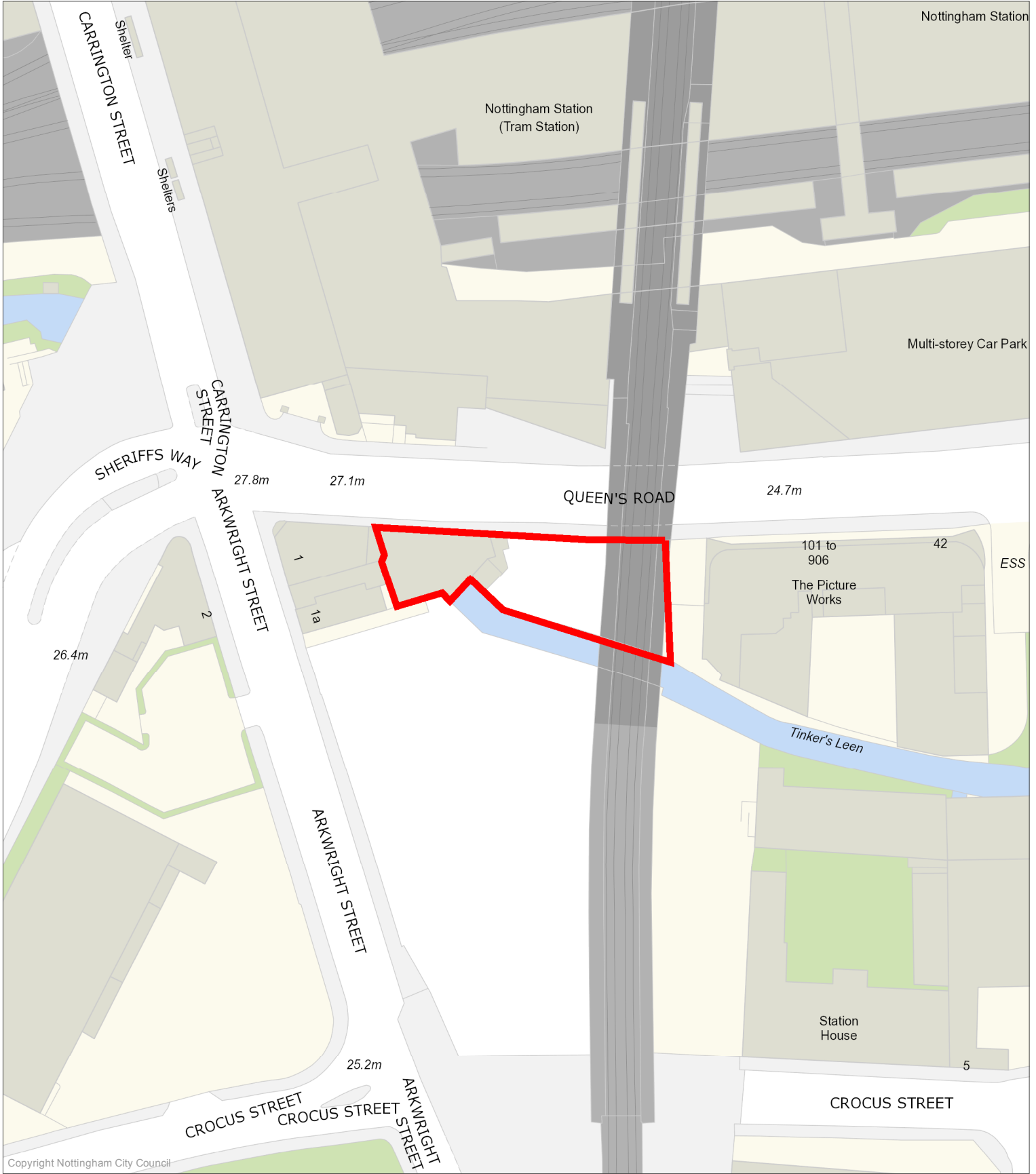



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Key
 City Boundary

Description
 No description provided

My Ref: 19/00936/PFUL3 (PP-07685432)
Your Ref:
Contact: Mrs Jennifer Curry
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
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Date of decision:

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

Application No: 19/00936/PFUL3 (PP-07685432)
Application by: I H Moore And Company (Holdings) Ltd.
Location: Site Of 2, Queens Road, Nottingham
Proposal: Erection of nine and six storey building to provide 39 no. apartments (C3) and 2 no. ancillary commercial units (A3 and / or B1); formulation of new dropped kerb vehicular access from Queens Road for servicing area; and, associated hard and soft landscaping 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)



