

Report of Director of Planning and Regeneration

IQ Nottingham, 143 Lower Parliament Street

1 Summary

Application No: 20/01095/PFUL3 for planning permission

Application by: Mr Christopher Waumsley on behalf of IQ Property Partnership

Proposal: Partial demolition and new extensions onto Gedling Street, Boston Street and to oval element onto Lower Parliament Street to provide additional purpose built student accommodation, amenity spaces, and flexible retail units (Use Classes A1/A3/A4/D2).

The application is brought to Committee because it is a major application for a prominent site with important design and heritage considerations, and it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 27th October 2020

2 Recommendations

2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

- (i) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;
- (ii) prior completion of an agreement to secure a Section 106 planning obligation to secure the following:
 - (a) an off-site Open Space contribution of £81,345;
 - (b) local employment and training benefits including opportunities in the construction and operational phases of development together with payment of a financial contribution towards employment and training;
 - (c) a student management plan and restrictions on keeping private vehicles

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 application site is an existing large scale student accommodation building that is located on Lower Parliament Street and occupies almost the entire block between Gedling Street, Boston Street and Brook Street. Its entrance is off Lower Parliament Street, which is part of a tall oval extension to the building granted planning permission in 2004. There are single storey elements to the building onto Gedling Street and Boston Street, that are notable for their wave roof form and which provide ground floor retail units with generous frontages onto Gedling Street and servicing accesses off Boston Street. To the south-east are the Sneinton Market single storey avenue buildings that are occupied by a range of small independent retail and business uses. To the south-west and opposite on Lower Parliament Street is the Ice Arena and retail/business uses at the junction of Hockley and Lower Parliament Street. To the north-west across Boston Street is the former NCC Housing Aid building and Hockley Point student accommodation buildings, and to the north-east and forming the corner of the block on Gedling Street/Brook Street is a three storey building with a ground floor café use.
- 3.2 The application building is adjacent to the Sneinton Market Conservation Area, which has boundaries along the centre of Gedling Street and part of Brook Street. It is also within the defined boundary of the Creative Quarter (LAPP) and is individually identified as an Independent Retail Cluster (LAPP), continuing the run of independents from Carlton Street/Goose Gate/Hockley.

4 Details of the proposal

- 4.1 The application proposes the demolition of the existing single storey wave roof form elements of the building onto Gedling Street and Boston Street, and their replacement with new three storey extensions onto both streets. The proposed Gedling Street extension would provide 615m² ground floor flexible retail floorspace and student accommodation in the two storeys above. The proposed Boston Street extension would provide student accommodation on all three floors. An internal ground floor flexible amenity space would be provided for student residents. Servicing, refuse and access to and internal cycle store would be from Gedling Street. A two storey extension for further student accommodation is also proposed on top of the tall oval element onto Lower Parliament Street.
- 4.2 It is advised that there would be a total of 372 student bedrooms within the extended building, with 16 bedrooms being removed as part of the proposed development and a net gain of 85 bedrooms over the existing level of provision.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Notification letters have been sent to 211 individual addresses surrounding the application site. The application has also been advertised by press and site notices.

Saffron Solicitors on behalf of Murat Food Centre: Objection. Client operates a 'Murat Food Centre' supermarket with a remaining lease term of at least 10 years, also being a protected tenancy under the Landlord and Tenant Act 1954. There are

no provisions within the lease which allow the applicant to carry out their proposed development.

