

**Report of Director of Planning and Regeneration**

**King Edward Court, King Edward Street**

**1 Summary**

Application No: 21/01033/PFUL3 for planning permission

Application by: Pearce Planning Ltd on behalf of Fusion Nottingham Devco Limited

Proposal: Full Application for demolition of existing offices onto King Edward Street, Glasshouse Street and Kent Street, and new build Purpose Built Student Accommodation of up to 8 storeys, with communal facilities and associated works. Outline Application for demolition of existing offices onto Huntingdon Street and King Edward Street and new build residential apartments (Class C3) of up to 8 storeys, with ground floor offices and retail (Class E) and associated works. (Hybrid Planning Application).

The application is brought to Committee because it is a major application for a prominent site with important design and heritage considerations.

To meet the Council's Performance Targets this application should have been determined by 9th August 2021

**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 notice at the end of this report;

(ii) prior completion of a Section 106 planning obligation,:

arising from the proposed purpose built student accommodation element of the proposed development to secure:

- (a) an off-site Open Space contribution of £569,112;
- (b) a student management plan and restrictions on keeping private vehicles
- (c) local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution of £70,382.40 towards local employment and training

and arising from the proposed new build residential apartments element of the proposed development to secure:

- (d) an off-site Open Space financial contribution of £145,628;

- (e) on-site affordable housing provision of 18 new build residential apartments (20% of the total number of proposed apartments), with the mix to be a 50/50 split between social rented units and shared ownership units.
  - (f) local employment and training benefits including opportunities in the construction phase of development together with payment of a financial contribution of £47,806 towards local employment and training
- 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 whole city block, bounded by King Edward Street, Huntingdon Street, Rick Street and Glasshouse Street. The site is currently occupied by a perimeter block of two and three storey office buildings in red brick and with pitched roofs. The buildings were constructed in two phases in the mid 1980's. There is a vehicle and pedestrian access off King Edward Street and the central area of the layout is predominantly used for car parking.
- 3.2 Other than the planning permissions for the development of the current buildings, the planning history of the application site is limited to minor alterations that are of no relevance to the proposed redevelopment of the site.
- 3.3 Adjacent to the site lies the Lace Market Conservation Area and a number of listed buildings and non-designated local list heritage assets.

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

- 4.1 The application concerns a hybrid planning application, which seeks full planning permission for part of the site and outline planning permission for another part of the same site. In total, the application proposes the redevelopment of the entire city block between Glasshouse Street and Huntingdon Street, and between King Edward Street and Rick Street. Demolition and redevelopment is proposed in two phases.
- 4.2 The first phase of redevelopment (for which full planning permission is sought) would be the demolition of the existing offices buildings onto King Edward Street, Glasshouse Street, and Kent Street and the new development of a Purpose Built Student Accommodation (PBSA) buildings of up to 8 storeys, with communal facilities and associated works. There would be two buildings to this first phase, the larger building having primary elevations to the three streets and also an elevation onto a new public pedestrian route that would be created between King Edward Street and Rick Street. The completed perimeter building would then have an enclosed central courtyard space. The second element to this PBSA proposal would be a smaller independent building with a primary elevation onto Rick Street and with a side elevation onto the new public pedestrian route at this point.

Combined, these two buildings would provide a total of 552 student bedrooms in a range of accommodation types, including cluster flats and studios. The primary entrance and reception to the larger building would be located at the curved corner being formed at the junction of King Edward Street with Glasshouse Street. There would be a second entrance and reception onto the new public pedestrian route. Ground floor student facilities would extend across the frontages of the building onto the streets, including a range of social, study and recreational spaces (gym, basketball court, events space). Cycle stores, bin stores, and plant rooms are also located at various points.

- 4.3 The second phase of redevelopment (for which outline planning permission is sought) would be the demolition of the existing office building onto Huntingdon Street and the new development of residential apartments (Class C3) of up to 8 storeys, with ground floor offices and retail (Class E) and associated works. The application for this element of the proposed development is for outline planning permission and whilst details of the design and appearance of the proposed building are indicated within the submitted document, other than means of access and the setting of parameters of overall scale and mass, the submission for this second phase reserves matters of layout, appearance and landscaping for future consideration. The submission does however indicate that this phase of development would be capable of providing a mix of 52 one-bed, 31 two-bed, and 6 three-bed apartments (total 89) and with a ground floor offices and retail space of 608 sq.m. This element of the proposal has been recently amended to reduce the height of the proposed building from an initial 9 storeys to 8 storeys.
- 4.4 The proposed buildings are designed with active ground floor elevations, with regular patterns of fenestration above and with flat roofs. Some elements of the design have set back top floors. The buildings would be constructed predominantly in brick, with a range of red through to buff colours being used to introduce breaks in the appearance of these larger blocks. The indicated palette focusses on the use of a red brick to the corner of King Edward Street with Glasshouse Street at the main entrance to the student accommodation. The palette then varies to a predominantly lighter buff brick onto Rick Street, being a narrower street, before reverting back to a red brick on the indicative appearance of the residential apartments building onto Huntingdon Street.

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

### **Adjoining occupiers consulted:**

A total of 568 individual notification letters have been sent to neighbouring properties, including:

The Litmus Building, Huntingdon Street (all apartments)  
Avalon Court, Kent Street (all apartments)  
Bloomsbury Court, Beck Street (all apartments)  
2 Clare Street (all apartments)  
1 Glasshouse Street (all apartments)  
9 - 13 Glasshouse Street (all apartments)  
201, 203, 282 - 284, 286 - 288, 290, 310 Huntingdon Street  
278 - 280 Huntingdon Street (all addresses)  
Ground Floor, Huntingdon House, Huntingdon Street  
Pryzm Lower Parliament Street  
22A, 24, 26, 28, 43 - 55, 30 - 34, 38, 50 Lower Parliament Street

1A - E, 2, 3A - E King Edward Court  
William Booth Memorial Hall, King Edward Street  
45A - C Broad Street  
38, 40 George Street  
Units 1 - 5 Victoria Court

The application has also been publicised by site and press notices. A total of 6 citizen responses have been received, all being from residents of The Litmus Building that is opposite the application site on Huntingdon Street. The responses are all objections to the proposed development on the following grounds:

1. Unreasonable density of development with two tall buildings opposite each other.
2. Loss of light/sunlight and overshadowing impact, especially for tenants living on lower levels.
3. Overlooking/loss of privacy due to height and proximity, including views into swimming pool within the Litmus Building.
4. Loss of view from the Litmus Building towards the city centre.
5. Increased traffic generation and air pollution.
6. Construction noise, air pollution and disturbance.

