there is sufficient distance between habitable rooms windows in the new building and neighbouring properties. As described above, the building has been pulled away from these properties, particularly the upper floors, and the west elevation no longer has bedrooms overlooking to the rear, but rather these have been replaced with access corridors where windows are limited in number and can be obscurely glazed. Angled oriel windows have also been used in the rear elevation to protect the privacy of the neighbouring residents.
- 7.21 As a result of these design changes the impact on the adjacent residential properties is felt to be appropriately mitigated in terms of privacy, light, outlook and any overbearing impact. This is a fringe City Centre location with buildings of commensurate scale and a generally tight urban grain. Even with the modest domestic scale and character of the neighbouring dwellings, it is felt that the proposed development would have an acceptable relationship with these neighbours. A condition can be used to secure precise details of the boundary treatment proposed along the boundaries with the Cliff Road and Pemberton Street properties.
- 7.22 It is recognised that there is a need for strong management arrangements with purpose-built student accommodation. It is therefore recommended that the S106 obligation include a management plan to negate issues regarding any anti-social issues associated with the property. An integral part of the management plan would be a procedure for local residents to communicate with the management on anti-social issues. The management plan can also include measures to deal with traffic matters relating to the drop off and pick up of students at the beginning and end of each term, as well as other vehicular movements related to the student residents of the scheme during term time.
- 7.23 The proposal therefore accords with policy 10 of the ACS and policies DE1, HO4, HO6 and IN2 of the LAPP.

(v) Other matters

Highways (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 7.24 The site is in a sustainable location close to the train station, tram, bus stops and public car parks. Only one parking space is proposed for this development and there would be a restriction within the S106 Planning Obligation to prevent residents from keeping vehicles within the City and to control student drop-off and pick-up arrangements. The Local Highway Authority are satisfied that the proposed development would not pose a risk to highway safety.
- 7.25 Provision of cycle parking together with the other matters requested by Highways can be addressed by condition and informatives. The proposal therefore complies with Policies 10 and 14 of the ACS and Policy TR1 of the LAPP.

Archaeology (Policy 11 of the ACS and HE1 of the LAPP)

- 7.26 The requirements of the Council's Archaeologist are to be addressed by condition, in accord with Policy 11 of the ACS and Policy HE1 of the LAPP.

Contamination and air quality (Policy IN2 of the LAPP)

7.27 The site is located in the City Centre wide Air Quality Management Zone. The proposal would lead to the removal of a short stay car park, the loss of which would assist the poor air quality matters raised by local residents. Proposed changes to traffic routes in the area will also help to improve air quality in the long term. Whilst, Environmental Health and Safer Places have not provided comments to this scheme, it is considered appropriate to use similar conditions to those proposed by this team in relation to the 2017 scheme. These conditions related to the provision of appropriate ventilation measures to ensure that residents of the proposed development would not be adversely affected by poor air quality, and to deal with any ground and ground water contamination. Policy IN2 of the LAPP is therefore satisfied.

Flood Risk (Policy 1 of the ACS, Policy CC3 of the LAPP)

7.28 Finished floor levels within the building would accord with those agreed under planning permission 17/01992/PFUL3. The Environment Agency have raised no objections to the proposal. The EA's comments on the proposed lower ground floor have been sought, and a further update will be provided.

Issue (vi) Planning obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP and the Open Space SPD and PBSA Affordable Housing Contributions SPD)

7.29 A policy compliant S106 Planning Obligation for the proposed development would be expected to meet the following requirements:

- A financial contribution of £176,018 in lieu of on-site affordable housing provision;
- A financial contribution of £106,460 towards the enhancement of public open space/public realm in the surrounding area, in lieu of on-site provision;
- Local employment and training opportunities in both the construction and operational phases of development, including a financial contribution of £23,327 towards their delivery; and
- 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

7.30 The financial contribution made would total £305,805. The applicant has agreed to meet these requirements and the scheme would therefore to be fully compliant and in accord with Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP and the Open Space SPD and PBSA Affordable Housing Contributions SPDs.

