

Report of Director of Planning and Regeneration

Gala Club, St Anns Well Road

1 Summary

Application No: 19/02566/PFUL3 for planning permission

Application by: Zenith Planning And Design on behalf of Rightmove Real Estate Ltd

Proposal: Purpose-built student accommodation building with cluster bedrooms, studios and associated communal areas, over 2 to 7 storeys.

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

To meet the Council's Performance Targets this application should have been determined by 20th February 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 £75,055.48;
 - (b) local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution of £18,920 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 a cleared site that is located between St. Ann's Well Road and Curzon Place. Part of the site was previously occupied by a Gala bingo hall prior to its demolition. The other part of the site was already in use as a surface car park, which has now been extended on a temporary basis to include the area of demolition. There is a boundary wall onto St. Ann's Well Road.
- 3.2 To the north of the site is the Islamic Centre Nottingham Central Mosque, with its distinctive green dome identified as a Focal Point. To the south is The Depot Climbing Centre (the former tram power station), which has been added to the Local List of heritage assets and The William Booth Memorial Halls that has been listed Grade II on 8 January. Opposite on St Ann's Well Road is Victoria Hall student accommodation and St. Mary's Rest Garden. To the rear on Curzon Place is the more recently completed Miura student accommodation.
- 3.3 The site is located within the defined city centre (LAPP). The boundary of the Sneinton Market Conservation Area is along St. Ann's Well Road.

4 Details of the proposal

- 4.1 The application proposal is for the redevelopment of the site for purpose-built student accommodation building with cluster bedrooms, studios and associated amenity areas, over 2 to 7 storeys.
- 4.2 A total of 356 student bedrooms would be provided within the development, comprising 54 studios and 121 cluster flats. There would be a principal entrance off St. Ann's Well Road leading into a reception area and communal facilities. Further amenities including a laundry, gym, and cinema room are also located on the ground floor. There would be a secondary entrance off Curzon Place to the rear at first floor level, noting the difference in site levels between St. Ann's Well Road and Curzon Place. A bin store is also to be accessed off Curzon Place. A total of four external courtyard spaces are provided through the configuration of the building, with cycle storage being accommodated within two of these courtyards and also accessed off St. Ann's Well Road.

5 Consultations and observations of other officers

The application was originally received and publicity carried out on 21 November 2019. The application has since been revised and publicity issued on two further occasions, on 16 September 2020 and then again on 1 December 2020. A total of 227 comments have been received of which 214 are objections.

Almost all of the public comments on the application were received in response to the original and second consultations, with the majority of respondents objecting to the impact upon the neighbouring Islamic Centre Nottingham Central Mosque. The responses received relate to the following issues:

- The development of further student accommodation in the area and adjacent to the Mosque.
- The height and relationship of the proposed development to the Mosque, particularly regarding overshadowing and overlooking impacts.
- Noise and antisocial behaviour from student activity.

- The loss of and need for car parking.

Adjoining occupiers consulted:

Islamic Centre Nottingham Central Mosque: Objection. We welcome some of the revised changes that are in the most recent drawings. Sadly we still feel that these changes do not go far enough to appease our congregations well founded concerns. The proposed building by virtue of its scale and mass continues to dominate the street scene and is simply too big in relation to its neighbouring and adjoining buildings. One way of addressing this issue is to recommend that the proposed building is stepped away from our site in order for it retain its own identity. The loss of light continues to be an issue on the revised drawings and no attempt has been made to deal with this very important matter particularly for the impact it will have on the main hall. The external outdoor space adjacent to our main hall is still retained in the most recent drawings and our concerns on noise and inappropriate behaviour from students who become rowdy remain true. The well-established building line fronting St Ann's Well road is still broken by the setting of this proposed design and as such needs to be addressed as a matter of priority. The number of studios continues to concern us due to the impact that this may have on parking. Due to the number of outstanding issues we would welcome the forthcoming planning committee defers this application so that our concerns are taken on board and request that the planning committee members have an opportunity to visit the site so that they can fully consider the application and have an opportunity to view the mosque and the site. Alternatively and in light of the current pandemic guidelines, we request that the application be withdrawn to give time for the changes to be made and then a future application is submitted, with the opportunity to reconsider and to address our concerns and observations.

Additional consultation letters sent to:

Councillor Johnson: Objection. This part of St. Ann's is already congested with student accommodation. St, Ann's needs and wants more affordable social housing and shop.

Councillor Liversidge: Objection. The overall size, bulk, mass, and design would have a visually detrimental effect on the character and appearance of the street scene and the Mosque, including its outlook and loss of privacy caused by overlooking. The development also has the potential to increase noise and cause general disturbance in the area because of the number of residential units and proposed courtyard areas.