38 other responses have been received, objecting to the proposal on the following grounds:

1. The over provision of student accommodation in the area resulting in a 'monoculture community' and with more being planned, dominating the character. University sector will be impacted by the Covid crisis, questioning further need.
2. Imbalanced community will drive out local businesses and make life more dangerous and unpleasant for the permanent population, threatening the viability of schemes which attempt to create a permanent community.
3. Scheme will result in the closure of local and much loved businesses that form part of the character and character of the area and impacting upon the local community.
4. Existing businesses are well housed in the existing high-ceiling commercial space. The proposed replacement significantly reduces the amount of ground level commercial space and active street frontage on Gedling Street.
5. The scale and mass of the proposed development is out of proportion with the low rise nature of Sneinton Market and the surrounding Conservation Area.
6. The loss of the distinctive wave form roofs and the demolition of the Gedling Street frontage will have a significant negative impact on the built environment and character of Sneinton Market.
7. The proposed ground floor accommodation on Boston Street will receive little natural light as the windows are set back under canopies and between piers. Planters proposed between these piers but as these are north facing and will probably become neglected and full of rubbish.
8. Rooms are small and should be made bigger for mental health and well-being.
9. Student common facilities are to be placed in the centre of the ground floor plan with no views or openable windows.

Additional consultation responses received from:

Nadia Whittome MP: Objection. Urge you to reject this application and retain Sneinton Market's identity as a vibrant and diverse community hub. These proposals would not only oversaturate an area that already contains 362 student flats, but would also ignore the cultural and historical significance of Sneinton Market and its surrounding conservation areas. It would result in the loss of small businesses that are well-loved institutions in their own right and would disrupt Sneinton Market as a centre for creatives and independent business that Nottingham City Council has heavily invested in developing. I appeal to you to preserve Sneinton Market as a thriving cultural hub in which we take great pride and pleasure, and Nottingham's reputation as a city that supports emerging talent, small businesses, and creative industries.

Councillor Lee: Objection. It seems as though the plan is to demolish the units below, that currently house a cafe, cultural food shop, clothing shop and some others. All of these are well liked and used by the local community, and visitors. If I'm correct and that is the plan, I'd like to object to the loss of these local amenities.

Councillor Liversage: Objection. The original feature of the old telephone exchange are being demolished removing its historical association with the wholesale fruit market. This will increase the student density in the area that is already oversubscribed with student flats.

Councillor Johnson: Objection to further high rise student flats around Sneinton market.

Victoria Park Residents Association: Objection. The plans have a negative impact on the scale and character of the Conservation Area because of the loss of the original wavy roof to be replaced with a smaller copy attached to a flat fronted block, destroying any connection with the heritage of the building and replacing an interactive and lively frontage with one that is much diminished.

The plans would result in the closure of 3 popular local businesses who would not in all likelihood be able to survive the building period nor thrive in the replacement facilities on offer.

The plans further imbalance the community in an area already overburdened with student accommodation. There are already 362 student rooms on Sneinton Market. Students do not have a sense of belonging or connectedness to the area and the Covid 19 pandemic greatly increases the chances of these extra rooms remaining empty.

Nottingham Civic Society: Objection to the loss of the single storey, wavy-edged buildings fronting both Sneinton Market and Boston Street. Their redevelopment would rob the building of a large part of its character to the detriment of the adjacent Sneinton Market Conservation Area. The canopies were originally designed as a jaunty response to the Wholesale Fruit and Vegetable Market and their removal would be a shame and not justified in terms of the delivery of public benefits for the locality through the development. In addition, the extra storeys proposed on top of the building fronting Lower Parliament Street are unacceptable in their design and massing, increasing the bulk of the existing building whereby it dominates the group of Victorian and early twentieth-century building of character - outliers of the Lace Market in the quality of their streetscape. Furthermore, the rooftop extension gives the impression of an over-scaled plant enclosure which has clearly been added to the building as an afterthought. This scheme should not be supported.

Other consultation responses:

City Archaeologist: No objection. Recommend condition requiring archaeological watching brief for any breaking of ground which takes place beyond the existing ground floor slab.

Drainage: No objection. The applicant has proposed surface water attenuation via sedum green roofing, which is a welcomed feature that will "slow the flow". Recommend condition requiring further details and maintenance regime of this system.

Environmental Health: No objection subject to conditions to require environmental noise assessment and details of sound insulation, and details of a scheme for the ventilation and means of discharging and dispersing fumes.