**Councillor Liversidge:** Objection to yet another high rise block in an area that is becoming dense with them. This one will allow residents to overlook other people particularly in the Litmus building both flats and its swimming pool.

**Nottingham Civic Society:** Objects to the height of the proposed building fronting Huntingdon Street because the scale of Phase 2, at nine storeys, would overwhelm the two and three-storied 1930s buildings including the Grade II listed former Barton's Bus Garage (No.270-276 Huntingdon Street) and two buildings on Nottingham's Local List (Nos. 278-290 Huntingdon Street adjacent to the application site and No. 268 Huntingdon Street). The Design and Access Statement does not adequately address this height disparity with its dominating impact and there appear to be no scaled elevations showing the relationship between the proposed building and its historic neighbours. The perspective view looking south down Huntingdon Street is too distant to illustrate the harmful effect. The height of the Phase 2 building should be stepped down somewhat in Huntingdon Street to acknowledge this important group of twentieth-century buildings.

It is regrettable that the height of the development at Glasshouse Street would also result in the loss of the view of the Council House Dome on the skyline in longer views from King Edward Street. The proliferation of taller blocks in this vicinity of Eastside, is contributing to the unfortunate impression that cherished views of the city centre's civic landmarks are no longer worth safeguarding. View 01 from St Ann's Well Road demonstrates this unfortunate effect.

**The Salvation Army:** Are the owners of the William Booth Memorial Halls situated adjacent to the proposed development and generally accept proposals to regenerate and redevelop sites within the vicinity. This application and two additional proposals for student accommodation could lead to a complete change in dynamic of the populace in the immediate vicinity of the Salvation Army, now granted Grade II listed building status. The Salvation Army can provide support for students from its facilities, but the existing facilities will require re-modelling to achieve suitable multi-use space. To this end, there will be a requirement for funds, and it is hoped that community contributions by developers will be forthcoming to complement their respective developments. The Salvation Army sees an

opportunity to have an on-site presence within the proposed building. Anticipate further pressure on car parking and any solution should provide for an allocation of spaces for the use of attendees at WBMH.

**Additional consultation letters sent to:**

**Planning Policy Team:** No objection. The provision of further good quality PBSA in the City Centre is likely to attract students that would otherwise occupy houses of multiple occupation outside of the city centre freeing up such accommodation for families. The scheme would in principle help to deliver an important element of the Council's housing policy, including a long term aim to promote high quality PBSA at the right locations. This can address the shortage of PBSA provision and not only help to meet the housing needs of a growing student population, and reduce the demand on the City's existing housing stock, but also have a broader role to play in facilitating redevelopment of key sites within the City Centre adding further vitality and viability and hopefully assist in rebalancing communities currently with high concentrations of student occupation.

Policy 5 of the ACS supports student accommodation in the City Centre in order to diversify the profile and mix of City Centre housing, where appropriate. Policy HO5 of the LAPP sets out suitable locations for additional PBSA accommodation and includes large parts of the City Centre, including the location of the application site.

The applicant has submitted a Student Accommodation Needs Assessment with the planning application in which they contend that there is considerable absence of PBSA in the city. The Council's recent PBSA vacancy survey for the 2020-21 academic year, notes that the majority of PBSA providers (representing 84% of the total PBSA bedspaces) considered that the PBSA market will return to normal once the pandemic restrictions are fully lifted. Previous results from the Council's vacancy surveys have shown near full occupation across the PBSA market with less than 2% vacancies.

The applicant has also confirmed that the proposed student accommodation has been set out such that it could be re-purposed as more general residential accommodation without the need for substantial renovation works. The policy requirement for adaptability is therefore addressed.

The Council is currently consulting on a Draft Supplementary Planning Document for the Eastside area, which this application falls within. The aim of the SPD is to ensure a mix of good quality homes (which are not dominated by any one type of occupant) are provided alongside a vibrant mix of facilities.

Given the existing high levels of concentration in the Eastside area, it is likely that further student housing has the potential to impact negatively on the character of the area, the local context and levels of amenity (as set out in Policies DE1 and DE2) and these factors will be important when assessing any proposals for further student accommodation in the Eastside area. With this proposal consisting of a mix of uses including a large PBSA scheme, residential and office development it is considered that the proposal would comply with the emerging SPD. Re-use of part of this site to accommodate student development to meet the Council's wider aspirations can therefore be supported and there are no principle policy objections to the proposed development in this location.

**City Archaeologist:** No objection subject to conditions. A programme of archaeological works, initially consisting of an archaeological evaluation, should be required as a condition of planning permission. A second condition, requiring the submission of a foundation design which enables the preservation of the known cave (and any other unknown caves which may be encountered through ground investigations) should also be applied.

The site lies just outside the medieval defences of Nottingham. However, it lies within an area of known medieval occupation, on the site of the Hospital of St John (which later became a House of Correction, and later still the site of Nottingham Prison). A cave is known to have existed within the site and there is no evidence that this was destroyed during the development of the Central Market. Indeed, the available evidence suggests it was preserved in situ. Excavations in the vicinity of this site (including those at 1-7 Glasshouse Street and 67 Lower Parliament Street) have demonstrated the survival of medieval archaeological remains even where truncated by cellars. The archaeological Desk Based Assessment, with incorporated caves assessment, submitted with the planning application demonstrates that there is potential for archaeological remains to exist within the boundary of the site. Although previous development of the site will have caused some disturbance to archaeological remains, the assessment concludes: ‘there is significant potential for the preservation of such remains, sometimes relatively close to the surface in some areas, notably in the central car parking area.’

This potential should be investigated through archaeological evaluation as an initial stage of a conditioned programme of archaeological works. The archaeological evaluation will investigate the character, condition and extent of any archaeological remains and will provide an evidence base to determine what further works may be required in advance of and/or during groundworks for the development.