Councillor Lee: Objection. This mosque is a culturally important and significant building for people across Nottingham and beyond. The sacred use of this building must be respected and I don't believe that these plans do that. Nottingham's largest and most used mosque should not be overlooked by student flats, have its light reduced in the main prayer hall or be squashed in. It is wholly inappropriate and insensitive. I also think the size isn't in keeping with the rest of the local area.

Highways: No objection. Satisfied that large refuse collection vehicles can access the bins at the back via Curzon Place. Recommend conditions in relation to construction management and start and end of term management of student arrival and departures.

Environmental Health: No objection subject to conditions requiring contamination remediation strategy and verification that submitted sound insulation scheme has been implemented.

City Archaeologist: No objection. The site does lie within an area of archaeological potential, with moderate potential for remains of medieval date. These could relate to agriculture and/or industry such as pottery production. The Beck (a stream/small river) flowed in the immediate vicinity and it is thought that industrial activity occurred in areas adjacent to its course. Recommend that a condition for an archaeological watching brief be applied, should planning permission be granted.

Biodiversity: No objection. Welcome the inclusion of green roofs within the design. The inclusion of these features should be secured by planning condition, as well as appropriate design, planting plan and management plan to maximise the ecological value of the features. Would also expect a residential development of this scale to provide roosting and/or nesting opportunities for bats/birds, integrated into the fabric of the building.

Drainage: No objection. St Anns Well Road is at high risk of flooding. It needs to be ensured that the development proposals do not increase flood risk to the site e.g. introducing new mechanisms for flow routes to be directed to the new building, particularly as the proposed building's boundary extends to the highway. Recommend condition requiring proposed maintenance plans and adoption plans for the lifetime of the development for the sustainable drainage features.

Nottingham Civic Society: No objection. The changes made to the building's footprint and the reduction in its overall height by two storeys is welcomed. It remains a large building but NCS acknowledges that attempts have been made to disguise the bulk of the new building to the benefit of its relationship with the now Locally Listed former tram power station adjacent. The design has also been improved somewhat to enliven the principal elevations with more articulated fenestration and brick detailing to break up the apparent length of the street elevations.

Victoria Park Resident's Association: Objection. Although the development doesn't fall within the Conservation Area it borders it and therefore such a consideration should have weight. Its character and appearance are not sympathetic to that of the Conservation Area. It dominates both the former tram depot and the mosque that it sits adjacent to. As such the development is at odds with Core Strategy Objective 6 (Protecting and enhancing the area's individual and historic character and local distinctiveness). The proposed development's bulk and massing remain out of scale, overbearing and inappropriate to the nature of the Conservation area, existing Climbing Depot and Mosque. As such, it is at odds with the Local Plan Section DE2 (Development proposals should help to reinforce and enhance positive characteristics....respect the local context; be reflective of and reinforce positive local characteristics, and enhance the character and distinctive identity of the area). It would help if it could come down at least two floors.

The development will introduce many more students into an area which already has many and places a stress on existing, health provision. Having this many students in one area unbalances the community. Students do not have a sense of belonging or investment in the area as they are not there long enough to do so and they only represent a narrow section of the population. Their presence does little to

encourage neighbourliness or a sense of community due to their inherently transient nature. As such the development is at odds with Core Strategy Objectives 2 (creating and supporting mixed and balanced communities) and 5 (to ensure that regeneration supports and enhances opportunities for local communities and residents, leading to all neighbourhoods being neighbourhoods of choice, where people want to live). The development is also at odds with the Local Plan policy HO6 (Planning permission for purpose built student accommodation resulting in an overall increase in the number of student bed spaces... will only be granted does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities).

Nottingham Council of Mosques: Objection. The scale of the proposed development may significantly increase the demand for on street parking and cause congestion in area of high parking stress in an area where there have been numerous student accommodation developments. The overall size, design and location of the proposed buildings would impact on the character and appearance of the street scene and the Mosque. The surrounding buildings on both sides of St Ann's Well Road, have been built away from the public footpath giving the area an open look, whilst this new development has been proposed up to the edge of the footpath. The proposed external design and internal layout, including the position of windows will have a detrimental effect on users of the Mosque, due to a loss of privacy. The proposed development also has the potential to cause a significant increase in noise pollution and anti-social behaviour.

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 CC3: Water
Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy EE4: Local Employment and Training Opportunities
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
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

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

- (i) Use, scale and design of the proposed development and impact upon the amenity of neighbouring occupiers and the wider area.

(ii) Scale and design of the proposed development and impact upon local focal points and heritage assets, including the character and appearance of the Sneinton Market Conservation Area.