6 Relevant policies and guidance

Aligned Core Strategies

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change
Policy 5: Nottingham City Centre
Policy 10: Design and Enhancing Local Identity
Policy 11: The Historic Environment

Land and Planning Policies Development Plan Document - Local Plan Part 2

Policy CC1: Sustainable Design and Construction
Policy DE1: Building Design and Use
Policy EE4: Local Employment and Training Opportunities
Policy EN2: Open Space in New Development
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
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 RE3: Creative Quarter
Policy SH5: Independent Retail Clusters

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.

In determining applications that may affect heritage assets, paragraph 189 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 192 of the NPPF then states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7. Appraisal of proposed development

Main Issues

Whether:

- (i) The extension of use for student accommodation is appropriate to amenity of neighbouring occupiers and the wider area;
- (ii) The proposed development will impact upon the existing Independent Retail Cluster (LAPP Policy SH5);
- (iii) The scale and design of proposed development is appropriate to the character and appearance of the Sneinton Market Conservation Area.

Issue (i) Extension of use for student accommodation and impact upon the amenities of neighbouring occupiers and the wider area. (ACS Policy 5 and LAPP Policies HO5, HO6 and RE3)

- 7.1 The application site is located in the city centre and within convenient walking distance of Nottingham Trent University campus (including Confetti on Lower Parliament Street/Huntingdon Street, Nottingham College's Adams Building), and city centre amenities. It also falls within the Creative Quarter where new housing including student accommodation is supported where this is compatible with and does not prejudice the activities of adjoining uses. Policy 5 of the ACS also supports city centre living initiatives including student housing where appropriate.
- 7.2 Notwithstanding the potential impacts of the Covid 19 pandemic upon the future demand for student accommodation, monitoring reports on the provision of student accommodation have consistently illustrated the need to maintain an on-going supply of additional bedspaces in order to meet increases in the number of students attending further and higher education courses within the city. The strategy to meet this on-going supply has been to focus upon the provision of high quality purpose built accommodation within the city centre and thereby to attract students that could otherwise occupy houses of multiple occupation outside of the city centre.

- 7.3 The proposed development relates to an existing large-scale student accommodation building and there would be a net gain of 85 bedrooms over the existing level of provision (287 bedspaces). Policy HO5 of the LAPP acknowledges that purpose built student accommodation of an appropriate scale and design will be encouraged within the City Centre boundary, subject to accordance with site and area specific policies, including relevant 'Quarter Policies'. Policy RE3 of the LAPP (Creative Quarter) supports new housing provision, including student accommodation and innovative formats as part of mixed use schemes where this is compatible with and does not prejudice the activities of adjoining uses, as well as the provision of an affordable range of premises suitable for newly formed, growing and established businesses.
- 7.4 Policy HO6 of the LAPP states that planning permission will be granted for purpose built student accommodation where this does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. In assessing the development's impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard is to be given to a range of criteria including student concentration, but with exceptions being made for those sites within areas identified in Policy HO5 where new purpose built accommodation is to be encouraged. The application site, being within both the city centre and Creative Quarter, complies with this exception and is therefore considered to be appropriate in principle for further development based on its location. Whilst other criteria form part of the detailed assessment it is therefore considered that the proposed development accords with Policy HO5, HO6 and RE3 of the LAPP.
- 7.5 The nearest residential properties at The Edge on Lower Parliament Street are noted and are not considered to be directly affected by the proposed development, including the relationships of layout, scale and design below.