As part of the programme of archaeological works, it will be necessary to monitor ground investigations which aim to locate the cave. The archaeological Desk Based Assessment indicates that the applicant has given consideration to the cave (and the potential for further, unknown, caves), and this is welcomed. The assessment states that a scheme of ground investigations (specifically cave probing) will aim to locate the cave, enabling a construction design to be produced which avoids impact upon this heritage asset. The probing should be monitored by an archaeologist and the scope of the cave probing should be agreed with the City Archaeologist.

A condition of planning permission should be a requirement for a foundation design to be drawn up following the ground investigations, with accompanying information from a structural engineer, which ensures the preservation of the known cave (and any previously unknown caves which may be encountered during investigations) which exist within the site boundary.

**Education:** The mix of proposed apartments does not generate a significant demand for school places that can be accommodated within existing schools. Therefore no S106 education claim for this development.

**Environmental Health:** No objection subject to conditions. Due to the Covid restriction on entertainment venues it has not been possible to undertake a noise survey of the representative noise levels at the site and the assessment is based on likely levels. The submitted report does acknowledge that noise related conditions can be included which will set appropriate criteria for the detailed design of the facades and ventilation strategy.

From EH experience the key noise source in addition to general road traffic noise is the noise associated with the Prism night club. The actual noise break out from the premises has not, in the past, been significant. However the noise particularly in the early hours of the morning associated with raised voices / shouting of customers entering & leaving the night club & on the surrounding streets, & taxis / mini cabs double & triple parked immediately outside the night club is significant.

A retail unit in Use Class E could also operate as a restaurant without the need for permission for a change of use. Therefore it would be advisable that retail units (& perhaps any commercial / office element – given the possibility of future changes of planning use) has provision for ventilation / extraction to roof level.

**Highways:** No objections subject to comments and conditions. The development will require changes and alterations to the existing highway. The details for the design and suitability can be resolved through discussions and technical approval with Highways. Redundant cross-overs are to be reinstated to full height kerb around the perimeter. Accesses for vehicular use are to have a pedestrian priority treatment with a crossover vehicle design. The applicant is strongly advised to place a demountable barrier to the access off Kent Street to control a no vehicle movement access at all times excepting those agreed with Highways (e.g. drop off/collection at start and end of terms). Demolition will require suspension of restrictions in the area, such as parking bays and bus lanes. All Highways licences will need approval.

The applicant's proposals for deliveries as well as for waste collection require further details require some extra thought and additional information. A condition on these details and the control of vehicles within the courtyard as well as managing access is to be strongly advised. Details of waste management for the future residential and commercial units will also be required. It is noted that the applicant is proposing to have NCC residential waste collection off an unadopted private courtyard. The applicant is to obtain written permissions from the Head of Waste Services, that this arrangement has been discussed and agreed with NCC.

Pay and display bays will be affected by the development and the applicant is to fund all investigations and relevant changes required to ensure on street parking is maintained.

**Biodiversity:** No objection subject to conditions. A further Bat Survey Addendum Report has been provided that notes bats are present on the site and that works will therefore require a licence from Natural England. A condition requiring a method statement detailing the approach to the demolition of the existing buildings with regard to the recorded presence of bats is recommended. A mitigation and enhancement condition is also recommended for bat and swift boxes to be included on the development with locations and specifications to be provided. Clearance of any vegetation required should be timed to occur outside of the bird breeding season (core breeding season is March – August inclusive) wherever possible to avoid impact on active nests. Where this is not possible, vegetation clearance should be preceded by a check for nesting birds by a suitably experienced ecologist. Also recommend a condition to require the submission of a landscape plan and species list which focuses on native species or ornamental species with high ecological value such as fruiting species for birds.

**Drainage:** No objection subject to conditions. Attenuation and flow control have been proposed to manage surface water, achieving a 30% betterment. However, would like to see SuDS explored further, utilising the proposed landscaping design. For example, where trees are proposed, these should be SuDS tree pits to maximise storage capacity and to improve longevity of the tree and maximise their benefits. Furthermore, where flat roofing is proposed, there is an opportunity for green roofing to be integrated.

At this stage, the drainage strategy has been labelled as conceptual. Full and finalised details should be submitted to the team, especially if any changes are to be made to the key concepts. Some of the microdrainage calculations indicate flood risk that require further information.

**Design Review Panel:** The proposed development was reviewed by the Panel on 18 February 2021 at its pre-application stage, with the following overall conclusions.

"The Panel's overall view of the scheme is positive, commending it as a good example of a student accommodation model, and for the design consideration given to how the building can interact and activate the surrounding streets.

The proposal picks up well on the importance of this prominent city facing corner and the need for a corner turning building. However, the architecture needs to work harder to relate more to the urban design of Nottingham's heritage of corner turning buildings, by picking out the corner element and focussing on it more, rather than it blending into the rest of the building, which is also currently magnifying the appearance of the building's scale. Importantly, the removal of the link is necessary to separate the blocks to help reduce massing, and introduce a physical break to create a central street, with entrances into both blocks off the new street, in order to make this a proper functioning space. The mix of ground floor uses below the residential works well, offering active frontages to the street. There is though more opportunity to improve the building's relationship with Kent Street to enhance the context of the street and the public realm offer, with the possibility of the pedestrianisation of Kent Street. Finally, there is an important need for sustainability to permeate through the whole design of a building, and match Nottingham City's commitment to sustainability.

Overall, the scheme shows promise, but more work on refining the design is required."

## 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 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 HE2: Caves  
Policy HO3: Affordable Housing  
Policy HO5: Locations for Purpose Built Student Accommodation  
Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation  
Policy IN2: Land Contamination, Instability and Pollution  
Policy IN4: Developer Contributions  
Policy TR1: Parking and Travel Planning

**NPPF (2021):**

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 126 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 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 194 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 197 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.
- The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance (2019)
  - Caves of Nottingham Supplementary Planning Document (2019)
  - City Centre Urban Design Guide (2009)

## 7. Appraisal of proposed development

### Main Issues

- (i) Student accommodation use and impact upon the amenity of neighbouring occupiers and the wider area.
- (ii) Scale, layout and design and impact upon the amenity of neighbouring occupiers and the wider area.
- (iii) Impact upon local focal points and heritage assets, including the character and appearance of the adjacent Lace Market Conservation Area and setting of listed buildings and non-designated local list heritage assets.

