

Report of Director of Planning and Transport

Units 1 To 4, Queens Road

1 Summary

Application No: 22/00593/PFUL3 for planning permission

Application by: Lichfields on behalf of C/O Agent

Proposal: Redevelopment of part of the site to provide student accommodation (Phase One) with associated infrastructure, works and landscaping

The application is brought to Committee because it is a major application on a prominent site where there are important design and heritage considerations. Additionally, for viability reasons, the application is being recommended for approval with proposed planning obligations which are less than required by planning policy. The application has previously been considered at the October 2022 Planning Committee, at which a decision was deferred for future consideration.

To meet the Council's Performance Targets this application should have been determined by 7th July 2022. An extension of time has been agreed until the 12th January 2023 with the applicant to cover the extended period of negotiation and completion of the S106 obligation.

2 Recommendations

The Committee resolves:

- 2.1 That the requirements of regulations 18(3) and (4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations") are satisfied by reason of the submission of the Environmental Statement and the Supplementary Environmental Statement as part of the application which includes at least the following information:
- (a) a description of the development comprising information on the site, design, size and other relevant features of the development;
 - (b) a description of the likely significant effects of the proposed development on the environment;
 - (c) a description of the measures envisaged to avoid, prevent or reduce and offset likely significant adverse effects on the environment;
 - (d) a description of the alternatives studied by the developer and an indication of the reasons for the option chosen, taking into account to environmental effects;
 - (e) a non-technical summary of the information referred to at paragraphs 2.1(a) – (d).

- 2.2 That it be recorded in the resolution that the environmental information being the Environmental Statement and Environmental Statement Addendum has met the requirements of schedule 4 to the 2017 Regulations.
- 2.3 That it be recorded in the resolution that no further information pursuant to regulation 25(1) of the 2017 Regulations is required.
- 2.4 That it be recorded in the resolution that the environmental information (namely the Environmental Statement, Supplementary Environmental Statement, Statement of Conformity and Environmental Statement Addendum together with any representations made by anybody required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development) has been examined and considered.
- 2.5 That it be recorded in the resolution that as required by regulation 26(1)(b) of the 2017 Regulations, the Committee has reached a reasoned conclusion on the significant effects of the proposed development on the environment, as contained in this report.
- 2.6 That in the opinion of the Committee the reasoned conclusion referred to at paragraph 2.5 above addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development and the Committee is therefore satisfied pursuant to regulation 26(2) of the 2017 Regulations that the reasoned conclusion is up to date.
- 2.7 That it be recorded in the resolution that the Committee does not consider it appropriate to impose monitoring measures pursuant to regulation 26(1)(d) and regulation 26 (3) of the 2017 Regulations given the nature, location and size of the proposed development and its effects on the environment.
- 2.8 That following the determination of the application, the publicity and notification requirements pursuant to regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Regeneration be delegated authority to undertake the necessary requirements.
- 2.9 **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:
 - a) No adverse, material comments being received by the 28th December 2022 which arise from further publicity associated with revisions to the planning application and consist of issues other than those already addressed by this report.
 - b) Prior completion of a Section 106 Planning Obligation to include the follow:
 - i) a financial contribution of £200,000 toward the provision or enhancement of off-site Public Open Space/Public Realm
 - ii) targets associated with Local Employment and Training opportunities
 - iii) a Student Management Scheme, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management
 - c) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.10 To delegate power to determine the final details of the conditions of planning permission to the Director for Planning and Transport.

- 2.11 To delegate power to determine the final details and terms of the Planning Obligation to the Director of Planning and Transport, and subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the Planning Obligation sought is (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 This planning application was originally reported to Planning Committee on 19 October 2022 at which a decision was deferred pending a review of the schemes design and architectural approach, including further consideration of how the scheme can most sensitively contribute to the Nottingham skyline. Significant revisions have subsequently been made to the proposed scheme to address the concerns raised, which are set out in this report.