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2. Prior to the commencement of development, a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the following:
- (i) Measures to accommodate all site operatives, and visitors on site, or elsewhere in the vicinity of the site;
 - (ii) Measures to accommodate construction vehicles loading, offloading, within the site details for the use of banksman in relation to large loads during the construction period, to ensure that vehicles delivering to the site do not wait/park on the highway, or affect traffic flow on Queens Road;
 - (iii) Hours of delivery, which shall be outside of peak commute times;
 - (iv) Proposed construction traffic routing;
 - (v) Plan showing the location of storage of materials, welfare units and plant/machinery on site during construction, including details of the height of such items;
 - (vi) Plan showing the location of temporary enclosures and gates erected during construction phase to secure the site together with details of type and height.
 - (vii) Plan showing the proposed location and dimensions of the vehicular access to the site during construction;
 - (viii) Protective measures to be provided to the NET Bridge during the construction phase to ensure that no damage takes place to this structure; and
 - (ix) Measures to prevent mud and debris being deposited on local highways.

The development be implemented in accordance with the approved details.

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 TR1 of the LAPP.

3. Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

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

Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice

Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents

Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance

Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours

Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders.

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

Reason: To safeguard the residential amenity of occupants of existing neighbouring properties to accord with policy IN2 of the LAPP.

4. Prior to the commencement of development, drawings showing the detailed design of the vehicular access proposed off Queens Road including its layout geometry (with tracking), signing, lining, a 'Swept Path Analysis', visibility splays and a road safety analysis, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the access into the site is of an appropriate design so as to safeguard the local highway network to accord with policy 10 of the ACS, and policies DE1 and TR1 of the LAPP.

5. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 & 2 Geo-technical Assessment by Delta Simons dated March 2019 (ref 18-1351-05) and the Additional Ground Monitoring Report by Delta Simons dated April 2019 (ref 18-1351-05), and includes the following components to deal with the risks associated with ground gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Preliminary Risk Assessment which has identified:
- i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground 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 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 any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

6. Prior to the commencement of the development, details of the proposed foundations of the building adjacent to where the Tinkers Leen passes under Queens Road 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 access into the site is of an appropriate design so as to safeguard the local highway network to accord with policy 10 of the ACS, and policies DE1 and TR1 of the LAPP.

7. Prior to the commencement of development, details of any piling or other foundation designs using penetrative methods shall be submitted to and approved in writing by the Local Planning Authority demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that ground water and the culvert is safeguarded to accord with policy CC3 of the LAPP.

8. Prior to the commencement of the development, an environmental vibration assessment and any appropriate mitigation measures shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental vibration assessment shall include the impact of any transportation, industrial or other activity, and be carried out whilst any premises and / or activities in the vicinity that are likely to have an adverse effect on vibration levels are operating. In addition it shall include predicted Vibration Dose Values in accordance with BS 6472 - 1 2008 - Guide to Evaluation of Human Exposure to Vibration in Buildings - Part 1 Vibration Sources other than Blasting.

Details of any mitigation scheme required to reduce human exposure to vibrations shall also be provided.

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

Reason: To ensure that future occupants of the site and not adversely affected by vibration/noise to accord with policy IN2 of the LAPP.

9. Prior to the commencement of development, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that ground water and the Tinkers Leen is safeguarded to accord with policy CC3 of the LAPP.

10. Prior to the commencement of any above ground development, an assessment of the overall air quality impact of the development, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- (i) A full air quality impact assessment including heating and power generating proposals, emissions from vehicles generated by the development and the overall exposure of receptors
- (ii) A stack height calculation (where required)
- (iii) Details of an abatement techniques and mitigation of potential impacts

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

Reason: To ensure that development does not contribute to poor air quality to accord with policy IN2 of the LAPP.

11. 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 thereafter be implemented in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP

12. Prior to the commencement of any 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, louvers, reveals, window panels and entrances;
- b) Brick detailing;
- c) Roofs: including edges and parapet; and
- d) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building.

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP

13. Prior to the commencement of the fitting out of any A3 or similar use, 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: To safeguard the residential amenity of future occupants of the building and residents within neighbouring properties to accord with policies DE1 and IN2 of the LAPP.

Pre-occupation conditions

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

14. Prior to the development being first occupied a service/delivery management plan covering the operational phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:

- (i) Frequency of deliveries to site, size of vehicles used and hours of delivery (which shall be outside of peak commute times);
- (ii) Measures to accommodate service/delivery vehicles entering and leaving the site, and to enable loading/ offloading to take place on site, including use of banksman to accommodate large loads, in order to ensure that vehicles delivering to the site do not wait/park on the highway, or affect traffic flow on Queens Road;
- (iii) Measures to accommodate unplanned deliveries to site;
- (iv) Plan showing the location of bin collection point (form and size), areas where loading/offloading will occur, details of how these areas will be demarcated shall also be submitted;
- (v) Plan showing the location of proposed enclosures and gates for the development when operational, together with details of how gates shall be operated to prevent waiting/parking on Queens Road. Details of the type and height of such enclosures and gates shall also be provided.
- (vi) Protective measures to be provided to the NET Bridge during the operational phase and details of signage to ensure that no damage takes place to this structure.
- (vii) Informational signage for the service area to assist with the safe loading/unloading of service/delivery vehicles.

