

## **Report of Director of Planning and Regeneration**

### **Car Park South Side, Traffic Street**

#### **1 Summary**

Application No: 20/00592/PFUL3 for planning permission

Application by: Planning And Design Group (UK) Ltd Mr Chris Jesson on behalf of Jensco (Nottingham) Limited Mr Bobroff

Proposal: Demolition of existing office building, erection of two part 3, part 5 and part 6 storey buildings comprising of student accommodation along with associated access, ancillary communal facilities and flexible cafe /event space (use class A3)

The application is brought to Committee because it is a major development on a prominent site with important design and regeneration considerations and where the Planning Obligation may include contributions less than required by planning policy.

To meet the Council's Performance Targets this application should have been determined by 22nd June 2020. An extension of time has been agreed in principle with the applicant.

#### **2 Recommendations**

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

- (a) The conclusion of an assessment on the viability of the proposed development, prior completion of a Section 106 Planning Obligation to secure Local Employment and Training opportunities, a student management plan and restrictions on car use, and which may include financial contributions towards Public Open Space and Local Employment and Training, the details of which will be provided for the consideration of Planning Committee; and
- (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Regeneration.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

### **3 Background**

- 3.1 The site has historically been used for commercial uses, notably as a textile mill, warehouse, girder and timber yard and a car park. It is also understood that residential properties once occupied part of the site prior to this. The site was largely cleared of industrial buildings in approximately 2009, albeit part of an office building still remains in the north eastern corner of the site. The site is flat and partially covered in scrub vegetation with mesh fencing demarking the boundaries.
- 3.2 To the east of the site is the Church of God, a commercial art studio and Karlsruhe House with its associated car park. To the north side of Traffic Street are a number of commercial premises, notably Enterprise rent a car, ABB Furse Ltd and the Castle Rock brewery. To the east of the Enterprise premises, construction of 62 apartments has recently commenced on the former Hindle House site. To the west is the former Plumb Centre site, currently being developed for student accommodation (known as the Vantage). To the south is Waterway Street West, which contains bus stops for the No. 49 bus running from Boots to the city centre. Beyond this, on Meadows Way, is the tramline and further to the south residential properties on Kinglake Place within the Meadows.
- 3.3 The site is located within Flood Zone 2 in accordance with Environment Agency mapping and also within the Canal Quarter Regeneration Zone, as identified within the development plan.

### **4 Details of the proposal**

- 4.1 Planning permission is sought for the construction of two part 3, 5 and 6 storey buildings to provide up to 522 student accommodation rooms. In addition communal, flexible café/event space is proposed within part of the ground floor area of both buildings.
- 4.2 The proposed buildings are largely rectangular in shape with central courtyard areas. A central landscaped plaza area runs between the buildings from Traffic Street through to Waterway Street West. The main entrance to the development would be on the north-eastern corner of block A (left building when viewed from the Meadows Way West), accessed from Traffic Street.
- 4.3 In terms of their design, the mass of the buildings has been broken down by recessing the ground and top floors, the introduction of texture and decoration within the brickwork, changes in brick colour and the use of an accent cladding material. Deep window reveals are incorporated throughout the development.
- 4.4 Given the location and nature of the proposal, no vehicle parking is proposed. An initial 132 secure cycle spaces were proposed, however this has been increased to a minimum of 235 spaces, also incorporating E-bike charging points.
- 4.5 The accommodation would be a mix of cluster flats and studios configured as follows:
- Block A (left building when viewed from the Meadows Way West): 288 bedrooms within 53 clusters and 47 studios
  - Block B: 71 bedrooms within 9 clusters and 116 studios.

- 4.6 All rooms would have en-suites and cluster flats would range from 4-7 rooms with a shared lounge/kitchen area. All cluster rooms would be approximately 11.5-12sqm and studios 17-24sqm.

## **5 Consultations and observations of other officers**

### **Adjoining occupiers consulted:**

Neighbouring commercial premises have been notified by letter in addition to residential properties to the south, on Kinglake Place.