8 Sustainability / Biodiversity (Policies 1 and 17 of the ACS, Policies CC1 and EN6 of the LAPP, and the Biodiversity SPD)

The site has minimal existing ecological value so the development would not be harmful in biodiversity terms. However, there is scope to improve the biodiversity of the site, including the provision of bird and bat boxes. The green living wall and small areas of planting incorporated elsewhere can be secured by condition. The scheme therefore accords with Policy 17 of the ACS and Policy EN6 of the LAPP.

The following sustainability measures are to be incorporated into the scheme:

Building

- Renewable / low carbon energy – The scheme is to be fully electric, with on-site renewables (PVs) to reduce off-site demand.
- Photo Voltaic Panels - circa 90m²
- Reduced water consumption – a requirement not to exceed 110 litres per person/per day is to be included

Transport

- Number of parking spaces – 1
- Number of EVCPs – 1
- Number of cycle parking spaces – 16

9 Financial Implications

Financial contributions detailed above are in accordance with Policy 19 of the ACS and policy IN4 of the LAPP, and the relevant Supplementary Planning Documents.

10 Legal Implications

In determining an application which affects a listed building or its setting, s66 of the Planning (Listed Building and Conservation Area) Act 1990 requires the local planning authority, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Committee must afford considerable importance and weight to the "desirability of preserving... the setting" of listed buildings when weighing this factor in the balance with other "material considerations".

Any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), requires clear and convincing justification. In this case however the planning officer considers the impact neutral (less than significant harm) so as to enable weight to be given to the public benefits of the proposal.

It is also necessary for the Committee, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, as designated heritage asset, under s72 of the Planning (Listed Building and Conservation Area) Act 1990. As indicated above the planning officer has concluded that the effects on the Lace Market Conservation Area are neutral and that its character and appearance is thus preserved. Additionally, it is noted that there are no impacts on other conservation areas within the surrounding areas.

The remaining 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

The proposed development has been designed to be compliant with current Building Regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheelchair users and lifts are proposed at every stair core.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a brownfield site with a high quality, sustainable development.

Safer Nottingham: The development will enhance the surrounding pedestrian environment and incorporates active ground floor frontages that would contribute to a safer and more attractive neighbourhood.

Working Nottingham: Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities.

14 Crime and Disorder Act implications

The development would enhance natural surveillance in and around the site.

15 Value for money

None.

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

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

1. Application No: 23/01690/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S21IOVLYKQ800>

17 Published documents referred to in compiling this report

NPPF (2023)

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

Nottingham City Centre Urban Design Guide May 2009

Biodiversity (2020) SPD

The Provision of Open Space in New Residential and Commercial Development (2019) SPD

Affordable Housing Contributions Arising from Purpose Built Student Accommodation (2021) SPD