Issue (ii) Impact of the proposed development upon the existing Independent Retail Cluster (LAPP Policy SH5)

- 7.6 Policy SH5 of the LAPP defines the existing units as an Independent Retail Cluster, where proposals for small scale retail provision will be supported where that complements and does not detract from the existing mix of uses in the immediate area and helps to reinforce the area's positive attributes and individual identity. Development is also expected to incorporate active and attractive street level frontage and create levels of activity that would maintain and enhance the vibrancy and interest of the area. Lastly, development is expected to maximise the potential for the sensitive and sustainable re-use of sites and existing buildings where they make a positive contribution to the character and appearance of the area, whether individually and/or as part of a group.
- 7.7 The value of the existing independent retail cluster to Sneinton Market and the wider area is acknowledged in the LAPP and the local support expressed for the retention of these businesses is fully understood. However, the proposed development includes replacement provision of flexible retail units (Use Classes A1/A3/A4/D2) on the ground floor. Whilst these retail units may be smaller than currently present, Policy SH5 specifically indicates support for small scale independent retail provision. The applicant has also corrected their initial certificate served with the planning application to Certificate B and, in doing so, has recognised the status of existing tenants with more than 7 years left to run on their leases. This status is not prejudiced by a decision on a planning application for redevelopment and is a commercial matter between those tenants and the site

owner. It is therefore considered that, in providing replacement flexible retail units, the proposed development accords with Policy SH5 of the LAPP. A condition is proposed to require that a minimum of three retail units are provided in order to ensure that small scale units are ensured and therefore to maintain the appeal to an independent retailer. A further condition is proposed to remove permitted development change to a Class C3 dwelling, and therefore also to maintain the presence of ground floor retail uses onto Gedling Street.

- 7.8 It should be noted that changes to the Use Classes Order from September 2020 places former A1, A2, A3 and B1 uses into a new Class E. As such, retail use cannot be guaranteed, since other uses such as banks, estate agents, restaurants and offices now fall within the same use class. Whilst the loss of the units to retail use could potentially conflict with Policy SH5 of the LAPP (which was adopted prior to the recent Use Classes Order changes), these new usage rights would also apply to the existing retail units and so the impact of the proposal is judged to be neutral in this regard.

Issue (iii) Scale and design of proposed development and impact on the character and appearance of the Sneinton Market Conservation Area (Policies 10 and 11 of the ACS and Policy DE1 of the LAPP)

- 7.9 The current relationship between the podium style of the application building and the Sneinton Market avenue buildings is considered to be one of a human scale, with the taller mass of the main element of the application building being moderated by the lower wave roof form of the ground floor retail units (and with this form also being echoed on Boston Street). This relationship is therefore sensitive to significant change.
- 7.10 The applicant is also challenged with the constraint that extensions on the frontages to the building could place upon the outlook and amenity of student bedrooms within the lower floors of accommodation of the existing building.
- 7.11 The application proposes three storey extensions to the Gedling Street and Boston Street elevations of the building and, in doing so, is considered to manage the challenges of scale, appearance, and impact within a successful design. Whilst the existing tall floor-to-ceiling height of the ground floor retail units are proposed to be reduced, ground floor retail units are to be maintained and are to be defined at street level with a wave form canopy to replicate the form of the existing roof. Student accommodation is provided in two floors above, with the overall height of the elevation being to match the parapet level of the neighbouring three storey café building at the corner of Gedling Street/Brook Street.
- 7.12 The composition of the elevation to Gedling Street, including the rhythm and hierarchy of fenestration onto Gedling Street is also considered to be appropriate to the overall design and to the character and appearance of the Sneinton Market Conservation Area. Elevation details including a buff brick façade with light stone coloured window surrounds, light stone coloured cill courses to the floor levels, fluted piers to the ground floor, and a fluted cornice band provide this elevation with a light quality of finish that draws reference from the Sneinton Market avenue buildings whilst also being suited to the existing building. The proposed elevation to Boston Street is to be of a similar high quality, with this elevation being differentiated by student accommodation at ground floor level and without a wave form canopy. A rounded corner to Brook Street is included to echo the Gedling Street/Brook Street corner. Ground floor accommodation is also to be recessed to

provide a degree of protection/privacy to rooms at this level, whilst also adding further modelling to the façade. Further discussion with the applicant on the detailed design of this particular element is on-going and will be updated to Committee.