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

Reason: To ensure that the operational phase of the development has no adverse impact on the local highway network and no significant impact on neighbouring properties to accord with policy TR1 of the LAPP.

15. Prior to the development first being occupied a landscaping scheme (hard and soft landscaping including surfacing and means of enclosure), in addition to details to enhance biodiversity, 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 and shrubs. The landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development.

Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority.

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS

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

Reason: To ensure that development does not contribute to poor air quality to accord with policy IN2 of the LAPP.

17. Prior to first occupation of the development, the applicant shall submit for approval in writing by the Local Planning Authority:
- a. Verification that the approved sound insulation scheme for residential occupiers as specified in the Noise Survey by Nova Acoustic (ref 3315IH) and dated 08/04/2019 has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.
- b. Verification that the approved mechanical services plant or equipment (including any air handling plant) as specified in the Noise Survey by Nova Acoustic (ref 3315IH) and dated 08/04/2019 to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.
- Reason: To ensure that the sound insulation scheme has been implemented in accordance with the approved details to accord with Ppolicy DE1 and IN2 of the LAPP.*
18. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.*
19. Prior to first occupation of the development, verification that the approved vibration mitigation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.
- Reason: To ensure that future occupants of the site and not adversely affected by vibration/noise to accord with policy IN2 of the LAPP.*
20. Prior to the development being first occupied, bin storage and cycle storage facilities shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure that appropriate bin and cycle storage facilities are provided as part of the development to accord with policy DE1 and TR1 of the LAPP.*
21. Prior to the development being first occupied, details of the sustainability measures incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure that the development incorporates sustainable design features to accord with policy CC1 of the LAPP.*
22. Prior to the development being first occupied, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure that in the event of flooding residents are safeguarded to accord with policy CC3 of the LAPP.*

23. Prior to first occupation of any A3 use in the development, 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: To safeguard the residential amenity of future occupants to accord with policies DE1 and IN2 of the LAPP.

24. The development shall not be fully operational until any redundant footway crossings and/or damaged or altered areas of footway/highway have been reinstated to the satisfaction of the Local Planning Authority.

Reason: To ensure that footways are made good to accord with policy DE1 and TR1 of the LAPP.

Regulatory/ongoing conditions

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

25. Within six months of the development being first occupied, a travel plan together with details of residential travel packs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved details.

Reason: Reason: To assist in managing the demand for travel generated by future occupants of the development to accord with Policy 14 of the Aligned Core Strategy.

26. The development shall be carried out in accordance with the approved Flood Risk Assessment and habitable areas within the development shall have finished floor levels set no lower than 26.33m AOD.

Reason: To ensure that the development is not placed at undue risk during a flood event to accord with policy CC3 of the LAPP.

27. The area to the east of the building shall only be used as a service/delivery yard for loading and offloading of items required in association with the operation of the development, and shall not be used for the parking of vehicles or storage of items. Other than during times when servicing/delivery is taking place, the service yard shall remain clear and unobstructed.

Reason: To ensure that servicing can take place in the area to the side of the building and that there are no adverse affect on the flow of traffic or pedestrian movement to accord with policy 10 of the ACS and policy DE1 and TR1 of the LAPP.

28. All external doors/gates of the development shall open inwards.

Reason: To ensure that external doors/gates of the development do not affect the flow of traffic or impede pedestrian movement to accord with policy 10 of the ACS and policies DE1 and TR1 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 following drawings/documents:
Planning Layout reference 6th - 8th Floor revision 558-2b-103b
Planning Layout reference 1st - 5th Floor revision 558-2b-102b

Planning Layout reference Ground Floor revision 558-2b-101b
Planning Layout reference Ground Floor Context revision 558-2b-100b
Elevations reference North and West revision 558-2c-200c
Elevations reference South and East revision 558-2c-201c
Elevations reference Sections revision 558-2c-230b
Elevations reference Plinth and Parapet revision dated 15-01-2020
Elevations reference Brick Detailing revision 558-2c-220b
Elevations reference Street Scenes revision 558-2c-210b
Other reference Flood Risk Assessment revision 100118-F01
Other reference Geo-Environmental Assessment revision 18-1351-05
Other reference Noise Assessment revision 33151H

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. Environmental Health and Safer Places

Ground Gas Contamination

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

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 gas contamination of the site.