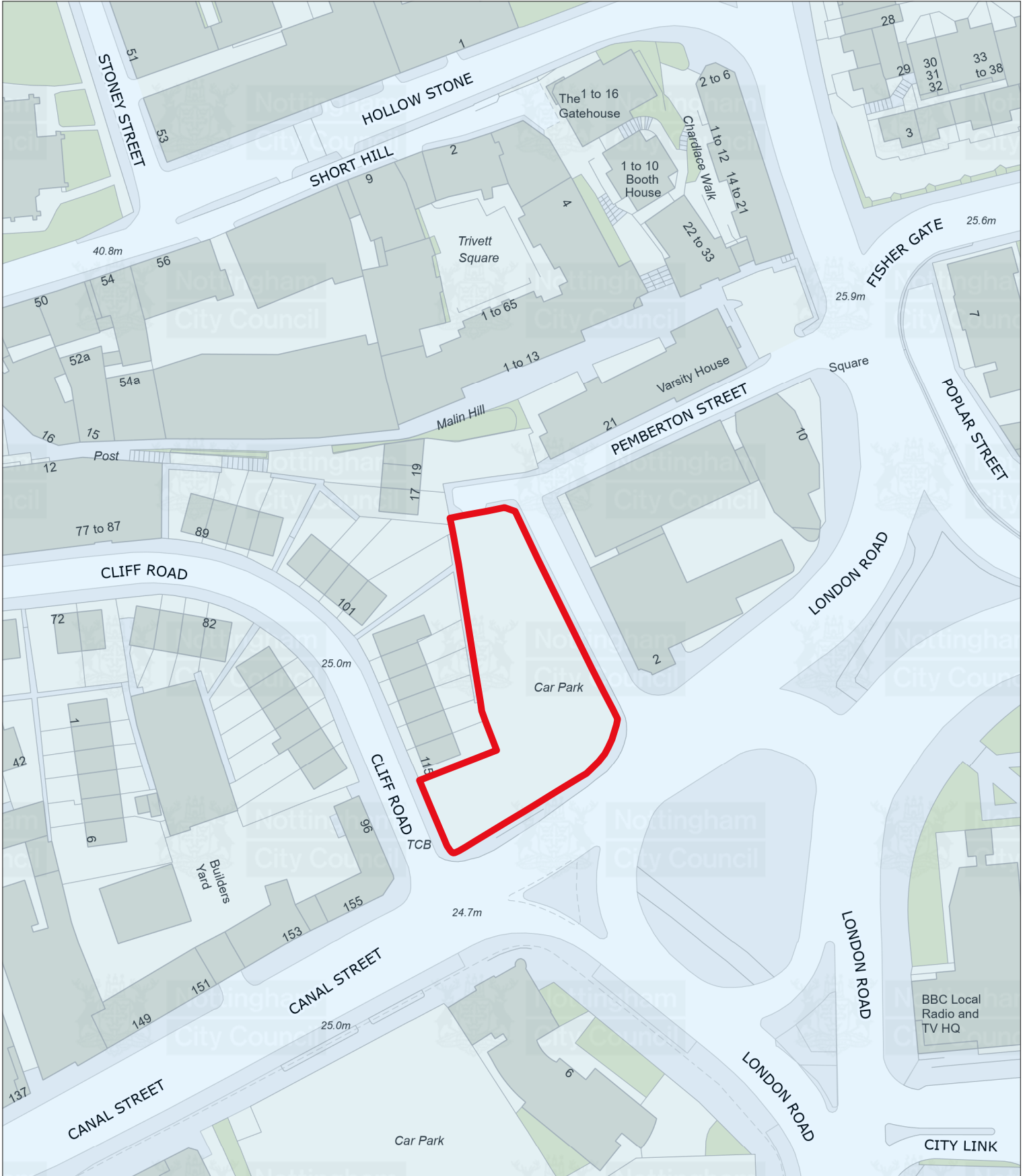
Nottingham Student Living Strategy (2023)

Contact Officer:

Mrs Jennifer Curry, Case Officer, Development Management.

Email: jennifer.curry@nottinghamcity.gov.uk. Telephone: 0115 8764027

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Key
 City Boundary

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Description
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My Ref: 23/01690/PFUL3 (PP-12424752)
Your Ref:
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ARC Design Studio Mr Edward Stammers
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Date of decision:

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

Application No: 23/01690/PFUL3 (PP-12424752)
Application by: BNM Finley House Limited Mr James Egan
Location: Temporary Car Park London Road, Canal Street, Nottingham
Proposal: Revised Scheme to Purpose built Student Accommodation (PBSA) comprising 90 beds (19 Studios and 71 Cluster Beds) - Main Changes proposing a PBSA 81 beds (25 Studios and 56 Clusters), revisions to north and west elevation (facing onto Cliff Road Properties) and introduction of lower ground floor

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

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
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DRAFT ONLY
Not for issue

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Continued...

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 written scheme shall include an assessment of significance and research questions; and also the following:
- i) The programme and methodology of site investigation and recording
 - ii) The programme for post investigation assessment
 - iii) Provision to be made for analysis of the site investigation and recording
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v) Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Archaeological work shall be carried out in accordance with the approved programme and details set out within the Written Scheme of Investigation.

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 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy HE1 of the LAPP.

3. Prior to the commencement of development, a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for each phase of development and shall provide for:
- i) The parking of vehicles of site operatives and visitors.
 - ii) Loading and unloading of plant and materials.
 - iii) Storage of plant and materials used in constructing the development.
 - iv) Wheel washing facilities.
 - v) Measures to control the emission of dust and dirt during construction
 - vi) Measures for the management of surface water during construction.