The Site

- 3.2 The site is 0.63 ha in size and is located at the corner of Queens Road/London Road, between the railway line and Nottingham Station to the north (with Station Street beyond) and Queens Road to the south. London Road, the A60, rises on a bridge over the railway line to the east. The site, until recently, contained four single storey industrial units with associated forecourt/parking area. These have now been demolished. The site is served by a single vehicular access from Queens Road.
- 3.2 The surrounding area comprises a mix of commercial, industrial and residential uses which are generally characterised by large scale buildings, both in mass and height, along Queens Road and Station Street. The historic Hicking Building sits on the opposite corner which has been converted to apartments with restaurant/bar to part of the ground floor. An apartment scheme comprising 348 units is currently at an advanced stage of construction on the adjoining site immediately to the west, approved in 2020 (ref: 19/01642/PFUL3).
- 3.3 The site is within the Southside Regeneration Zone, the Station Conservation Area and adjoins the Grade II* listed Nottingham Station. The southwest part of the site is also within flood zone 2 of the River Trent.

Planning History

- 3.4 Planning permission was refused in 2014 for the redevelopment of the site for a single storey food store with associated car park (ref: 14/01809/PFUL3). The development was considered inappropriate in terms of its scale, layout and design, and would have prejudiced the delivery of a comprehensive mixed use scheme that maximised the efficient development of this prominent and strategically important site within the Southside Regeneration Zone. Furthermore, the proposal failed to preserve or enhance the character and appearance of the Station Conservation Area and Grade II* listed Nottingham Station, or to address the issue of flood risk.
- 3.5 In May 2022 planning permission was granted for the demolition of the existing 4 industrial units (ref: 22/00505/PFUL3), pending redevelopment of the site. The buildings have now been demolished and the site hoarded.

4 Details of the proposal

- 4.1 The original scheme reported to the October Planning Committee proposed a mixed use of development comprising of the following three buildings:
- **London Road Tower:** A 22 storey tower with lower 9 and 11 storey elements to its south and west sides. The building would contain 163 BTR apartments comprising 5 studios, 108 one bed and 50 two bed apartments.
 - **Queens Road Apartment Building:** A 9 storey rectangular building fronting Queens Road. The building would contain 75 BTR apartments comprising 26 one bed and 49 two bed apartments.
 - **Purpose Built Student Accommodation (PBSA):** A 12 storey 'L' shaped building located at the western end of the site. The PBSA would accommodate 406 student beds within a range of studios and 5, 8 and 9 bed cluster flats.
- 4.2 Following the October Committee the applicant has made significant revisions to their proposal. Both the London Road tower and the Queens Road Apartment Building have been removed from the scheme so that the application now solely relates to the PBSA building, which has been revised and would form phase 1 of the overall development. The removal of the two BTR buildings (phase 2) would allow phase 1 to move forward whilst a more detailed review of the design for these buildings, and the London Road Tower in particular, is undertaken to address the concerns raised by Committee. It is then the applicant's intention to submit a new planning application for phase 2 in early 2023.
- 4.3 The revised PBSA building is to be located as previously proposed, towards the rear/northern boundary of the site. It remains a 12 storey 'L' shaped building which would accommodate 406 student beds within a range of studios and 5, 8 and 9 bed cluster flats. Its ground floor would accommodate communal facilities such as lounge/study space, a cycle store (150 secure plus 34 external spaces), plant/equipment, a laundry and waste storage facilities. However, significant changes have been made to the building's exterior to address the concerns raised by Committee, which are discussed in further detail below.
- 4.4 As part of phase 1 it is still proposed to create a 6m setback from the kerb of Queen's Road to facilitate a widened footpath, but this would be provided with a temporary tarmac surface until phase 2 has been completed. However, trees are to be provided as part of phase 1 along the Queens Road frontage upon completion of the PBSA building. Pedestrian access to the PBSA building would be from the south western corner of the site from Queens Road. The site's vehicular access would be maintained in its current location from Queens Road, providing access to a service road which wraps around the west and northern boundaries of the PBSA. 4 disabled parking spaces are proposed to the rear of the PBSA.
- 4.5 In addition to these works to the Queens Road frontage, part of the originally proposed central courtyard is to be provided to the front of the PBSA building, incorporating seating, planters and other soft landscaping.
- 4.6 The PBSA building would have an area of green roof and solar panels are proposed to contribute towards the electricity supply for the development.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Original application

350 neighbouring properties were notified individually regarding the original application submission, including occupants of the following:

Hicking Building
Waterfront House
Forward House
Trent House
Jurys Inn
Virgin Active
Eastcroft Depot
London Road Construction and Technology Centre, London Road

The application was also been publicised through press and site notice, along with additional consultation procedures carried out in line with the 2017 Regulations (final expiry date 10.06.22).