Multiple sites notices have been displayed in the vicinity of the site in addition to a press notice.

3 letters of representation have been received; 1 in support from a local business and 2 objecting (1 from the Nottingham Civic Society). The following comments have been made:

- The Civic Society is concerned regarding the wall of development that is separating the Meadows from its historical connection with the city.
- Whilst the scale and architecture of the proposed scheme could integrate with the new developments approved or under consideration to the west, and the scaled-down block next to the existing church building acknowledges its context, the dense, uniform building fronting the tram route would present a visually impenetrable screen to the city centre beyond.
- More permeability allowing views passed the building from the south is desirable.
- Consideration should also be given to the palette of materials with red brick more in keeping than the predominant greys currently seen.
- Unhindered access is required along Traffic Street during construction for deliveries.
- Our business works long hours and does create some noise and odour and this should be considered during determination of the application.
- This area of the Meadows traditionally consists of houses and bungalows, student accommodation would be unacceptably in contrast with other built form.
- The local infrastructure is not prepared or designed for this development, particularly when viewed in context with other nearby development.
- The development is likely to result in overcrowding, excessive traffic, noise, littering and anti-social behaviour. Other areas of the city are more suitable for this development.
- The proposed height would impact upon the skyline and views from gardens on Kinglake Place.
- The proposed walkway between the buildings will result in additional noise and traffic movements and the existing noise suppression fencing will not be sufficient.

- I would have no objection if the proposal was 3-4 storeys and not student accommodation.

**Additional consultation letters sent to:**

**Environmental Health:** No objection subject to imposition of conditions relating to noise, sound insulation, contaminated land and air quality.

**Environment Agency:** No objection subject to imposition of conditions relating to contaminated land to ensure groundwater is not contaminated. and development being undertaken in accordance with the submitted Flood Risk Assessment.

**Drainage Officer:** No objection subject to specific drainage details being secured by condition.

**Biodiversity Officer:** No objection, clarification is required to confirm if further bat surveys are required. Proposed landscaping should seek to provide biodiversity gain and should be controlled via condition.

**Highways Officer:** No objection subject to drop-off and collection arrangements being secured by condition, along with a construction traffic management plan. Cycle provision should be policy compliant.

**Employment and Training Officer:** No objection subject to applicant agreeing to an Employment Training Plan and provision of a contribution to facilitate this.

## 6 Relevant policies and guidance

### **Aligned Core Strategies (ACS) – Local Plan Part 1 (2014)**

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

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

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EE3: Change of use to non-employment uses

Policy EE4: Local Employment and Training

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets

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 IN2: Land Contamination, Instability and Pollution  
Policy IN4: Developer Contributions  
Policy RE1: Facilitating Regeneration  
Policy RE2: Canal Quarter  
Policy TR1: Parking and Travel Planning

Nottingham Authority Monitoring Report (March 2019)

### **NPPF (2019):**

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

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

## **7. Appraisal of proposed development**

### **Main Issues**

- (i) Principle of Student Accommodation**
- (ii) Building design including impact on the character of the area**
- (iii) Impact on neighbours and future occupants**
- (iv) Other matters**

**(i) Principle of Student Accommodation** (Policies A and 8 of the ACS, Policies EE3, HO4, HO5, HO6, RE1 and RE2 of the LAPP).

- 7.1 The application site is located within the Canal Quarter Regeneration Zone as identified within LAPP. Within the Canal Quarter, policy RE2 of the LAPP supports amongst other things the provision of student accommodation, provided that it does not prejudice the activities of nearby uses. Policy EE3 (Change of use to non-employment uses) supports proposals which provide a comprehensive re-development to the benefit of the wider area. The site has been largely cleared for

a number of years and along with the neighbouring Vantage development and other schemes to the east, the proposal is part of the wider regeneration of the southern gateway area of the city that centres on Nottingham Railway Station.

