

**My Ref:** 21/02662/PFUL3 (PP-10405211)  
**Your Ref:**  
**Contact:** Mrs Jennifer Curry  
**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

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

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

Philip Smith  
The Heritage Skills Centre  
Canal Lane  
Hatton  
Warwick  
CV35 7JL

Date of decision:

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

---

Application No: 21/02662/PFUL3 (PP-10405211)  
Application by: Mr Richard Thomas  
Location: British Waterways Building, Castle Wharf, Nottingham  
Proposal: Conversion of British Waterways Building to provide a total of 95 residential units (12 studios, 42 one bedroom apartments & 41 two bedroom apartments) including construction of a rooftop extension providing 8 apartments. Works to include internal and external alterations to allow the creation of the apartments including new lifts, staircases, secondary glazing, reception and communal lounge and other alterations to facilitate the proposals

---

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

**Time limit**

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

*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**Pre-commencement conditions**

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of

**DRAFT <sup>1</sup> ONLY**  
**Not for issue**

Continued...

2. Prior to the breaking of any ground, a Remediation Strategy that includes the following components to deal with the risks associated with ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Preliminary Risk Assessment which has identified:
    - i) all previous site uses
    - ii) the nature and extent of potential contaminants associated with those uses
    - iii) the underlying geology of the site
    - iv) a conceptual model of the site indicating sources, pathways and receptors
    - v) potentially unacceptable risks arising from ground gas contamination at the site.
  - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

*Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy IN2 of LAPP.*

3. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the development and shall provide for:
- a) The parking of vehicles of site operatives and visitors;
  - b) Loading and unloading of plant and materials;
  - c) Storage of plant and materials used in constructing the development; and
  - d) Wheel washing facilities.

*Reason: In the interests of highway safety to accord with Policy TR1 of the LAPP.*



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

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

- (i) Minimise noise and dust arising from such works by technical and physical means, and through work scheduling and management best practice
- (ii) Identify (and make stakeholders aware of) the person responsible for recording, investigating and dealing with complaints from residents
- (iii) Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance
- (iv) Ensure that as much of the disruptive, noisy or dust generating work as possible is carried out during the normal construction operating hours
- (v) Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders

*Reason: To ensure that noise and dust arising from conversion or construction work is appropriately managed to accord with Policy TR1 of the LAPP.*

5. Prior to the commencement of development, details of the sustainability measures to be incorporated within the development to reduce carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: To ensure that the development incorporates sustainable design features to accord with Policy CC1 of the LAPP.*

6. Prior to the commencement of any above ground development, design details (together with drawings and sections at a scale of not less than 1:5) of the following shall be submitted to and approved in writing by the Local Planning Authority:

- (i) all new windows and external doors (including the reveal depths);
- (ii) the roof top extension; and
- (iii) Rainwater goods and soil pipes, and any other external features required to facilitate the residential conversion such as ventilation grilles etc.

Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of the design quality of the development and character of the area and to accord with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.*

7. Prior to the commencement of any above ground development, precise details of the materials to be used externally within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

*Reason: To secure a development of satisfactory appearance that accords with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.*

8. Prior to the commencement of any above ground development, a method statement for undertaking the following works shall be submitted to and approved in writing by the Local Planning Authority:

- (i) Repair of brickwork including details of mortar mixes for repointing brickwork;
- (ii) Repair of concrete cills to the south facing elevation (including details of materials to be used within repair work);
- (iii) Removing the existing canopies to ground floor windows on the north facing elevation, together with details of how existing brickwork will be made good; and
- (iv) Internal bricking up of the door opening to ground floor of the east facing elevation, together with details of external facing materials.

*Reason: To secure a development of satisfactory appearance that accords with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP.*

9. Prior to the commencement of any above ground development, details of the planting for the green roof and infrastructure required to maintain it together with a management plan for its on-going management, maintenance responsibilities, shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the green roof shall be provided prior to the development being first occupied and maintained in accordance with the approved details.

*Reason: To ensure that the green roofs are provided and are of appropriate design to be retained, in order to accord with Policies 10 and 11 of the ACS and Policies CC1, DE1, HE1 and EN6 of the LAPP.*

10. Prior to the commencement of any above ground development, an environmental noise assessment, sound insulation and ventilation scheme and a verification plan shall be submitted to and be 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, commercial / residential separation).