#### **Issue (i) Student accommodation use and impact upon the amenity of neighbouring occupiers and the wider area. (ACS Policy 5 and LAPP Policies HO5 and HO6)**

- 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), and city centre amenities. Policy 5 of the ACS also supports city centre living initiatives including student housing where appropriate.
- 7.2 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.
- 7.3 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. Whilst other criteria form part of the detailed assessment it is therefore considered that the proposed development accords with Policy HO5 and HO6 of the LAPP.

- 7.4 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 bed spaces 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.
- 7.5 The Policy team advise above that the response of the majority of PBSA providers to the Council's recent PBSA vacancy survey consider that the PBSA market will return to normal once the pandemic restrictions are fully lifted. Previous results from the Council's vacancy surveys have shown near full occupation across the PBSA market with less than 2% vacancies.
- 7.6 The Policy response also notes that the Council is currently consulting on a Draft Supplementary Planning Document for the Eastside area, which includes the application site. This consultation document expresses a vision for balance in the types of development across the area and makes particular reference to the domination of student housing within the area and need for a wider mix of uses within developments, with the specific aim of ensuring a mix of good quality homes. In this context it is noted that the proposed development is a hybrid application with the second phase of works to include new build residential apartments (Class C3) and ground floor offices and retail (Class E) uses.
- 7.7 Whilst the consultation draft status of the Supplementary Planning Document does not carry any significant planning weight, and the application is to be determined in accordance with the adopted ACS and LAPP policies, it is encouraging that the application proposes a genuine mix of uses, with the residential apartments element of the development also to include affordable housing in accordance with LAPP Policy HO3. As submitted, the proposed development is therefore considered to accord with the consultation draft of the emerging SPD.
- 7.8 The layout and mix of studio and cluster flat accommodation within the proposed development is arranged with rooms either facing out onto the surrounding streets or into the courtyard amenity space that is created within the centre of the plan of the building. The floorspace standards within the proposed accommodation are considered to be good, and with internal and external communal amenity space being provided for use by all student residents.
- 7.9 Whilst the potential for antisocial behaviour will always exist in student developments of the scale being proposed, a student management plan is a requirement of the S106 agreement. 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 communal courtyard space to be provided within the scheme.

- 7.10 Restrictions on keeping private vehicles within the city will also be applied and has been a proven deterrent to 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 in accordance with Policy HO6 of the LAPP.
- 7.11 The applicant has submitted an example floor plan illustrating how the building could be adapted to residential flats in future in accordance with Policy HO6. The flats layout is confirmed to comply with the Nationally Described Space Standards for a range of flat sizes.
- 7.12 Accordingly, it is considered that the proposed scheme complies with Local Plan policies and in particular Policy 5 of the ACS regarding the location of student accommodation development, as well as Policy HO5 and HO6 of the LAPP.

**Issue (ii) Scale, layout and design and impact upon the amenity of neighbouring occupiers and the wider area (ACS Policy 10 and LAPP Policy DE1).**

- 7.13 The concerns of neighbouring residents of The Litmus Building to the scale and relationship of the proposed residential apartments building onto Huntingdon are acknowledged and understood. The scale of the existing buildings at two and three storeys is generally lower than others in the area and therefore the proposed development can be expected to alter the relationship with its surrounding buildings. The number of storeys of the proposed building onto Huntingdon Street has now been reduced from nine to eight storeys, with the eighth storey being a setback top floor. The overall height of the building would be 25.7m. It is noted that this height includes a commercial height ground floor.
- 7.14 Buildings of some scale are to be expected on sites within the city centre. In this particular instance the development site sits at the junction of Huntingdon Street with King Edward Street, with Huntingdon Street also being a wide primary traffic route to the east of the city centre. The general approach to scale for developments within the Eastside of the city centre is included within the City Centre Urban Design Guide (CCUDG), which indicates that ground plus six storeys could be acceptable as a maximum height (or 23m to eaves height), subject to full consideration of its context. The CCUDG also notes some scope for corner buildings to be taller to mark their position in the street scene.
- 7.15 It is considered that the proposed building onto Huntingdon Street is now appropriate to its location and context. The width across Huntingdon Street would be approximately 24.5m, providing a good distance of separation between facades. The orientation of the street would also ensure that sunlight and daylight would reach the façade of The Litmus Building at periods of the day. Whilst it is acknowledged that the proposed development would limit sunlight and daylight at times in the afternoon, it is not considered that this loss would be significant to warrant a refusal of the proposed scale of development in the context of its position in the city centre. It would also be the case that at fourteen storeys high, The Litmus Building would remain the tallest and most prominent development at this point on Huntingdon Street.
- 7.16 It is considered that the façade to façade distance between the proposed building onto Huntingdon Street and the façade of The Litmus Building would not significantly prejudice the privacy of residents. It is also noted that the glazing to the

swimming pool within The Litmus Building already has privacy film to most of its height onto Huntingdon Street and, were privacy to remain a concern upon the completion of the proposed development, then the application of further privacy film would be an appropriate solution.

- 7.17 The loss of an existing view is not a material planning consideration for all developments.
- 7.18 Lastly in response to the points raised by local residents, the proposed development makes no provision for on-site car parking, which recognises the sustainable city centre location of the application site. Whilst there would be traffic associated with the proposed development, including student arrivals and departures at the start and end of terms, it is considered that this is capable of being appropriately managed in the same fashion as other large scale PBSA developments within the city centre. Future residents of the proposed residential apartments would be expected to shop within the city centre and rely on cycle and public transport.
- 7.19 The proposed development would replace the entire city block between Glasshouse Street and Huntingdon Street, and between King Edward Street and Rick Street. The scale of the proposed development onto each of these streets is considered to be appropriate, with the corner to Glasshouse Street being particularly significant in terms of its position and prominence as part of this junction. This corner would form the primary entrance into the larger PBSA element of the proposed development and its design, with recent amendments, provides it with an appropriate focus. Discussions on the further individual details of other distinct elements of the proposed development as it steps at points along King Edward Street and Rick Street have also refined the appearance of the proposed street elevations to a satisfactory level, subject to conditions that seek to ensure that the quality of appearance is ensure throughout the construction phases. The proposed development has been deliberately set back from the line of the existing development along Rick Street in order to increased width and space to the street, including frontage planting, as well as the opportunity to maintain the proposed scale of development along this street. Student accommodation developments that are opposite on Glasshouse Street and Rick Street are considered to be compatible with the use of the proposed development and therefore unaffected in terms of their general residential amenity.
- 7.20 The scale relationship of the proposed development to neighbouring buildings of 278-290 Huntingdon Street, the William Booth Memorial Halls, and the Prysm nightclub on Lower Parliament Street is discussed below in relation to the respective heritage asset status of those buildings.
- 7.21 The proposed development is therefore considered to accord with ACS Policy 10 and LAPP Policies DE1 in relation to its scale, layout and design and impact upon the amenity of neighbouring occupiers and the wider area.