- 7.2 The application site is on the southern fringe of the city centre which in general terms is considered to be an acceptable location for student accommodation. Notwithstanding current circumstances, it is recognised that the number of students within the city continues to grow and has done for many years. The Annual Monitoring Report (published in March 2019) reports that there are 22,000 purpose built student accommodation (PBSA) bed spaces within the city. Vacancy rates for the 2018-19 academic year were at 0.3%, in spite of a further 1,000 PBSA bed spaces being made available in comparison to the previous year. The vacancy rate seen in 2019 showed a reduction from the 1.2% identified in 2016-17 and 0.5% in 2017-18.
- 7.3 It is considered that the provision of further good quality PBSA could attract students that would otherwise occupy houses of multiple occupation outside of the city centre. The site within its mixed use environment and is sufficiently distant and separated from residential properties situated to the south within the Meadows.
- 7.4 The site is in a highly accessible location with good pedestrian, cycle and tram links to the city centre and both university campuses. Rooms proposed are of an appropriate size with cluster flats being approximately 12sqm with shared communal space. Studio flats range from approximately 17-23sqm which is not dissimilar to other schemes within the area. Generous shared communal multi-purpose space is proposed within the ground floor areas of both buildings. All floors of both buildings would be accessible to wheel chair users with ramped access provided from Traffic Street and lifts at each stair core. The requirement for an element of 'Accessible and Adaptable' units in accordance with policy HO4 is to be addressed by condition.
- 7.5 In accordance with guidance contained within policy HO6, details have been provided to demonstrate that should in the future the demand for student accommodation dissipate, the proposed development would be capable of being re-configured to meet general housing needs.
- 7.6 It is considered that the principle of student accommodation is acceptable and the development would accord with policies A and 8 of the ACS and policies EE3, HO4, HO5, HO6, RE1 and RE2 of the LAPP.

**(ii) Building Design including Impact on the Character of the Area (Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP)**

- 7.7 The application site is long and rectangular and sits on the relatively short and narrow Traffic Street, with the city centre to the north separated by the railway line and canal, and the Meadows to the south separated by the inner ring road (Waterway Street West) and tramline along Meadows Way. The City Centre Urban Design Guide identifies the site as falling within a 'Zone of Reinvention' where it is expected that a new urban form would emerge through the introduction of high quality gateway buildings. The scale and mass of the proposed scheme has been developed and revised with the benefit of the Council's 3D model of the city centre. At 3-6 stories the buildings are generally lower than the others that have already been approved within the southern gateway area, with taller developments both to the west and east of Traffic Street. However, this is purposefully so and intended to

avoid a 'wall' of larger development that sits in an east-west alignment across this regeneration zone, impacting upon longer views both to and from the city centre. As with the adjacent Vantage scheme, 5-6 stories (with the top floor recessed) is considered to be an appropriate scale fronting Waterway Street West, which then reduces to 3-5 stories fronting the much narrower Traffic Street. The massing of the buildings has been manipulated further with block B being a floor lower than block A fronting Waterway Street West. There is also a stepping back of floors as the height of both buildings increases, along with a reduction in scale at the eastern end of the site where the development meets the lower, neighbouring buildings.

- 7.8 There has also been much revision to the elevational treatment of the buildings with a focus on the detailing and materials proposed. Final details of the materials would be subject to condition, particularly the quality and colour of the bricks.
- 7.9 There are no heritage assets within the immediate vicinity of the site but as described above, careful consideration has been given to the impact of the proposed development in longer views of the city skyline, and the heritage assets that this comprises. It is concluded that less than substantial harm would arise in this regard and that this would then be outweighed by the public benefit arising from the regeneration and townscape enhancement of this 'Zone of Reinvention'.
- 7.10 The applicant has responded to requests throughout the negotiation process to incorporate planting within the scheme. Tree planting is proposed at the entrance to the site on Traffic Street, within the courtyards and the central plaza area between the two buildings. Planters with climbers are incorporated on the prominent corners fronting Waterway Street West. Opportunity has also been taken to provide greenery on upper levels, utilising the roofspace created by the stepping back of the upper floors, including within a small roof terrace that is proposed on block B. Details of this landscaping scheme would be secured by condition.
- 7.11 In conclusion, it is considered that the proposal would deliver a high quality development that would enhance the existing townscape and be part of wider regeneration in this area of the city. The proposal is therefore in compliance with policies 10 and 11 of the ACS and policies DE1, DE2 and HE1 of the LAPP.