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 LAm<sub>ax</sub>(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation 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: To ensure that future residents of the scheme do not experience undue noise and disturbance in order to accord with policies DE1 and IN2 of the LAPP.*

### **Pre-occupation conditions**

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

11. Prior to first occupation of the development, a verification report, which shall include the data referred to in the verification plan, to demonstrate that the approved sound insulation and ventilation scheme and any complementary acoustic ventilation is fully operational and meets the required internal noise levels, shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that future residents of the scheme do not experience undue noise and disturbance in order to accord with policies DE1 and IN2 of the LAPP.*

12. Prior to first occupation of the development, a landscaping scheme together with a timetable for implementation of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

- (i) proposed location of planters, together with details of the dimensions, colour and proposed materials of the planter;
- (ii) the type, height, species and location of proposed trees and shrubs;
- (iii) details of the treatment of the existing steps and raised walkway to the north elevation; and
- (iv) the location of any external lighting scheme, together with details of luminance levels and the design of any proposed lighting columns.

The landscaping scheme to be submitted shall include native species that support and encourage local wildlife.

The landscaping scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with 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 is satisfactory to comply with Policy 10 of the ACS and Policy DE1 and DE2 of the LAPP.*

13. Prior to first occupation of the development, bat and bird boxes of a variety of sizes shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details of the design and location of bird and bat boxes.

*Reason: To enhance the biodiversity of the site to accord with Policy 17 of the ACS and Policy EN6 of the LAPP.*

14. Prior to first occupation of the development, details for the management of and access to the basement area, together with details of how car parking and cycle spaces will be allocated, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the basement area shall be managed in accordance with the approved details.

*Reason: To assist in providing a safe and secure environment for future residents and in the interest of highway safety to accord with Policies DE1 and TR1 of the LAPP.*

15. Prior to first occupation of the development, waste storage facilities shall be provided in accordance with the details shown on drawing reference BCW-FEA-B1-B1-DP-A-2200 Rev 7. Thereafter the facilities shall be retained for the lifetime of the development.

*Reason: To ensure that appropriate waste storage facilities are provided within the building to accord with Policy DE1 of the LAPP.*

16. Prior to first occupation of the development, cycle parking facilities shall be provided in accordance with the details shown on drawing reference BCW-FEA-B1-B1-DP-A-2200 Rev 7. Thereafter the facilities shall be retained for the lifetime of the development.

*Reason: To ensure that appropriate cycle parking is provided within the building to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.*

17. Prior to first occupation of the development, electrical vehicle charging points shall be provided for each car parking space within the basement car parking area. These electrical vehicle charging points shall be provided in accordance with a specification that has first been submitted to and approved in writing by the Local Planning Authority.

*Reason: To promote the use of more sustainable forms of vehicles to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.*

18. Prior to the first occupation of the development, any redundant footway crossings shall be replaced with full height kerbs and any footway crossings affected by the development shall be made good.

*Reason: In the interests of highway safety to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.*

**Regulatory/ongoing conditions**

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



19. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (ref [May 2022/600413/by Hexa Consulting Ltd]) and the following mitigation measures it details:

- (i) Finished floor levels for the 'more-vulnerable' habitable section of the ground floor shall be raised 280mm above existing ground floor levels. Set at 26.02m Above Ordnance Datum (AOD). 'Less-vulnerable' communal space and building reception shall be retained at the existing ground floor level.
- (ii) The building envelope has multiple openings at basement level which shall be maintained to allow the water to permeate during a flood event and promote draining and drying once the flood levels lower, subject to the required structural assessments.
- (iii) Flood resistance and resilience measures shall be implemented as detailed within Section 4.1 of the revised FRA.
- (iv) A flood warning and emergency plan shall be established as per Section 4.2 of the revised FRA.
- (v) Safe access/egress arrangements shall be put in place in accordance with Section 4.3 of the revised FRA.

These mitigation measures shall be fully implemented prior to first occupation of the development. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to provide safe access and egress of people within the occurrence of an extreme flood event, in order to accord with Policy CC3 of the LAPP.*

20. Prior to the installation of any mechanical services plant or equipment (including any air handling plant), an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed 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).

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

The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

*Reason: To ensure that future residents of the scheme do not experience undue noise and disturbance from mechanical ventilation systems or other proposed plant in order to accord with policies DE1 and IN2 of the LAPP.*

21. The Framework Travel Plan shall be implemented in accordance with the details set out in the Hexa Framework Travel Plan (Ref 600413-HEX-00-TP-RP-X-0002 V02) dated 24th November

2021 and travel packs shall be provided to each first occupying household of each apartment within the development in accordance with the details set out in section 6.2 of the Hexa Framework Travel Plan.