Issue (i) Use, scale and design and impact upon the amenity 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. 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 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.
- 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, complies with this exception and is therefore considered to be appropriate in principle for this development based on its location.
- 7.5 The nearest residential properties at Booth Close off Curzon Street are noted and are at a distance that are not considered to be directly affected by the proposed development.
- 7.6 The relationship of the proposed development to the neighbouring Mosque has been the subject of review throughout the consideration of the application, including a two storey reduction in height and a reconfiguration of the floorplan to provide a courtyard separation from the Mosque prayer hall. It is considered that the revised scheme is now appropriate to the Mosque in terms of any overshadowing and loss of light, with the proposed courtyard space providing generous separation and reconfiguration of the floorplan ensuring that the Mosque dome and façade remains a prominent focal point within the street scene of the area. Angled oriel windows to the elevation of the proposed development facing the Mosque are also designed to prevent overlooking.

- 7.7 Whilst the potential for antisocial behaviour will always exist in student developments of the scale being proposed, a student management plan can address this in a planning obligation. This will include a commitment for an operator to work proactively with the local community, including 24 hour on-site management and community liaison. It is also considered that such on-site management will be capable of ensuring responsible behaviour within the courtyard spaces to be provided within the scheme, with the student accommodation main reception and communal facilities also overlooking the courtyard space next to the Mosque prayer hall.
- 7.8 Restrictions on keeping private vehicles within the city would also be necessary in the planning obligation to prevent the potential impact of car parking. It is therefore considered that appropriate student management measures will therefore minimise any impact of the student accommodation use on the local community.

- 7.9 It is therefore considered that the proposed development accords with Policy HO5, HO6 and RE3 of the LAPP.

Issue (ii) Scale and design and impact upon local focal points and heritage assets, including the character and appearance of the adjacent Sneinton Market Conservation Area (ACS Policies 10 and 11 and LAPP Policies DE1, DE2 and HE1).

- 7.10 The scale and design of the proposed development has been substantially revised since its initial submission, with two floors of accommodation having been removed as well as the plan form of the building being reduced in order to provide greater separation from the neighbouring Islamic Centre Nottingham Central Mosque. The relationship of the proposed development to the Mosque has been a key consideration throughout the assessment of the proposed development, both in terms of its mass and appearance in the street scenes of St. Anns Well Road and Curzon Place, as well as the more direct relationship of the mass and accommodation within the proposed development to sensitive elements of the Mosque activities and main prayer hall onto St. Anns Well Road in particular.
- 7.11 It is considered that the scale and design of the proposed development is now appropriate to the street scenes of St. Anns Well Road and Curzon Place. Whilst being taller than its immediate neighbours, the proposed building does not dominate this context when taking into account the scale of opposite buildings as well as the separation being provided to the Mosque and step down in scale next to the Depot Climbing Centre. The revised scale and design of the proposed building is therefore not considered to impact upon the character and appearance of the adjacent Sneinton Market Conservation Area in accordance with LAPP Policy HE1. It is also considered that the revised scale and design of the proposed building will not impact upon The William Booth Memorial Halls, which will maintain its prominent presence within the local street scene of the area. The most recent revision in the plan form of the proposed building also maintains the view corridor to the Mosque dome from the junction of St. Anns Well Road with Bath Street thereby ensuring that the dome remains a prominent focal point within the area in accordance with LAPP Policy DE2.
- 7.12 The composition of the principal elevations provide a clear rhythm and hierarchy and 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 primary red brick façade with recessed darker red brick panels

and dogtooth brick detailing will provide the elevations with a good quality and strength of finish to echo the neighbouring depot building. More contemporary elements including the top glazed curtain walling clerestory and angled oriel windows to the courtyard facing the Mosque, as a device to prevent direct overlooking of the prayer hall, will add further variety and interest to the street scene.

- 7.13 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.

Other

Planning Obligations (LAPP Policies HO6, IN4 and EE4)

- 7.14 The application was submitted prior to the adoption of The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (November 2019). Accordingly, it is appropriate to use the previous Supplementary Guidance when calculating the Section 106 planning obligation for public open space, resulting in a contribution of £75,055.48 towards open space improvements in accordance with Policy IN4.
- 7.15 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 of £18,920 in accordance with Policy EE4 of the LAPP.
- 7.16 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. 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.
- 7.17 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.
- 7.18 The response of Environmental Health is noted and reflected in the proposed conditions regarding contamination assessment and implementation of the approved sound insulation scheme in accordance with Policy IN2 of the LAPP.

8. Sustainability and Biodiversity

- 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:
- Highly insulated building envelope.
 - Low air permeability.
 - Highly efficient individual heating and hot water systems to each apartment as a means of future proofing the development.
 - Mechanical ventilation.