The applicant also undertook a public consultation exhibition and event in November 2019 at the former Urban Room, 38 Carrington Street.

3 letters of objection were received and one letter of support.

The following objections were raised:

- The development would not respect the existing streetscape or its local context. It is considered an overbearing and overly large development. The 22 storey tower is seen as too high to respect the height of neighbouring properties.
- One resident considers that the tower building is a poor study of its lower levels, especially the ground floor, and how they interact with the corner of the site. They consider that level changes have barely been taken into account and the narrow pedestrian path that surrounds the site is left as existing. They feel it is great opportunity lost to use this landmark development to improve its immediate surrounding. They suggest that the pedestrian path should extend to touch the tower all around the southeast side of the site, along London Road, with the potential of accessing the tower at different levels. The total absence of retail is also worrying for a neighbourhood that in the coming years will be growing its population, and given the number of students that will be living in the area without access to a car.
- Harmful impact on the visual amenities of residents of the Hicking Building which overlook the site.
- Loss of light and outlook and overbearing relationship with residential apartments in the Hicking Building, resulting from its height, scale and massing.
- Loss of privacy to the apartments in the Hicking Building.
- Increased noise and disturbance for residents in the Hicking Building due to the development resulting in reflected traffic noise which currently dissipates over the site due to the nature of the former low lying units.

- Increased light pollution to the apartments in the Hicking building.
- Increased student accommodation in the city centre and associated amenity issues.
- Increased traffic along the heavily trafficked Queens Road.

One local resident considers the scheme to be good and ideal for the city centre. It would provide much needed housing, including housing for young professionals and graduates (like myself). It would provide a small new public plaza space that is shielded from the traffic noise on Queens Road. It has no requirement for parking spaces as all amenities are well within walking distance, with a major transport hub on the doorstep, massively reducing transport related ecological impacts. Improved aesthetics of the site, which at the moment is an eyesore. Wider footways on the north side of Queens Road. Intensification of the site shifts it from being low revenue to high council tax revenue. Their only concerns relate to current problems with the traffic and pedestrian experience on Queens Road which will only increase with the developments taking place, including this one, with more pedestrians attempting to cross the road. To remedy this, they consider that some form of traffic controlled pedestrian crossing is required between Summer Leys Lane and the station car park entrance. They also wish to see some measures to reduce vehicle speed such as a central reservation to constrict the carriageway or speed cameras; something that means fewer people speed along this section, with many drivers travelling well above the 30mph limit.

The Nottingham Civic Society (NCS): objected to the original application scheme on the basis that the development will have a detrimental and adverse effect on 1) the Grade 1 listed Nottingham Castle site and its setting within the Castle Conservation Area, 2) on the Grade II* listed Nottingham Station and its setting, and upon undesignated heritage assets within the Station Conservation Area, and 3) upon the Grade 1 listed St Mary's Church and its setting within the Lace Market Conservation Area.

The NCS note that the Environmental Statement submitted by the applicant acknowledges that the scale of the new development would change the setting of the heritage assets referred to above but dismisses these 'adverse heritage effects' as not significant. NCS vigorously disagrees with this assessment. The reasons given related to the parts of the development which will now form phase 2 and are no longer included in this application.

The Nottingham Local Access Forum: welcomes the consideration that has been given to active transport including pedestrian, cycle and public transport networks and that the application provides a large number of secure cycle parking spaces. They however state that whilst the Transport Statement states that 246 cycle parking spaces will be provided for the Buy to Rent apartments (i.e. 1 per unit), the proposed cycle storage of 184 (150 secure plus 34 external) spaces proposed for the student accommodation (406 units) falls significantly short of the guidance contained in Appendix 2 of the LAPP, at just under 1 space per 2 student apartments. They recommend that a condition be imposed to agree cycle storage.

Historic England: Historic England refer the City Council to their published advice in terms of design in the historic environment, tall buildings and the setting of heritage assets. They also suggest that the Council seeks the views of its conservation specialist with regard to the setting of listed buildings and the character of conservation areas.

Conservation Officer: The site contained range of low rise modern portal framed sheds which made no significant contribution to the historic or architectural interest of the Conservation Area. Their demolition was therefore uncontentious and the redevelopment of the site is acceptable in principle.