- 7.13 There would be a close relationship between existing bedrooms within the lower floors of accommodation of the existing building and the rear elevations of the proposed three storey extensions to both street frontages. This is substantially addressed through the remodelling of the existing accommodation to provide duplex/mezzanine student bedrooms at the level where outlook and amenity would otherwise be significantly harmed. Whilst this may not be an ideal outcome were a future change to general housing was to be proposed, on balance it is considered that the merits of the application submission outweigh this limitation and that the applicant has made every effort to minimise the impact of the proposed change.
- 7.14 The proposed two storey extension to the tall oval section of the building onto Lower Parliament Street is not considered to raise any significant issues in relation to its scale and design, which is defined in its appearance through the proposed use of metal vertical fins.
- 7.15 Subject to conditions relating to individual details the proposed development is therefore considered to accord with Policies 10 and 11 of the ACS and Policy DE1 of the LAPP.

8. Sustainability (ACS Policy 1 and LAPP Policies CC1, CC2 and CC3)

- 8.1 The site is sustainably located as part of the city centre. A wide range of individual sustainable measures are to be incorporated within the proposed development including:
- Connection to District Heating
 - Carbon emissions reduction of 15.5% over Part L of the Building Regulations
 - Low energy ventilation strategy with heat recovery
 - Variable speed drives on pumps and fans
 - Low energy lamps and good lighting controls (L.E.D lighting)
 - Building management system (BMS) to optimise the building services and maintain internal environmental conditions efficiently
 - Advanced metering strategy
 - Occupancy based heating controls ensuring minimum heating energy wastage
- 8.2 It is advised that the building energy and carbon performance will be in line with the requirements of a BREEAM "Very Good". On this basis, it is considered that the proposed development would accord with Policy 1 of the ACS and Policies CC1, CC2 and CC3 of the LAPP.

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

- 9.1 In accordance with Policy IN4 and The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance it is intended that the Section 106 planning obligation secures a public open space contribution of £81,345 towards open space improvements.
- 9.2 The applicant has indicated that they will work with the Council's Employment and Skills team in relation to these future local construction and operational job

opportunities with a financial contribution in accordance with Policy EE4 of the LAPP. This contribution is being calculated and will be updated to Committee.

- 9.3 A student management plan will be a requirement of the S106 agreement and includes a commitment for an operator to work proactively with the local community, including 24 hour on-site management and community liaison. The applicant's current student management plan is to be reviewed on this basis. Restrictions on keeping private vehicles within the city will also be applied. It is considered that appropriate student management measures will therefore minimise any impact of the student accommodation use on the local community in accordance with Policy HO6 of the LAPP.
- 9.4 The proposed obligations accord with planning policy and are therefore reasonable, meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

10 Financial Implications

- 10.1 A financial contribution of £81,345 in accordance Policy IN4 and The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance.
- 10.2 A financial contribution in accordance with Policy EE4 of the LAPP to be updated to Committee.

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 provision of DDA compliant accessible buildings.

13 Risk Management Issues

None.

14 Strategic Priorities

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

15 Crime and Disorder Act implications

Improved surveillance and community safety.

16 Value for money

None.

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

1. Application No: 20/01095/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBEER2LY01B00>

2. City Archaeologist, 28.6.20 & 6.7.20

3. Drainage, 14.7.20

4. Environmental Health, 16.7.20

5. Nadia Whittome MP, 3.7.20

6. Councillor Lee, 29.6.20

7. Councillor Liversage, 29.6.20

8. Councillor Johnson, 1.7.20

9. Victoria Park Residents Association, 23.7.20

10. Nottingham Civic Society, 22.7.20

11. 38 Citizen responses received between 27.6.20 & 10.8.20

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)

The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)