**Issue (iii) Impact upon local focal points and heritage assets, including the character and appearance of the adjacent heritage assets and non-designated local list heritage assets (ACS Policy 11 and LAPP Policy HE1).**

- 7.22 When considering whether or not to grant planning permission for development that affects a listed building or its setting, the LPA is under a statutory duty to have

special regard to the desirability of preserving a listed building, its setting and any special architectural or historic features, under section 66, of the Planning (Listed Building and Conservation Area) Act 1990) (“the LBA 1990”.)

- 7.23 In addition paragraph 199 of the NPPF indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.24 The Heritage Assessment submitted with the application provides a comprehensive review of heritage assets that have been considered as potentially being affected by the proposed development, including but not limited to:
- Lace Market Conservation Area
  - Sneinton Market Conservation Area
  - Former bus garage, 270-276 Huntingdon Street (Grade II listed building)
  - Council House, Exchange buildings and adjoining shops and bank (Grade II\* listed building)
  - William Booth Memorial Halls (Grade II listed building)
  - Pryzm, Lower Parliament Street (non-designated heritage asset)
  - 278-290 Huntingdon Street (non-designated heritage asset)
  - 268 Huntingdon Street (non-designated heritage asset)
- 7.25 An analysis of the impact of the proposed development upon key views identified within the CCUDG has been provided, with the view of the Council House dome from St. Mary’s Rest Garden confirmed as being unaffected. Nottingham Civic Society’s comment that the height of the development at Glasshouse Street would result in the loss of a view of the Council House Dome from King Edward Street is acknowledged. However, this view is not recognised within the CCUDG and would be lost as a consequence of any moderate increase in the scale of development at the Glasshouse Street corner of the application site. The merits of the scale of proposed development at this corner have been discussed above.
- 7.26 It is considered that the scale and appearance of the existing buildings do not make full use of the site or make any significant contribution the character and appearance of the adjacent Lace Market Conservation Area. The principle of their redevelopment is therefore considered to be appropriate within this context. Notwithstanding the fact that the proposed development does not fall within a conservation area, it is considered that the character and appearance of the adjacent Lace Market Conservation Area would be unharmed by the scale and appearance of the proposed development, which is considered to be a significant improvement on both the existing buildings, with the quality of its design and details representing a clear and strong identity. Regardless of the fact that the duty in s72 of the LBA 1990 is not engaged, it is considered that the scale and appearance of the proposed development would be a significant improvement, contributing to the view from the adjacent Lace Market Conservation Area.
- 7.27 The scale of the proposed development will result in a degree of change in the setting of a number of built heritage assets around the application site. The relationship of the proposed development to the surrounding heritage assets has been reviewed at stages through the consideration of the proposed development, including the Design Review Panel where it had been concluded to show promise subject to more work on refining the design. This further work has been focussed

on breaking down elements of the mass of development and improving the focal points and verticality to the facades in a manner that would be more complementary to its context in both its close and more distant built relationships. Accordingly, and as an example, the design of the main corner of the proposed development between King Edward Street and Glasshouse Street has been improved as a contemporary representation of corner buildings within the Lace Market. The cross-relationship between this corner of the proposed development and the Prism nightclub building as a non-designated heritage asset is also considered to be improved and acceptable. The height of the proposed second phase apartments building has also been reduced by one storey to limit the prominence of this building within the street scene of Huntingdon Street and to provide a more sympathetic step in the scale of development relative to the adjacent heritage assets. This is a point also raised within the response of Nottingham Civic Society and is therefore considered to be addressed by the amendment made.

- 7.28 It is considered that the design of the proposed development, being adjacent to rather than within the Lace Market Conservation Area, is appropriate and would enhance the appearance of the Conservation Area through the quality of its design and through the replacement of buildings that make no particular contribution to the appearance of the Conservation Area.
- 7.29 The response of the City Archaeologist is noted and reflected in the proposed conditions regarding an archaeological evaluation, caves ground investigation, and foundation design that will ensure the preservation of any caves in accordance with LAPP Policies HE1 and HE2 and the Caves of Nottingham Supplementary Planning Document.
- 7.30 Paragraph 202 of the NPPF states that local authorities need to weigh the harm caused to designated heritage assets against the public benefits of the proposal, including securing an asset's optimal viable use. It is considered that the Heritage Assessment and accompanying application details provide a good analysis of the heritage issues. It is considered that any harm caused to the significance of the heritage assets would be 'less than substantial' and despite affording considerable importance and weight to the "desirability of preserving... the setting" of listed buildings, that the public benefits of the redevelopment of buildings that do not make full use of the site or make any significant contribution to the character and appearance to the adjacent Lace Market Conservation Area, substantially outweigh any heritage impacts. The proposals are felt to at least preserve, if not enhance the appearance of the conservation area and the setting of the listed buildings are preserved. On this basis it is considered that the proposed development accords with ACS Policy 11 and LAPP Policy HE1. Planning conditions are also proposed to secure the quality of detailed elements of the proposed buildings' design.
- 7.31 It is therefore considered that the impact of the setting of the proposed development on heritage assets around the application site has been appropriately addressed and in accordance with ACS Policy 11 and LAPP Policy HE1 and the duty within s66 of the Planning (Listed Building and Conservation Area) Act 1990.