When assessing the impacts of the proposed development on the setting and significance surrounding cultural heritage, the Environmental Statement concludes that these are Minor Adverse (Not Significant). Given the overall height and prominence of the development and its effect on the setting of a wide range of designated and undesignated assets (some of which are highly graded), this conclusion is not considered to be credible and is overly dismissive. The impact that the development will have on the vistas from Nottingham Castle (grade I listed and a scheduled monument) and the immediate adjacent setting of Nottingham Railway Station (Grade II* listed) are considered to constitute a moderate degree of less than substantial harm.

Nottingham Castle

The height of the tower element of the scheme will impinge on the primacy of Nottingham Castle in views of the Nottingham Skyline from the south. From within the Castle grounds the development is shown to break the horizon in the panoramic views across the plain of the River Trent from the terrace and Middle Bailey. While other development in the southern fringes of the City Centre have broken this horizon, none do so to such a degree and in the case of Unity Square the visual impacts were justified by the significant public and economic benefits of securing an office site for a major Government employer. While 1-4 Queens Road is further from the Castle than Unity Square, the former's proposed height will afford it a similar degree of prominence in the wider vista identified in the Nottingham City Centre Urban Design Guide.

Nottingham Railway Station

While the heritage significance of Nottingham Station lies principally in its frontage onto Carrington Street and its platform buildings, the surrounding development of generally low rise buildings contributes to the appreciation of its 19th and early 20th century industrial and commercial context. The presence of imposing modern buildings in this area has the potential to erode the historic townscape of the Station's surroundings and to challenge the Station's position as the dominant landmark within the Station Conservation Area.

These impacts have not been adequately justified or balanced against an argument for the public benefits of the scheme. In order to comply with section 16 of the NPPF and be considered sustainable development, the scheme must provide a more compelling public benefit argument and justify the overall height and quantum of development proposed.

City Archaeologist: The archaeological potential for this site is very limited. The City Archaeologist agrees with the conclusions of the archaeological desk based assessment. Consequently, there is no requirement for archaeological works in advance of determining this application or as a condition of planning permission.

Environmental Health and Safer Places: No objections. Conditions are recommended relating to an air mitigation scheme, contamination, a sound insulation and complementary ventilation scheme, an environmental noise assessment in relation to plant and equipment, a construction and environmental management plan, piling, and electric vehicle charging points.

Health and Safety Executive (Tall Buildings): The HSE are satisfied with the revised plans and the information provided in the revised Fire Statement.

Drainage: No objection. Conditions are recommended relating to the management of surface water during construction, final design details of drainage strategy, and verification that drainage system has been installed as approved.

Highways: No objections. Conditions are recommended relating to a construction management plan; access design (to be a pedestrian priority); details of works that impact on the adopted highway; disabled parking and servicing areas being provided; cycle parking; redundant footway crossings and altered areas of footway to be reinstated; existing street furniture to be relocated/replaced; no doors/windows to open onto the adopted highway; the provision of Electric Vehicle Charging Points; refuse collection; investigation to see if any additional/amended Traffic Regulation Orders are necessary; provision of a student traffic management plan, and; a Travel Plan.

Network Rail: No objection in principle. Given the scale of the development NR consider it appropriate that a S106 contribution is sought towards station facility improvements. Conditions are recommend in relation to consultation with the Asset Protection Manager (due to the proximity of the site to the operational railway), details of landscaping, boundary treatment and lighting.

Carbon Neutral Team: The team consider the application to be impressive with multiple sustainability and carbon reduction features.

Biodiversity Officer: No objections. Proposed landscaping should seek to provide biodiversity gain and should be controlled via condition.

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

Education: No objection subject to applicant agreeing to provision of a contribution to improved education facilities in the area.

Revised application

In line with the 2017 Regulations, all 350 neighbouring properties have been individually re- notified regarding the revised application (expiry date 22.12.22). It has also been publicised through press and site notice (final expiry date 28.12.22).

No representations regarding the revised scheme had been received from neighbouring properties at the time of writing the report.

Historic England: As above. Refer the Council to their published advice in terms of design in the historic environment, and the setting of heritage assets.

City Archaeologist: As above. Reaffirmed no requirement for archaeological works in advance of determining this application or as a condition of planning permission.