**(iii) Impact on neighbours and future occupants** (Policy 10 of the ACS, Policies DE1, HO6 and IN2 of the LAPP)

- 7.12 The site resides within a mixed use area with commercial, industrial and residential uses in close proximity. As detailed above, the Vantage student development has commenced construction to the west of the site and the former Hindle House residential development is also on site immediately to the north.
- 7.13 The closest existing residential properties to the site are those on Kinglake Place and one response has been received expressing concern regarding the impact of the development on properties in terms of loss of privacy, outlook and potential noise and disturbance.
- 7.14 Properties on Kinglake Place have their rear gardens facing north towards the development site. The tramline runs immediately behind the rear gardens, beyond which is a 2m wide footpath and 1.8m fence separating Meadows Way from Waterway Street West, which takes the form of a dual carriageway at this point. The approximate window to window separation distance from rear facing windows on properties on Kinglake Place to the proposed development would be 40m.

- 7.15 The application is supported by a daylight/sunlight assessment which states that adjacent properties remain compliant with the Building Research Establishment's (BRE) recommended targets for the Vertical Sky Component test and that no significant material change in daylight levels would result. The survey concludes that given the location of the development due north from properties on Kinglake Place, the effects of the proposal would adhere to the BRE guidelines in terms of daylight.
- 7.16 As with the neighbouring Vantage scheme it is acknowledged that the scale of the buildings would result in the loss of some northward views towards the city centre, particularly for residents immediately to the south on Kinglake Place. However, private views are not a material planning consideration and the public benefits brought about through the regeneration of the site are considered to outweigh any concerns in this regard.
- 7.17 The comments from a neighbouring commercial unit relating to noise and odour are noted and the scheme has been reviewed by Environmental Health colleagues. No objection is raised subject to the imposition of noise assessment/sound insulation conditions to protect future residents of the scheme and to address potential noise disturbance arising from external mechanical plant.
- 7.18 The applicant's recognise that there is need for strong management arrangements with PBSA. Accordingly, a management plan is proposed as part of the S106 to negate issues regarding vehicle ownership and anti-social behaviour issues within the locality. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation.
- 7.19 A small roof terrace area is proposed on the third floor of block B fronting Traffic Street. The precise access arrangements to this area remain to be determined by the applicant however, is not considered that it would significantly impact upon neighbouring businesses/occupants.
- 7.20 No objection has been raised to the proposed development by Environmental Health colleagues and conditions are proposed to address ground contamination in the interests of the environment and future occupants of the site.
- 7.21 The proposal therefore complies with policy 10 of the ACS and policies DE1, HO6 and IN2 of the LAPP.

**(iv) Other Matters**

**Flooding/Drainage** (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.22 The site resides within Flood Zone 2 and has been supported with a site specific Flood Risk Assessment (FRA). No objection to the proposed development has been raised by the Environment Agency or Drainage colleagues subject to the imposition of conditions relating to the submission of a drainage management plan and the development being undertaken in accordance with the submitted FRA. The Finished Floor Level (FFL) of the building would be 25.72m AOD which would be approximately 300mm above predicted climate change levels and result in occupiers being safe from flooding. The proposal is therefore in accord with policy 1 of the ACS and policy CC3 of the LAPP.

## **Highways** (Policy 14 of the ACS, Policy TR1 of the LAPP)

- 7.23 The site resides within a highly sustainable location, within short walking distance of bus/tram stops and the train station. No vehicle parking is proposed on the site and there would be a restriction within the Section 106 to prevent residents from keeping vehicles within the city. The applicant has confirmed that a minimum of 235 cycle parking spaces are to be provided, in accord with the standards set out within the recently adopted LAPP. Further information has been requested by Highway colleagues in relation to traffic management during construction and a scheme for pick up and drop offs for students, which can both be secured by condition. The development would accord with policy 14 of the ACS and policy TR1 of the LAPP.