NPPF (2019)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

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NOMAD printed map



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Key
 City Boundary

Description
 No description provided

My Ref: 20/01095/PFUL3

Your Ref:

Contact: Mr Jim Rae

Email: development.management@nottinghamcity.gov.uk

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

Mr Christopher Waumsley
Cumberland Court
80 Mount Street
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NG1 6HH

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

Application No: 20/01095/PFUL3
Application by: IQ Property Partnership
Location: IQ Nottingham, 143 Lower Parliament Street, Nottingham
Proposal: Partial demolition and new extensions onto Gedling Street, Boston Street and to oval element onto Lower Parliament Street to provide additional purpose built student accommodation, amenity spaces, and flexible retail units (Use Classes A1/A3/A4/D2).

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)

2. No phase of development (demolition and construction) shall commence until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the Construction Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.

DRAFT ONLY
Not for issue

3. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall take into account the impact of road traffic noise 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 acoustical 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 more than 45dB LAmx(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

4. No development shall commence until large-scale elevation and section drawings (e.g. scale 1:20/1:10) of the detailed design of the approved extensions of have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with the design principles and details included within the approved Design & Access Statement (TP Bennett 22.05.2020) and Chapter 7.0 Appearance in particular. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure that the detailed design of the approved extensions are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014 and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

5. No above ground development shall commence until a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before any above ground development commences and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policies DE1 and HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 and Policies 10 and 11 of the Aligned Core Strategy.

DRAFT ONLY
Not for issue

6. No development involving the breaking of ground beyond the existing ground floor slab shall take place unless a programme of archaeological works involving the minimum of an archaeological watching brief has first been submitted to and approved in writing by the Local Planning Authority. The development works shall thereafter be carried out in accordance with the recommendations of the approved submission.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

7. Other than the partial demolitions, no development shall commence until further details of the sedum green roofing system proposed to be used to mitigate surface water run-off rates (including a maintenance regime), have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

In the interests of ensuring the appropriate management of surface water and to minimise the risk of surface water flooding events affecting the development and area in accordance with Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

8. No above ground development shall commence until a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the approved Class A3/A4/D2 uses has been submitted to and 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 ensure that the residential occupiers and neighbouring properties to the development do not experience odour nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

Pre-occupation conditions

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

9. 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: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

10. Prior to first occupation of any Class A3/A4/D2 uses, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance associated with these uses 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 the residential occupiers and neighbouring properties to the development do not experience odour nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

DRAFT ONLY
Not for issue

11. The additional purpose built student accommodation shall not be first occupied until such time that a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of the student occupants at the start and finish of each academic term has been submitted to and approved by the Local Planning Authority. The Traffic Management Plan shall thereafter 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.

12. The approved development shall not be occupied until the existing vehicle accesses onto Boston Street that are to be made redundant as a consequence of the implementation of the approved development have been reinstated with full height kerbs and footways in accordance with details that are to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategies.

Regulatory/ongoing conditions

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

13. A minimum of three retail units shall be provided for use within the approved Use Classes A1/A3/A4/D2 and shall thereafter remain available for use within the scope of these Use Classes unless otherwise approved with the further written consent of the Local Planning Authority.

Reason : In order to ensure that small scale retail units are provided and therefore to maintain the appeal to an independent retailer in accordance with Policy SH5 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

14. The ground floor retail uses onto Gedling Street shall not be converted to Class C3 dwelling(s) under Class M of The Town and Country Planning (General Permitted Development) (England) Order 2015, unless with the further written consent of the Local Planning Authority.

Reason: In order to maintain the presence of ground floor retail uses onto Gedling Street and in accordance with Policy SH5 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).

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 28 July 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

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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 Noise Assessment

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

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.

4. Control of Odour & 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 (Defra, 2005).

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). (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

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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.

5. Highways

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

6. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

7. Planning consent is not consent to work on the highway. 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. We 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.

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

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

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RIGHTS OF APPEAL

Application No: 20/01095/PFUL3

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.

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