Environment Agency: No objection. The development falls within flood zone 2 and therefore the Council as Local Planning Authority should apply national flood risk standing advice (FRSA) in this instance.

Environmental Health: No objection. Recommendations for conditions are as stated above. Revisions will be required to the original noise impact report for the PBSA building now that the two BTR buildings are not proposed, which would have provided a partial shield from road traffic/noise.

6 Relevant policies and guidance

National Planning Policy Framework (July 2021) (NPPF)

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.

Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

Making effective use of land: Paragraphs 119-125 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving well-designed places: Paragraphs 126-136 are focused on achieving the creation of high quality buildings and places. Paragraph 126 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 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); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and 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.

Conserving the Historic Environment: Paragraph 194 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 197 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 states that where a development proposal will lead to substantial harm to a designated heritage asset permission should ordinarily be refused unless certain specified criteria are met. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: Spatial Strategy

Policy 5: Nottingham City Centre

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE3: Change of use to non-employment uses

Policy EE4: Local Employment and Training

Policy RE1: Facilitation Regeneration

Policy RE2: Canal Quarter

Policy HO3: Affordable Housing

Policy HO4: 10% Adaptable Units

Policy HO5: Locations for Purpose Built Student Accommodation

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
Policy SA1: Site allocations (SR61)

Supplementary Planning Policy Documents:

Nottingham Station Development Brief July 2004

Station Conservation Area Character Appraisal and Management Plan 2008

Nottingham City Centre Urban Design Guide May 2009

7. Appraisal of proposed development

Main Issues

- (i) Principle of the development**
- (ii) Environmental impacts**
- (iii) Design considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views**
- (iv) Impact on neighbour amenity**
- (v) Highways impact**
- (vi) Planning obligations**
- (vii) Other matters**

Issue (i) Principle of the development (Policies A, 2, 5, 7 and 8 of the ACS, Policies EE3, RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 of the LAPP)

- 7.1 The application site is in a highly prominent location when travelling along London Road and Queens Road. It is a key development site with the potential to make a significant contribution to the area becoming a vibrant extension to the City Centre and a gateway into the City from the south, reinforcing the revitalisation of the Meadows, and occupying a prominent position adjacent to the Station Hub. The redevelopment of the site would bring inward investment and further the regeneration of this area.
- 7.2 Policy RE1 of the LAPP supports proposals that maximise site potential, ensuring that development is of an appropriate scale, density and design and enables the regeneration of brownfield sites. The site is located within the Canal Quarter Regeneration Zone as detailed by policy RE2 and is allocated for mixed use development under Policy SA1 (site - SR61) of the LAPP. Within the Canal Quarter, policy RE2 of the LAPP supports, amongst other things, the provision of residential and student accommodation, provided that it does not prejudice the activities of nearby uses. Policy EE3 (Change of use to non-employment uses) supports proposals which provide a comprehensive re-development to the benefit of the wider area.
- 7.3 The proposal would be compatible with the higher density, mixed use characteristics of the surrounding area and would be close to a choice of sustainable means of transport; namely bus (local, regional and national), tram and train services. The proposed redevelopment of the site would enhance the approach to the City when arriving by train or tram, or when travelling along

London and Queen's Road, providing a built and active frontage where there is currently none.

- 7.4 The site is on the southern fringe of the City Centre which in general terms is considered to be an acceptable location for student accommodation. Policy HO5 of the LAPP States that PBSA of an appropriate scale and design will be encouraged, subject to developers demonstrating that there is a need for additional student accommodation. Acceptable locations are detailed as being, amongst others, within the City Centre boundary subject to accordance with site and area policies such as the 'Quarters' policies. The number of students within the City continues to grow and has done for many years. The Council carries out an annual vacancy survey of PBSA which has consistently shown that the vast majority of the PBSA bedspaces within Nottingham are reported to be close to full occupancy. The reported vacancy rate for the academic year 2021-22 was just 1.1%, despite an increase of 1,600 bedspaces last year.
- 7.5 The provision of further good quality PBSA would attract students that would otherwise occupy houses of multiple occupation outside of the City Centre. The site is within a mixed use environment and is sufficiently distant and separated from residential properties situated to the south within the Meadows.
- 7.6 As previously stated the site is in a highly accessible location with good pedestrian, cycle, bus and tram links to the City Centre and both university campuses. Rooms proposed are of an appropriate size with cluster flats being approximately 14sqm with shared communal space. Studio flats range from approximately 17-21sqm which is not dissimilar to other schemes within the area. There are also generous shared communal facilities proposed on the ground floor of the building. All floors of the building would be accessible to wheel chair users with level access provided from Queens Road and lifts at each stair core. The requirement for an element of 'Accessible and Adaptable' units in accordance with policy HO4 is to be addressed by condition.
- 7.7 In accordance with guidance contained within policy HO6, details have been provided to demonstrate that should in the future the demand for student accommodation dissipate, the proposed development would be capable of being re-configured to meet general housing needs.
- 7.8 It is concluded that the principle of the development is therefore acceptable and in accord with policies A, 2, 5, 7 and 8 of the ACS and policies EE3, RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 of the LAPP.