## **Planning Obligations** (Policy 19 of the ACS, Policies IN4, EN2 and EE4 of the LAPP)

- 7.24 A policy compliant S106 planning obligation for the proposed development would be expected to provide the following:
- Public Open Space – a financial contribution towards off-site provision (given the high density nature of the development and urban context, there is no ability to provide on-site public open space)
  - Local Employment and Training – both opportunities arising from the construction of the development, along with a financial contribution to help facilitate this
- 7.25 A student management scheme would also be secured within the S106 obligation.
- 7.26 Policy 19 of the ACS and Policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. The applicant has submitted a viability appraisal with the application which is being independently reviewed by an assessor appointed by the Council. Discussions are still taking place with the applicant in this regard and an update will be provided in advance of Committee.

## **8. Sustainability** (Policy 1 of the ACS, Policies CC1, CC2 and CC3 of the LAPP)

- 8.1 The buildings has been designed to follow the energy hierarchy; Be Lean, Be Clean and Be Green, in order to reduce their carbon footprint. The buildings incorporate a fabric first approach and would have U-Values and air tightness which would result in an 18% saving over current Building Regulations. The development proposes to utilise gas powered Combined Heat and Power (CHP) technology to provide electric, heating and hot water needs for the buildings. It is also proposed that solar PV panels would be installed on any available roof space that is not to be greened. The precise detail of the sustainability measures can be secured by condition.
- 8.2 Whilst no solar shading has been incorporated within the southern elevation of the buildings, the applicant's sustainability consultant has advised that the glass specified within the build is solar controlled and has a G-value of <0.4 which would block out heat gain from the sun, thus ensuring good thermal regulation of the building. Regarding the proposed use of gas fired CHP, they have commented as follows: *The big energy user within residential and student residential buildings is hot water demand from showers. With a constant thermal baseload (showers) and*

*a large thermal store, CHP is the most efficient way to deliver large quantities of hot water using the thermal store to run the CHP to provide a constant background electrical generation whilst meeting the thermal needs of the building. Heating, because of the passive reduction due to the highly insulated thermal fabric, is actually a small % of the energy required from the development. It is therefore deemed that heating shall be met by electric radiators, which aligns with the future government strategy for domestic homes and SAP 10.*

- 8.3 The proposal is considered to accord with policy 1 of the ACS and policies CC1, CC2 and CC3 of the LAPP.

## **9 Biodiversity (Policy 17 of the ACS, Policy EN6 of the LAPP)**

The site is largely cleared with the exception of an existing office building in the north eastern corner. An ecology assessment has been submitted in support of the proposal. This has been reviewed by the Biodiversity Officer and further clarification sought regarding the bat roosting potential for the existing building. The applicant's ecologist is currently undertaking further dusk/dawn survey work and an update on this will be provided at committee. As detailed above, landscaping is being incorporated within the scheme where there is the opportunity to do so. A landscaping condition will secure the details of this and seek to provide biodiversity enhancement across the site with the focus on native species and planting suitable for pollinators. The proposal is considered to accord with policy 17 of the ACS and policy EN6 of the LAPP.

## **10 Financial Implications**

As indicated above in relation to the S106 planning obligation, the applicant has submitted a viability appraisal that is currently being independently assessed. This process has the potential for S106 contributions to be reduced or waived, depending on the outcome of the assessment.

## **11 Legal Implications**

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

## **12 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 wheel chair users and lifts are proposed at every stair core.

## **13 Risk Management Issues**

None.

## **14 Strategic Priorities**

Neighbourhood Nottingham: Redevelopment of a long term brownfield site with a high quality sustainable residential development as part of the wider regeneration of the southern gateway.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

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

**15 Crime and Disorder Act implications**

The development would provide a residential development with good natural surveillance.