### **Other**

- 7.32 The response of Highways is noted and general access and waste management measures are being discussed further with the applicant. Conditions on appropriate measures for the two phases of proposed development are proposed.

- 7.33 The proposed cycle parking for the student accommodation is provided within a secure, undercover cycle store on the ground floor of the building. A total of 270 cycle spaces will be provided for use by the students and their visitors, which accords with the LAPP's minimum standards for student occupants and visitors. Further cycle parking provision for the residential apartments and ground floor offices and retail element would be an expectation as part of the reserved matters submission of this phase of the development where internal layout details would be provided. Subject to conditions the proposed development is therefore considered to comply with LAPP Policy TR1.
- 7.34 The response of Environmental Health is noted and reflected in the proposed conditions regarding ground contamination assessment, noise assessment, implementation of an approved sound insulation scheme, and ventilation in accordance with LAPP Policy IN2.
- 7.35 The response of the Drainage team is noted and reflected in the proposed condition requiring full drainage strategy and design details incorporating SuDS measures to utilise the proposed site landscaping and green roofs in accordance with LAPP Policy CC3.
- 7.36 The response of the Biodiversity team is noted and reflected in the proposed conditions for a method statement detailing the approach to the demolition of the existing buildings, the incorporation of bat and bird boxes (to include the review of the potential for roof nesting features), plus full planting details and use of native species in accordance with LAPP Policy EN6.

## **8. Sustainability**

- 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 within the first phase (PBSA):
- Passive design measures to reduce the energy demand of the building, including improving the thermal performance of the building fabric and achieving an air permeability in excess of the requirements of Building Regulations. Cooling and ventilation loads to be reduced by providing performance glazing to reduce solar gain.
  - Energy efficient plant to be used to ensure that the energy consumed in the operation of the building is consumed on the most efficient manner possible.
  - A target a water reduction of 110 litres per person per day to 77 litres per day, equating to a reduction of circa 30%.
  - Roof mounted photovoltaic panels and air source heat pumps to be used to provide low/zero carbon electrical and heat energy for the development
- 8.2 The Energy Statement submitted with the application calculates that the combination of these measure would result in an energy demand reduction of 56%. Being implemented 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 It is indicated that there would be an intention to mirror this approach within the second phase of development (residential apartments/offices/retail). It is therefore recommended that planning conditions are attached to require the implementation of the first phase of development in accordance with the submitted Energy

Statement and that a further Energy Statement for the future second phase of development is to be submitted in accordance with the approved energy strategy of the first phase.

## **9      Section 106 (LAPP Policies HO6, IN4, EN2 and EE4)**

- 9.1 In accordance with The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance open space contributions of £569,112 arising from the purpose built student accommodation element and £145,628 arising from the new build residential apartments element, towards open space improvements is to be provided in accordance with Policies EN2 and IN4.
- 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 of £70,382.40 arising from the purpose built student accommodation element and £47,806 arising from the new build residential apartments and ground floor offices and retail element, in accordance with Policy EE4 of the LAPP.
- 9.3 The proposed new build residential apartments generates a requirement to provide 20% on-site affordable housing in accordance with LAPP Policy HO3. The applicant has confirmed a policy compliant provision of 18 affordable units. This provision has been discussed with the Housing Strategy team, with the mix to be a 50/50 split between social rented units and shared ownership units also in accordance with Policy HO3 of the LAPP.
- 9.4 A student management plan will be a requirement of the S106 agreement, to include 24 hour on-site management and a commitment for an operator to work proactively with the local community. Restrictions on student occupants 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.
- 9.5 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 Financial contributions of £569,112 and £145,628 in accordance Policy IN4 and The Provision of Open Space Within New Residential and Commercial Developments Supplementary Guidance.
- 10.2 Financial contributions of £70,382.40 and £47,806 in accordance with Policy EE4 of the LAPP.

## **11     Legal Implications**

It is only necessary for a Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area under section 72 of the Planning (Listed Building and Conservation Area) Act 1990, when determining a planning application *within* a conservation area. This application is not within but adjacent to a conservation

area, so the duty in s72 does not apply in this instance.

The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 does apply in the context of this application and so must be considered as a material consideration in the planning balance.

The Committee must afford considerable importance and weight to the "desirability of preserving... the setting " of listed buildings when weighing this factor in the balance with other "material considerations" which have not been given this special statutory status.

A finding of harm to the setting of listed buildings is a consideration to which the Committee must give "considerable importance and weight, when weighing up the harm, against any benefits or countervailing factors. However, that does not mean to say that a strong presumption against granting permission for development that would harm the listed building and or its setting, cannot be outweighed by substantial public benefits so as to rebut that presumption.

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

## **12 Equality and Diversity Implications**

The provision of Disability Discrimination Act (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: 21/01033/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QSRY4GLYI9300>

## **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)  
Caves of Nottingham Supplementary Planning Document (2019)  
NPPF (2019)  
City Centre Urban Design Guide (2009)

**Contact Officer:**

Mr Jim Rae, Case Officer, Development Management.  
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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:** 21/01033/PFUL3 (PP-09735825)

**Your Ref:**

**Contact:** Mr Jim Rae

**Email:** development.management@nottinghamcity.gov.uk

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

Pearce Planning Ltd  
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The Office  
Woodspring House  
17 Hill Road  
Clevedon  
BS21 7NE

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[www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

Date of decision:

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

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Application No: 21/01033/PFUL3 (PP-09735825)

Application by: Fusion Nottingham Devco Limited

Location: King Edward Court, King Edward Street, Nottingham

Proposal: Full Application for demolition of existing offices onto King Edward Street, Glasshouse Street and Kent Street, and new build Purpose Built Student Accommodation of up to 8 storeys, with communal facilities and associated works. Outline Application for demolition of existing offices onto Huntingdon Street and King Edward Street and new build residential apartments (Class C3) of up to 8 storeys, with ground floor offices and retail (Class E) and associated works. (Hybrid Planning Application).