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

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions and 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.

Construction and Demolition

Proposed Method of Demolition

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 (Tel: 0115 9152020; 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:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

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

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 methods 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.

Vibration Assessment

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Not for issue

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The environmental vibration assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 6472 - 1 2008 - Guide to Evaluation of Human Exposure to Vibration in Buildings - Part 1 Vibration Sources other than Blasting
The approved mitigation scheme must be maintained and serviced in accordance with manufacturer's recommendations.

Environmental Noise Assessment

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

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

Control of Odour and Provision of Adequate Ventilation

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.

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

4. Highways

1. Mud on road and CTMP

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 Network Management 0115 8765238. A Construction Traffic Management Plan will be required. All associated costs will be the responsibility of the developer.

2. Highway licences and S278

Planning consent is not consent to work on the highway. Licences may be required to carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

A Section 278 agreement will be required at the development. The details for the design and suitability can be resolved through the Section 278 discussions and technical approval stage.

Considerations for:

Vehicle crossover designs to provide for pedestrian priority.

Reduction in radii to access with tracking to demonstrate requirements for the width of the highway accesses.

Tracking to demonstrate the manoeuvrability for refuse collection and fire tender.

Consideration of street lighting location and where the lamp column is to be placed.

Consideration for any required traffic regulation orders.

Sightlines to access.

If street trees are to be planted their location should be part of the highway design and commuted sums will be required for their maintenance.

Suds and drainage needs to be considered and the impact this will have.

Loading and unloading of goods and appropriate TROs.

Ensure the pedestrian accesses are properly signed so to minimise pedestrians entering through the car park, if there is a pedestrian entrance within the car park itself.

There is only enough room for one vehicle in/out at a time at the access, which could lead to traffic build up on Queens Road if vehicles are waiting to enter, so ensure the access is adequately signed to reflect this, warning users that they may have to give way to vehicles entering/exiting.

At the earliest opportunity, the applicant is to submit the designs for the access proposals for Stage 1 Road Safety Audit, for the road safety team to complete.

Height restrictions to be put in place for vehicles accessing the site for parking, refuse collection or servicing of units. The site is compromised due to the Tram/NET infrastructure which means that the applicant must put measures in place to protect the overhead structures.

The points above can be addressed via liaison with the highway authority, through discussions and any technical preparation.

3. Commuted sums

The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

4. Refuse collection

The applicant is to ensure that bin storage suitable in size to accommodate all residents is placed adjacent to the adopted highway and to an access. The applicant must be able to collect waste from within the curtilage of the site due to the red route of Queens Road.

5. Servicing and Deliveries

All deliveries and servicing must take place within the curtilage of the site due to the red route along Queens Road. Height restrictions must be in place due to the Tram/NET infrastructure.

6. TROs (Traffic Regulation Orders)

The applicant is to investigate if alterations to the TROs on Queens Road and the surrounding network are to be amended to ensure vehicle manoeuvrability. All costs to be borne by the applicant. Please contact Scott Harrison 0115 8765245 to initiate a discussion.

7. Drainage

Please contact our drainage expert Paul Daniels 0115 8765275 to discuss requirements related to drainage.

8. Travel plan

Please contact Highways to discuss sustainable transport options to be promoted as well as the provision of Residential Travel Packs.

9. Tinkers Leen

The Tinkers Leen culvert is in multiple ownership, with Network Rail responsible for the western Section, Nottingham City Council are responsible for the section under Queen's Road, and the landowner responsible for the section under the existing building.

As the highway authority the main concern would be when installing new piled foundations for the part of the new building that will span over the culvert and what effect this might have on the stability of the bridge carrying Queen's Road.

10. NET

The applicant is required to work with the NET/TRAM operators to ensure that safety measures are in place to prohibit improper use of the viaduct.

Considerations:

The developer must take into consideration the safe working alongside NET guidance given its proximity to live Overhead Line Equipment.

Height restrictions for construction traffic may need to be enforced.

Given the proximity to the Station Ramp clarity is needed that the proposed construction methodology does not affect the TRAM/NET structure.

It is imperative that construction practices minimise / have no impact on the live operation of NET.

A turning head for vehicles close to the NET infrastructure will need to take place. Their movements MUST NOT compromise the structures safety.

The height clearance of the NET bridge is only 4.59m, the structure will need to be signed to indicate this. Such measures will need to be agreed with the NET operators and all associated costs will need to borne by the applicant/developer.

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: 19/00936/PFUL3 (PP-07685432)

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.