**16 Value for money**

None.

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

1. Application No: 20/00592/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q74EA2LYHVF00>

**18 Published documents referred to in compiling this report**

Aligned Core Strategies – Local Plan Part 1 (2014)

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

Nottingham Authority Monitoring Report (March 2019)

NPPF (2019)

Open Space SPD 2019

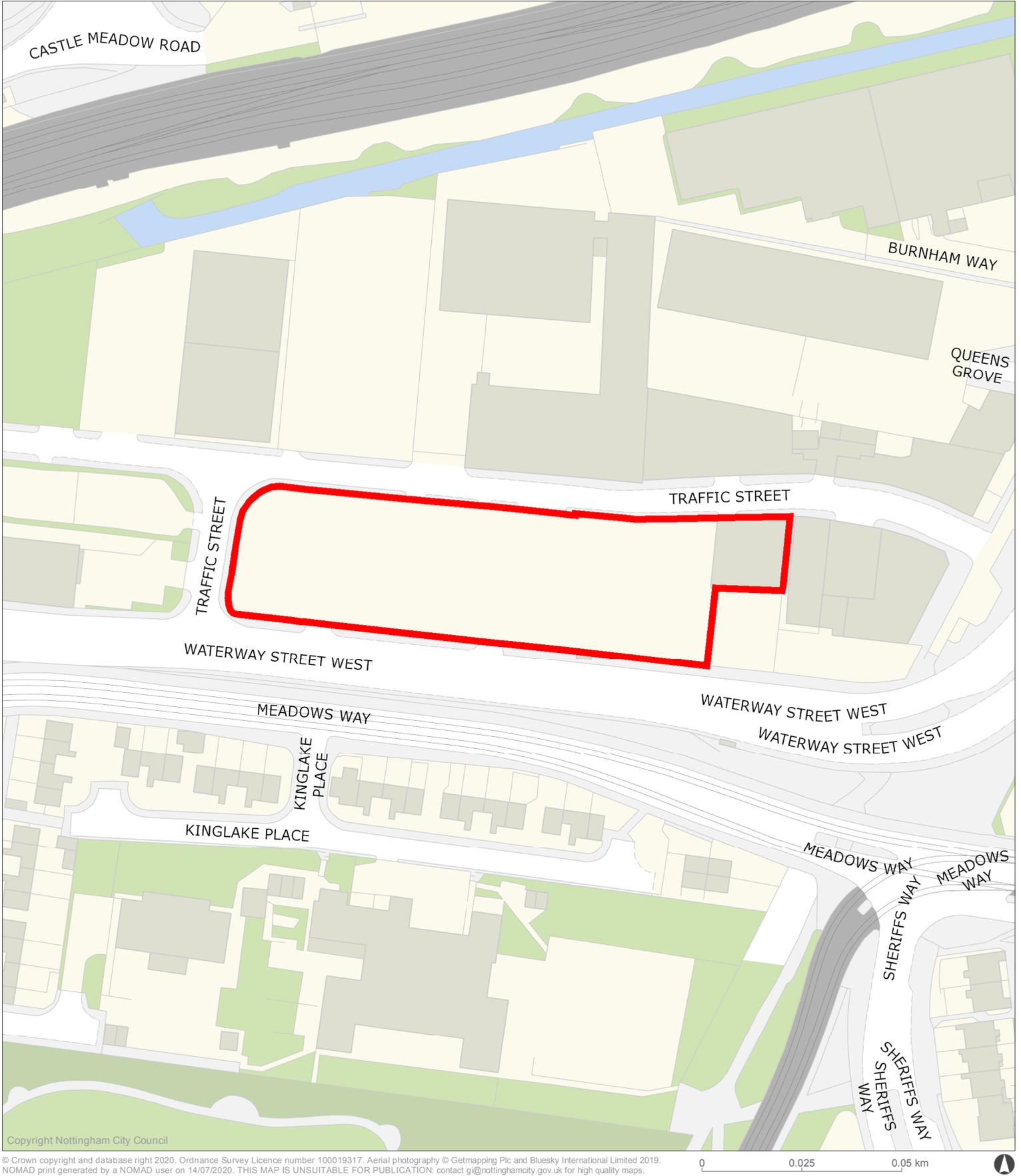
Nottingham City Centre Urban Design Guide (May 2009)