- Inclusion of renewable technology in the form of solar photovoltaic (PV) panels.
 - Sustainable materials.
 - Water saving features to ensure a maximum calculated water consumption of 110 litres per person per day.
- 8.2 On this basis, it is considered that the proposed development would accord with Policy 1 of the ACS and Policy CC1 of the LAPP.
- 8.3 Other than the large area of flat roof to be provided with solar photovoltaic (PV) panels, other areas of flat roof are to be provided with green roofs. The inclusion of green roofs has been welcomed by the Biodiversity Officer subject to further details. The use of green roof features will also mitigate surface water run-off rates. It is therefore considered that the proposed development would accord with Policies CC3 and EN6 of the LAPP.

9 Financial Implications

- 9.1 A financial contribution of £75,055.48 in accordance Policy IN4 and the Planning Guidance for the Provision of Open Space Within Developments Supplementary Planning Guidance
- 9.2 A financial contribution of £18,920 in accordance with Policy EE4 of the LAPP.

10 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.

11 Equality and Diversity Implications

The provision of DDA compliant accessible buildings.

12 Risk Management Issues

None.

13 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.

14 Crime and Disorder Act implications

Improved surveillance and community safety.

15 Value for money

None.

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

1. Application No: 19/02566/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q100UMLYFKZ00>

17 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)
Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance
NPPF (2019)

Contact Officer:

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NOMAD printed map



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0 0.02 0.04 km



Key

City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 19/02566/PFUL3 (PP-08292502)

Your Ref:

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Date of decision:

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

Application No: 19/02566/PFUL3 (PP-08292502)

Application by: Rightmove Real Estate Ltd

Location: Gala Club , St Anns Well Road, Nottingham

Proposal: Purpose-built student accommodation building with cluster bedrooms, studios and associated communal areas, over 2 to 7 storeys.

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 development shall commence until a Construction Traffic Management Plan 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. No development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
- a) A phase 2 Site Investigation, based on the phase 1 Environmental report by collinshallgreen project reference F169, dated October 2019 to include a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A Remediation Plan, based the results of the site investigation 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 c) above are complete.
- The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.
- Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*
4. No development shall commence until 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.
- 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 (2020).*
5. No 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 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 Policy 10 of the Aligned Core Strategy and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*
6. A detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting (trees and shrubs), shall be submitted to and approved by the Local Planning Authority before any above ground development is commenced.
- Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

DRAFT ONLY

Not for issue

7. No development shall commence until details of the design, planting plan, and management plan of the approved green roof areas have been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the approved development is first occupied.

Reason: In the interest of ensuring the incorporation of this sustainable feature within the approved development to support biodiversity and to minimise the risk of flooding in the area in accordance with Policy 1 of the Aligned Core Strategies and Policies CC3 and EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

8. No development shall commence until details of roosting and/or nesting opportunities for bats/birds, to be integrated into the fabric of the building, have been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the approved development is first occupied.

Reason: In the interest of ensuring the incorporation of these features within the approved development to support biodiversity in accordance with EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

9. No development shall commence until details of the maintenance plans and adoption plans of the sustainable drainage features that are to be included within the approved development (Drainage Statement by Bradbrook Consulting dated 8 November 2019) have been submitted to and approved by the Local Planning Authority.

In the interests of ensuring the appropriate management of surface water and to minimise the risk of surface water flooding events affecting occupants of the development in accordance with Policy CC3 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)

10. The approved development shall not be first occupied until such time that the following has been submitted to and 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 the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of pollution in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

DRAFT ONLY
Not for issue

<p>11. Prior to first occupation of the development, verification that the sound insulation scheme as defined in the Noise Assessment report by Spire Environmental Consultants Limited, Report Number: R19.1367-N-1-AG dated 8th November 2019 has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.</p> <p><i>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).</i></p>
<p>12. The approved development 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.</p> <p><i>Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety.</i></p>
<p>13. The approved development shall not be first occupied unless the cycle storage and bin storage provision has been implemented in accordance with the approved plans.</p> <p><i>Reason: In order to ensure the appropriate provision of these elements and in the interests of the amenity of occupants and neighbours to the development in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).</i></p>
<p>14. The approved development shall not be occupied until the existing vehicle accesses onto St. Ann's Well Road and Curzon Place that are 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.</p> <p><i>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 and Policy DE1 of .</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>
<p>15. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any trees which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.</i></p>
<p>Standard condition- scope of permission</p>
<p>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 21 November 2019.</p>

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Not for issue

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.
2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Environmental Noise Assessment

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

Verification that the approved sound insulation scheme has been implemented shall include:

- The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
- Example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)
- Photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

4. Contaminated Land, Ground Gas & Groundwater

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.

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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.

5. Construction & Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

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

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

Equipment

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Not for issue

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

Dust/Grit and Other Fugitive Emissions

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

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include;

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

6. 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.

7. 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.

8. 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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Not for issue

RIGHTS OF APPEAL
Application No: 19/02566/PFUL3 (PP-08292502)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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Not for issue