*Reason: To reduce the number of car journeys and to promote the use of more sustainable forms of travel to accord with Policy 14 of the ACS and Policy TR1 of the LAPP.*

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

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 17 January 2022.

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

#### **Informatives**

##### 1. Environmental Health and Safer Places

##### Construction and Demolition

##### Proposed Method of Demolition

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

##### Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below;  
Monday to Friday: 07.30 hrs - 18.00 hrs (noisy operations restricted to 08.00 hrs -18.00 hrs)  
Saturday: 08.30 hrs - 17.00 hrs (noisy operations restricted to 09.00 hrs - 13.00 hrs)  
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 Environmental Health Team (email: [pollution.control@nottinghamcity.gov.uk](mailto:pollution.control@nottinghamcity.gov.uk))

##### Equipment

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

##### Dust or Grit and Other Fugitive Emissions

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

Contractors are expected to use appropriate guidance and methods (eg Guidance on the Assessment of Dust from Demolition and Construction v1.1, IAQM, 2016) to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.





Appropriate measures include  
Flexible plastic sheeting  
Water sprays or damping down of spoil and demolition waste  
Wheel washing.  
Periodic road cleaning.

#### Contaminated Land, Ground Gas and Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency 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 and Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

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

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

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

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions and refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council 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.

Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445 2003 Description and Measurement of Environmental Noise. The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions. 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.

#### Environmental Noise Assessment

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

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

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

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

#### Air Source Heat Pump

Air source heat pumps generate noise and care is required to select, specify and correctly site and install an air source heat pump so that will not raise ambient noise levels in the area and provoke justified complaints from neighbours.

The key considerations are:

- The sound power level (and directionality of the sound) of the air source heat pump
- Its location ie is it surrounded by sound reflecting surfaces
- Its proximity to neighbouring gardens and dwellings
- The ambient background noise levels when the air source heat pump is operating both day and night

## 2. Highways

### 1) 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.

### 2) Highway licences

Nottingham City Highways should be notified regarding when the works will be carried out as disturbance to the highway may be occurring and licences may be required. Such disturbances



may be subject to costs borne by the applicant, these matters should be discussed with the County Council.

### 3) Refuse collection

The applicant is to ensure that bin storage suitable in size to accommodate all residents is placed adjacent to the roads confirmed as appropriate collection routes as the application site is within Nottingham City, Nottingham City Highways and Waste Services should be contacted in relation to refuse collection.

### 5) TROs (Traffic Regulation Orders)

TRO changes will be required in regard to the development, Nottingham City Highways should be contacted as soon as possible to discuss them.

### 6) S278 Agreement

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, Nottingham City Highways will need to be contacted in relation to this.

It is strongly recommended that contact at the earliest opportunity to discuss costs and to allow time for the process to be completed, as no work will be permitted on the Highway before it is complete.

### 7) S38 Agreement and Advanced Payment Codes

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Local Highways Authority, which would be Nottingham City Council. The new roads and any highway drainage will be required to comply with the Nottingham City Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is strongly recommended that the developer contact Nottingham City Council as Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Network Management on 0115 876 5293.

### 8) Commuted sums

The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

### 9) Street Trees

All trees to be planted on highway will be subject to commuted sum payments for their maintenance. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management.

## 3. Environment Agency

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants or users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to Flood risk emergency plans for new development and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities, and flood hazard rating against the design flood for the proposal. This indicates exercise caution or would present a danger to some people (e.g. the elderly and infirm).

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

#### Building integrity - advice to LPA and applicant

The basement level of the building could potentially experience a flood depth of up to 2.8m within a residual breach event. As highlighted within the Greater Nottingham Strategic Flood Risk Addendum, September 2017. For depths greater than 0.6m, it is likely that structural damage could occur in a traditional masonry structure due to excessive water pressures. In these circumstances, the strategy should be to allow water into the building, but to implement careful design in order to minimize damage. The following issue is not within our direct remit or expertise, but nevertheless is an important consideration for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given in relation to this issue and the advice of qualified structural engineer should be sought.

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

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

#### **RIGHTS OF APPEAL**

Application No: 21/02662/PFUL3 (PP-10405211)

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, 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.