Reason: In the interests of highway safety to accord with Policy TR1 of the LAPP and to prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. To accord with Policy CC3 of the LAPP.



4. Prior to the commencement of development, details of existing and proposed external site levels, together with details of the final heights of the building and finished floor levels for the Purpose Built Student Accommodation (PBSA) shall be submitted to and approved in writing by the Local Planning Authority. The information submitted shall include before and after development site plans showing spot levels and site cross sections, and shall include consideration of the impact on surface water drainage after development has taken place. The PBSA development shall be completed in accordance with the approved external site levels, finished floor levels and building heights.

Reason: To ensure the satisfactory appearance of the development, to assist in safeguarding the residential amenity of neighbouring occupants and to ensure that there is no adverse impact on surface water drainage in order to accord with Policy 10 of the ACS and Policies DE1, DE2 and CC3 of the LAPP.

5. Prior to the commencement of development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development incorporates sustainable design features to accord with policy CC1 of the LAPP.

6. The development shall not be commenced until details of the boundary treatment proposed around the site adjoining and adjacent properties on Cliff Road and Pemberton Street have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

7. No above ground development shall be commenced until design details of the building including drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority, which shall include the following:

- a) Elevations: including window, glazing systems, reveal depth, window panels/cladding system, brick detailing, window headers/cills and entrances;
- b) Roofs: including edges, parapets and plant enclosures;
- c) Plant: including external ventilation systems and other similar elements that are integral to the fabric of the building;
- d) Green walls: details of the elevation treatment proposed to be provided to the back of the areas where green walls are proposed, the elevation treatment to these areas shall be of sufficient quality and appearance, to offset the loss of the green wall should it fail;
- e) Oriel windows and obscure glazing: details to demonstrate that the views from the proposed oriel windows shall be restricted and details of the obscure glazing to be provided to windows provided to the north and west elevation of the proposed building; and
- f) Screening: details of the screening to the ramp proposed to the west elevation of the proposed building.

Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the design quality of the development and character of the area, to safeguard residential amenity of neighbouring properties and to accord with Policy 10 of the ACS and Policy DE1 of the LAPP.



8. Prior to the commencement of any above ground development, a sample panel of materials to be used within the development shall be constructed on site and the Local Planning Authority invited in writing to inspect, additionally precise details of the materials (e.g. bricks, windows and rainwater goods etc) to be used externally within the development together with elevation drawings showing the disposition of materials throughout the scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter 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 the commencement of any above ground development precise details of the proposed green wall landscaping scheme for those identified areas on elevations of the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate opportunities for enhancement of biodiversity, ensuring net gain, and shall include details for the ongoing maintenance regime and responsibilities relating to the Green Wall.

Reason: In accordance with Policies DE1 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020)

Pre-occupation conditions

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

10. Prior to the occupation of the development, the overall air quality impact of the proposed development and its location on existing sensitive receptors and sensitive receptors within the development itself, taking account the factors listed below, shall not, with the incorporation of suitable abatement / mitigation measures as required, subject those sensitive receptors to concentrations of contaminants of concern which exceed the current Air Quality Objectives:
- i) Emissions from existing road and rail transport activities and vehicles movements associated with the development,
 - ii) Heating and power generating proposals for the development
 - iii) Other existing point sources of pollution in the vicinity of the development

Any air quality management scheme required to mitigate the impact of poor air quality shall be implemented and be fully operational prior to the occupation of the development and shall continue to be maintained and operated while the development continues to be occupied unless varied with the express written approval of the Local Planning Authority, or the location is no longer within the Air Quality Management Area for which the scheme was required.

Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy IN2 of the LAPP.

11. Prior to the occupation of the development 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 increase the existing ambient LA90 background noise level at a point 1m 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 required to mitigate the combined noise from any mechanical services plant or equipment shall be implemented and be fully operational prior to the occupation of the development and shall continue to be maintained and operated while to development continues to be occupied unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy IN2 of the LAPP.

12. Prior to the occupation of the development the cumulative impact of any environmental noise and / or vibration (see Informative) affecting the development shall be designed to achieve the following internal noise levels throughout the development as set out below, while maintaining the minimum ventilation standards to meet the current building regulations.