**Contact Officer:**

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# NOMAD printed map



## Key



City Boundary

## Description

No description provided



Nottingham  
City Council

**My Ref:** 20/00592/PFUL3 (PP-08557596)  
**Your Ref:**  
**Contact:** Mr James Mountain  
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Planning And Design Group (UK) Ltd Mr Chris Jesson  
Planning and Design Group (UK) Ltd  
Pure Offices, Lake View Drive  
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NG15 ODT

Date of decision:

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

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Application No: 20/00592/PFUL3 (PP-08557596)  
Application by: Jensco (Nottingham) Limited Mr Bobroff  
Location: Car Park South Side, Traffic Street, Nottingham  
Proposal: Demolition of existing office building, erection of two part 3, part 5 and part 6 storey buildings comprising of student accommodation along with associated access, ancillary communal facilities and flexible cafe /event space (use class A3)

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Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

**Time limit**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*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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**Not for issue**

Continued...

2. Prior to the commencement of the development, a Remediation Strategy that has regard to the Contaminated Land Phase 1 Desk Study by Arc Environmental dated 16/07/2019 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
- c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) 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.*

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

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

4. The development shall not be commenced (excluding any relevant demolition) until details of any piling or other foundation designs using penetrative methods have been 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 and contamination of ground water.

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

*Reason: Piling or any other foundation using penetrative methods can result in risks to groundwater supplies it therefore needs to be demonstrated that piling would not result in contamination of groundwater or impact on surrounding occupiers to accord with Policy IN1 of the LAPP.*



5. Prior to the commencement of above ground development, (excluding any relevant demolition) the Noise Assessment by Encon dated 09/08/2019 Rev B shall be revised and submitted to and be approved in writing by the Local Planning Authority.

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

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L<sub>Amax</sub>(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 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 building are not adversely affect by noise and to accord with policy DE1 of the LAPP.*

6. Prior to the commencement of above ground development, (excluding any relevant demolition) an environmental noise assessment in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the excess of the combined Noise Rating Level from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load, shall not exceed 0 dB above the background noise level (LA90), at the boundary of the site 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 applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

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 future occupants of the building are not adversely affect by noise and to accord with policy DE1 of the LAPP.*



7. Prior to commencement of above ground development (excluding any relevant demolition) the proposed ventilation scheme shall be submitted to and be approved in writing by the Local Planning Authority
- The approved ventilation scheme shall be fully implemented and fully operational prior to the first occupation of the accommodation and retained thereafter.
- Reason: In the interests of amenity of future occupiers and to accord with policy DE1 of the LAPP*
- 
8. Prior to the commencement of above ground development (excluding any relevant demolition), the Air Quality Assessment by Encon dated August 2019 Rev B shall be revised to include the following components and be submitted to and be approved in writing by the Local Planning Authority:
- A full air quality impact assessment of any heating and power generating proposals associated with the development and the concentrations of pollutants of concern at sensitive receptors  
 An assessment of the potential impact of the Southern Relief Road  
 Details of any additional 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 the heating requirements of the building do not adversely affect air quality to accord with policy CC2 of the LAPP.*
- 
9. Prior to the commencement of above ground development (excluding any relevant demolition), precise details of the materials to be used externally within the development shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.
- Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS*
- 
10. Prior to above ground development (excluding any relevant demolition), details of biodiversity measures to be incorporated within the fabric of the building shall be submitted to and approved in writing by the Local Planning Authority.
- Thereafter the development shall be carried out in accordance with the approved details.
- Reason: In the interests of enhancing biodiversity and to accord with policy EN6 of the LAPP.*
- 
11. Prior to the commencement of above ground development, (excluding any relevant demolition) large scale sections of at least 1:20 shall be submitted to show:
- The placement and position of windows and doors
  - The depth of proposed reveals to windows and doorways.
  - Precise details relating to the means of enclosure of the central plaza area
- 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.*