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

**Time limit**

1. The Purpose Built Student Accommodation phase of 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.*

2. Applications for the approval of Reserved Matters relating to the layout, appearance and landscaping of the subsequent new build residential apartments, with ground floor offices and retail phase of development shall be made to the Local Planning Authority 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.*

3. The subsequent new build residential apartments, with ground floor offices and retail phase of development shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**DRAFT ONLY**  
**Not for issue**

*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)

4. No demolition works shall be commenced until a method statement detailing the approach to the demolition of the existing buildings with regard to the recorded presence of bats (Bat Survey Addendum Report - Tyler Grange Report No. 13484\_R03\_CA\_CW) has been submitted to and approved by the Local Planning Authority.

*Reason: In order to ensure that the proposed demolition works are carried out having regard to the recorded bat roost within the application site and therefore in accordance with Policy EN6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

5. No phase of demolition or development shall commence until a programme of archaeological work including a Written Scheme of Investigation for that phase has been submitted to and approved by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

*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).*

6. Other than the demolition of the existing buildings, no individual phase of development shall commence until details of a foundation design which enables the preservation of the known cave (and any other unknown caves which may be encountered through ground investigations) within the application site have been submitted to and approved 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).*

**DRAFT ONLY**  
**Not for issue**

7. Other than the demolition of the existing buildings, no development individual phase of the development shall commence until an environmental noise assessment, sound insulation and ventilation scheme and a verification plan for that individual phase has been submitted to and approved in writing by the Local Planning Authority.

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

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB LAmax(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation and ventilation scheme verification plan shall include details of the post-completion acoustic measurements and other data that will be collected following completion of the development in order to demonstrate that the internal noise levels set out above have been achieved.

The sound insulation and ventilation scheme and verification plan shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

**DRAFT ONLY**  
**Not for issue**

8. Other than the demolition of the existing buildings, no individual phase of the development shall commence until a Remediation Strategy that has regard to the Phase 1 Contaminated Land Report by Ivy House dated April 2021 and includes the following components to deal with the risks associated with ground contamination of the site has been submitted to and approved in writing by the Local Planning Authority:
- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.
- The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.
- Reason: To ensure that 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).*
9. No individual phase of development, including demolition, shall commence until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority for that phase. The 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.*
10. Other than the demolition of the existing site buildings, the Purpose Built Student Accommodation phase of the approved development shall not be commenced until full details for deliveries to the site and for the management and collection of waste, having particular regard to the control of vehicles within the approved courtyard area of the site, have been submitted to and approved 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.*
11. Other than the demolition of the existing site buildings, the new build residential apartments, with ground floor offices and retail phase of development shall not be commenced until full details for deliveries to the site and for the management and collection of waste, having particular regard to the control of vehicles within the approved courtyard area of the site, have been submitted to and approved 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

12. No individual phase of above ground development shall commence until a detailed designs for the drainage of the site have been submitted to and approved by the Local Planning Authority. As a minimum the submitted information should contain:
- i. Details of how the surface water run-off will be managed,
  - ii. Drainage plan showing the layout of the proposed drainage (both foul and surface water),
  - iii. Proposed Adoption of SuDS features (who will maintain the SuDS features),
  - iv. Maintenance plan for the lifetime of the development (how will the SuDS features be maintained),
  - v. Relevant surface water calculations from licenced software.

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

*Reason: 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).*

13. Other than the demolition of the existing site buildings, the Purpose Built Student Accommodation phase of the approved development shall not commence until large-scale elevation and section drawings (e.g. scale 1:20/1:10) of the detailed design of the following elements of each of the approved development have been submitted to and approved in writing by the Local Planning Authority:
- a) Elevations: including to scale details of the elevations of each element of the approved development, with full details of the proposed brick reveals, brick detailing, glazing systems, and louvers.
  - b) Roofs: including edges and parapets;
  - c) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building;

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

*Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

14. No individual phase of above ground development shall commence until a large scale sample panels 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).*

# DRAFT ONLY

## Not for issue

15. No individual phase of above ground development shall commence until a detailed scheme for the incorporation of bat and swift boxes, to be in accordance with the proposed mitigation and enhancements described within the Ecological Assessment and Bat Survey Addendum Reports - Tyler Grange Report Nos. 13484\_R01a\_CA\_CW and 13484\_R03\_CA\_CW, and also to include the review of the potential for roof nesting features, has been submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details.

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

16. No individual phase of above ground development shall commence until a detailed landscaping scheme for that phase indicating the type, height, species and location of proposed planting (trees and shrubs), has been submitted to and approved by the Local Planning Authority. The submitted scheme shall incorporate native species and shall demonstrate opportunities for enhancement of biodiversity, ensuring net gain.

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

17. No Class E use within the development where food and drink is prepared, cooked or served, shall be commenced until a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the development has been submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

*Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

18. Prior to the commencement of the residential apartments phase of the approved development, a Ventilation Strategy for this phase shall be submitted to and be approved in writing by the Local Planning Authority. The Ventilation Strategy shall summarise the ventilation proposals at each floor level and façade and shall be implemented in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

*Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

#### **Pre-occupation conditions**

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

**DRAFT ONLY**  
**Not for issue**

19. The Purpose Built Student Accommodation phase of the approved development shall not be occupied until 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: In order to ensure that the operation of approved development incorporates adequate management arrangements to avoid prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety and the amenity of the area in accordance with Policy HO6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

20. No individual phase of the approved development shall be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, with confirmation to be submitted to and approved by the Local Planning Authority.

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

21. No phase of the approved development shall be first occupied until 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 contamination of the site has been fully implemented and completed has been submitted to and approved in writing by 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).*

22. No Class E use within the development where food and drink is prepared, cooked or served shall be first occupied until verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance for that use has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

23. The Purpose Built Student Accommodation and residential apartments phases of the approved development shall not be first occupied until written verification that the approved ventilation strategy has been implemented has been submitted to and approved by the Local Planning Authority.

*Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

**DRAFT ONLY**  
**Not for issue**

24. The Purpose Built Student Accommodation and residential apartments phases of the approved development shall not be first occupied until a Verification Report, which shall include the data referred to in the Verification Plan, demonstrating that the approved sound insulation and ventilation scheme and any complementary acoustic ventilation is fully operational and meets the required internal noise levels has been submitted to and be approved in writing by the Local Planning Authority.

*Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

25. The Purpose Built Student Accommodation phase of the approved development shall not be occupied until verification that the energy and sustainable measures included within the approved Energy Statement by Amber Management and Engineering Services Ltd. (Document Ref: FUSKES-AMES-00-XX-RP-ME-FI40-0001, April 2021) have been implemented and are fully operational shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In order to ensure that the identified sustainable design features are incorporated into the approved development, in the interests of ensuring the energy efficient and low carbon sustainable development of the site and in accordance with Policy CC1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 and Policy 1 of the Aligned Core Strategies.*

26. No phase of the approved development shall be first occupied until the existing vehicle accesses and dropped kerbs that are made redundant as a consequence of the implementation of that phase 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 DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

27. The Purpose Built Student Accommodation phase of the approved development shall not be first occupied until details of a demountable barrier to off Kent Street to control a no vehicle movement access or egress at all times, excepting those agreed with the Local Planning Authority as part of 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.

*Reason: In order to avoid prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety and the amenity of the area in accordance with Policy HO6 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020).*

#### **Regulatory/ongoing conditions**

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

**DRAFT ONLY**  
**Not for issue**

28. The combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve any phase of the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

*Reason: In the interests of the amenity of future residents and in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).*

29. The approved landscaping scheme for each phase of the approved development shall be carried out in the first planting and seeding seasons following the occupation or the completion of that phase of 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.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.*

#### **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 10 May 2021.

*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.

Where noise sources shared a floor / ceiling separation or party wall with the development then a sound insulation test of the relevant separation may be required as well as an assessment of the noise source itself and how it is limited or controlled.

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The sound insulation and ventilation scheme verification plan must include the measurement of the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating, including any plant and equipment which forms part of the development.

The verification report shall confirm that the approved sound insulation and ventilation scheme has been implemented and 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 post-completion acoustic measurements

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

#### **4. Commercial Noise**

The objective of this condition is to prevent background noise creep in the vicinity of the development. The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

#### **5. 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 (EMAQ, 2018).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

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

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- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

#### Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf>.

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf>.

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

#### 6. Construction & Demolition - Noise Control: Hours of Work

The acceptable hours for demolition or construction work (including deliveries to & from the site) are detailed below; -

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

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

#### 7. Contaminated Land

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, 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

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- How trees retained on site will be dealt with
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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.

## **8. CTMP (construction Traffic Management Plan)**

Vehicles delivering to the site cannot be permitted to wait/park on the highway, in accordance with details to be submitted to and agreed in writing after consultation with the city council highway authority and planning authority. A Construction Traffic Management Plan will be required and this will also include a construction traffic routing agreement. This is in the interests of highway safety.

## **9. Mud on road**

It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765293 or email [Highway.Management@nottinghamcity.gov.uk](mailto:Highway.Management@nottinghamcity.gov.uk). All associated costs will be the responsibility of the developer.

## **10. Highway licences**

- a. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway may be occurring and licences may be required. Please contact [highway.management@nottinghamcity.gov.uk](mailto:highway.management@nottinghamcity.gov.uk) 0115 8765293.
- b. Consideration of boundary treatments, overhang licences and abutting structures adjacent to our highway. As such please consider the opening out of doors and windows (below a certain height) is not permitted onto an adopted highway.

## **11. Traffic regulation Orders (TROs)**

Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. These will be both temporary and permanent in nature. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to

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allow time for the process to be completed; please contact Highways Network Management on 0115 8765293 to instigate the process. The residents will NOT be able to join any nearby residents parking schemes. For TRO advice and further information the applicant is advised to contact Traffic Management on 0115 8765245 or email traffic.management@nottinghamcity.gov.uk .

## **12. Cycle Parking**

For information on cycle parking including stands and cycle maps please contact the email address requesting support: CyclingTeam@nottinghamcity.gov.uk. The applicant is to read the background information below on the decision to seek our policy number of cycle parking spaces.

## **13. S278 Agreement**

- a. 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.
- b. Street trees, materials and street furniture will require commuted sums. 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.
- c. The applicant will be building a structure that will require consideration of gradients and levels abutting the adopted highway. They must contact our Bridges and Structures team via email at Ian.Bretton@nottinghamcity.gov.uk if there are any structures (e.g. retaining walls) that may affect the adopted highway.

## **14. Refuse collection**

The applicant is to ensure that bin storage for both the residential, student and commercial is suitable in size to accommodate all residents and commercial operations and is placed adjacent to the adopted highway and to an access. This is to ensure refuse collection is kerbside from an adopted highway. A waste and servicing management strategy has been submitted for the development, this requires additional information and changes to make it acceptable. The applicant is to contact Business Improvement Manager Lisa Terry at Neighbourhood Services in the first instance on 0115 8765628 or email at Lisa.Terry@nottinghamcity.gov.uk. Lisa will be able to provide contact details for discussions on the following:

- o Kerbside collection from an ADOPTED highway is required and not collection from the internal courtyard, unless this has been agreed by the Waste Services Manager. We need to consider legal issues, public liabilities, highway safety impact and timings as well as the safety of our waste operatives.
- o The applicant is required to provide the highway authority with a written statement and plan of intent for collection, alongside a revised waste management strategy with the addition of hard standing areas for bin storage on pick up dates.
- o A hard standing area is to be provided within the curtilage of the site that is large enough to accommodate the waste storage so that our highway is NOT blocked or restricted and no detritus is left.

## **15. Drainage**

The developer should contact Drainage via email at FloodRiskManagement@nottinghamcity.gov.uk to discuss drainage issues.

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## **16. Sustainable Transport, Vehicle Access Management & Student drop off & pick up**

A Travel Plan and vehicle access management plan is to be provided by the applicant alongside a plan for student pick up and drop off at the start and end of each term. The applicant must provide up-to-date contact details of the appointed travel plan co-ordinator, an up to date (annually) Travel Plan and a Travel Plan Notice board within a communal area providing transport related information on the provision of sustainable modes of transport. To obtain further information on expectations please contact Highway Development Management - HighwaysDM@nottinghamcity.gov.uk.

The highway authority are accepting of any proposal to utilise the access off Kent Street as a one way exit for small vehicles/cars during the management of student drop off and pick up times. The access is to be closed at all other times by way of a demountable bollard set back a minimum of 5.5m from Kent Street.

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: 21/01033/PFUL3 (PP-09735825)

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](http://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.

#### STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) as soon as possible,

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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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