The sound insulation and ventilation scheme shall 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 LAmx(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 required to mitigate environmental noise and / or vibration shall be implemented and be fully operational prior to the occupation of the development and shall continue to be maintained and operated while to development continues to be occupied unless varied with the express written approval of the Local Planning Authority

Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy IN2 of the LAPP.

13. Prior to the occupation of the development, Verification Reports shall be compiled and submitted which shall include the data referred to in the Verification Plan (referred to below), to demonstrate that the Remediation Strategy (referred to below) to deal with ground, groundwater, ground gas and radon gas contamination of the site has been fully implemented and completed.

The Remediation Strategy shall include the following components to deal with the risks associated with ground, groundwater, ground gas and radon gas contamination of the site:

a) A Preliminary Risk Assessment which has identified:

- i) all previous site uses
- ii) the nature and extent of potential contaminants associated with those uses
- iii) the underlying geology of the site
- iv) a conceptual model of the site indicating sources, pathways and receptors
- v) potentially unacceptable risks arising from ground, groundwater, ground gas and radon gas contamination at the site.

b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

The Remediation Strategy and associated Verification Reports shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the occupiers of the development to comply with Policy IN2 of the LAPP.

14. Prior to the 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 activities which are likely to cause noise disturbance to sensitive receptors and:

- Minimise noise arising from operational activities 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
- Regularly review the Noise Management Plan.

Reason: To ensure an appropriate noise environment for neighbouring and future occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

15. Prior to the development being first occupied the boundary treatment adjoining and adjacent to the Cliff Road and Pemberton Street properties shall be provided in accordance with the approved details.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

16. The development shall not be brought into use until a landscaping scheme (both hard and soft landscaping and details of surfacing), including details to enhance biodiversity and a management strategy relating to on-going maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of proposed trees, shrubs, planters and other planting.

The approved hard surfacing shall be carried out prior to first occupation of the development.

The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of that phase of the development. 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 and policies DE1, DE2 and EN6 of the LAPP.

17. The development shall not be brought into use until the green wall has been provided in accordance with the approved green wall details.

Reason: In accordance with Policies DE1 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020), and the Biodiversity Supplementary Planning Document (February 2020)

18. The development shall not be brought into use until a Waste Management Plan has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include provision for the management, storage and collection of waste arising from the development.

The development shall thereafter be carried out in full accordance with the Plan.

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 ACS and policy DE1 of the LAPP.



19. The development shall not be brought into use until a scheme for cycle parking facilities have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for the management and storage of cycle, and shall provide details of the number of cycle spaces to be provided (a minimum of 36 cycle spaces shall be provided), along with details of the cycle storage facilities to be provided (stands, enclosure etc.) and details of any lighting to be provided (including details of sensors and illumination levels.)

Thereafter cycle parking shall be retained in accordance with the approved details.

Reason: To ensure that appropriate cycle parking facilities are provided for occupants to promote alternative forms of travel in accordance with Policy 14 of the ACS and Policy TR1 of the LAPP, and to safeguard the amenities of the future and neighbouring occupiers in accordance with policy 10 of the ACS and policy DE1 of the LAPP.

20. Prior to the first occupation of the development, any redundant footway crossings and/or damaged or altered areas of footway or other highway street furniture shall be reinstated or relocated 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 and policy TR1 of the LAPP.

Regulatory/ongoing conditions

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

21. The oriel windows, obscure glazing and ramp screening shall be provided in accordance with the approved details prior to the development being first brought into use. Thereafter oriel windows, obscure glazing and ramp screening shall be retained in accordance with the approved details.

Reason: In the interests of the design quality of the development and character of the area, to safeguard residential amenity of neighbouring properties and to accord with Policy 10 of the ACS and Policy DE1 of the LAPP.

22. The approved green walls planting scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of development whichever is the sooner, and any plants, 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 will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

23. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to this



development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference Plans received 14th May 2024

Reason: To determine the scope of this permission.

Informatives

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 23/01690/PFUL3 (PP-12424752)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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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Not for issue

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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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Not for issue

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