12. Prior to the commencement of above ground development (excluding any relevant demolition) a drainage management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall contain:
- Details of how the surface water run-off will be managed,
  - Drainage plan showing the layout of the proposed drainage (both foul and surface water),
  - Proposed Adoption of SuDS features (who will maintain the SuDS features)
  - Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
  - Relevant surface water calculations from licenced software (e.g. Microdrainage).

*Reason: In the interests of managing and promoting sustainable drainage and to accord with policy CC3 of the LAPP*

13. Notwithstanding the approved drawings, prior to the commencement of above ground development, a scheme of Accessible and Adaptable units to be provided within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.

*Reason: To ensure that the accommodation is designed to meet all accessibility needs, in accordance with policy HO4 of the LAPP*

### **Pre-occupation conditions**

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

14. No part of the development hereby permitted shall be brought into use until such time that a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term, has been submitted to the Local Planning Authority for approval. The traffic management scheme shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

*Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with policy TR2 of the LAPP*

15. Prior to the first occupation bin storage facilities and collection arrangements shall be submitted to and agreed in writing by the Local Planning Authority.

*Reason: To ensure that appropriate bin storage facilities have been provided in order to comply with policy 10 of the ACS.*

16. Prior to first occupation of the development, verification that the measures in the approved Energy Statement by Couchperrywilkes dated February 2020 (Ref: 190593 P3) have been implemented and are fully operational, shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: In the interests of promoting a sustainable form of development and to accord with policy CC2 of the LAPP.*

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

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



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

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

19. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater 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*

20. Prior to the first occupation of the development hereby approved a management plan for the 3rd floor roof terrace shall be submitted to and agreed in writing with the Local Planning Authority.

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

21. 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 including a management strategy relating landscape provision 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 landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building.

Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development; shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; and No part of the site included in the landscaping scheme shall be used for any other purpose without the prior written consent of the Local Planning Authority.

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

22. No part of the development hereby permitted shall be brought into use until existing redundant footway crossings on Traffic Street and Water Way Street West are reinstated as footways with full height kerbs in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

*Reason: In the interests of highway safety and to accord with policy 10 of the ACS*

23. Prior to the first occupation of the proposed A3 element of the scheme, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the locations in the development where food is prepared / served 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.

Prior to first occupation of the proposed A3 element of the scheme, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

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

### **Regulatory/ongoing conditions**

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

24. Development shall be undertaken in accordance with the recommendations of the Flood Risk Assessment prepared by Encon Dated July 2019 Rev C unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere and to ensure development is in accordance with Policy CC3 of the LAPP and Policy 1 of the ACS*

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

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

### **Standard condition- scope of permission**

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 23 March 2020.

*Reason: To determine the scope of this permission.*

### **Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

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

4. The development is located within an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for nitrogen dioxide, as set out in the Regulations, are not being met.

5. 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 &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations

6.  
The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:  
'Cut and fill' operations on site  
How trees retained on site will be dealt with  
How gas precautions including any radon gas precautions will be verified  
How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved  
Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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

7. 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 & Rescue Service (email: [fireprotectionsouth@notts-fire.gov.uk](mailto: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.

8. The approved ventilation scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

9. The acceptable hours for demolition or construction work (including deliveries to & from the site) 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 with Nottingham City Council's Environmental Health Team (email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

10. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution  
Treated materials can be transferred between sites as part of a hub and cluster project  
Some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:  
The Position statement on the Definition of Waste: Development Industry Code of Practice and;  
The Environmental regulations page on GOV.UK

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: 20/00592/PFUL3 (PP-08557596)

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](http://www.planningportal.gov.uk/pes).

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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# **DRAFT ONLY**

## **Not for issue**