Issue (ii) Environmental impacts (Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP, and the NPPF)

- 7.9 Due to its size and significance, the original scheme triggered the need for an Environmental Impact Assessment (EIA), the details of which are set out in an Environmental Statement (ES).
- 7.10 The ES addressed the environmental effects which may have arisen as a result of the proposed development in terms of the following:
- Cultural Heritage
 - Townscape and Visual
 - Socio Economics

- Cumulative Impact

- 7.11 The overall conclusion of the assessment was that the original scheme would not result in significant impact on the environmental effects identified in the ES, and is therefore environmentally acceptable. Compliance with the mitigation measures identified in the ES were to be secured through condition.
- 7.12 It is considered that the amended scheme for the PBSA alone does not trigger the need for an EIA.
- 7.13 In order to address this matter, an EIA Statement of Conformity (SoC) has been submitted to consider whether the findings of the ES remain applicable to the revised scheme.
- 7.14 The Cultural Heritage chapter of the ES included an assessment of impact on relevant heritage buildings and assets, referred to as a Heritage Impact Assessment. The SoC finds the PBSA would have limited visibility in the setting of heritage assets as the height would not punctuate the skyline. Its effect on the significance of these heritage assets would range from very minor adverse to minor adverse and would result in no long term harm or significant environmental effect on heritage assets. Furthermore, minor heritage benefit has been identified on the permanent setting of the Station Conservation Area.
- 7.15 The Visual Impact chapter of the ES sets out the Townscape and Visual Impact Assessment (TVIA) assessed the potential effect of the development on the surrounding townscape with 13 key representative views. In each case an assessment was provided to ascertain the Sensitivity to Change of each receptor (Low, Moderate, High), the Magnitude of Change (Major, Medium, Small or Negligible), and the degree and nature of effects on Significance during both the construction and operational phases (Beneficial, Adverse, or Neutral).
- 7.16 The SoC concludes that the revised scheme, in the construction phase, would have a minor to moderate adverse townscape effect from London Road, at the junction with Queens Road. This would be due to the temporary visual effect of construction activity that would take place. None of the visual effects during the construction phase are considered to be significant. Whilst the revised scheme removes the two BTR buildings, the PBSA and associated amenity space would still be a marked improvement (moderate beneficial) to the appearance and townscape contribution of the site to Queens Road and London Road once the development is completed. A minor beneficial effect on the canal would remain as the PBSA is well designed and uses appropriate materials. Unlike the London Road Tower the PBSA would be barely discernible in the view from Trent Bridge and the view of the tower of St Marys Church. There would remain no effect on the landmark role of the station clocktower and a neutral visual impact on Nottingham Castle.
- 7.17 The Socio Economic chapter of the ES considered the potential Socio-Economic effects of the development and their significance during construction and once operational. The revised scheme would deliver a reduced 'quantum' of development which during construction, with job and economic output lessened to minor beneficial (previously significant). Once fully operational the development is anticipated to have a permanent and minor beneficial effect on housing.

- 7.18 The Cumulative Impact chapter of the ES considers the additional impacts from the proposed development alongside either committed developments or those that are the subject of current planning applications. The SoC includes an assumption that the remainder of the application site will be developed to a similar scale as that proposed in the original scheme. The conclusion of this chapter remains that the development would not give rise to an unacceptable cumulative impact when the proposed development is considered alongside others in the surrounding area.
- 7.19 Overall, it is considered that the SoC provides an adequate basis for understanding the main likely effects of the revised scheme on the environment. Without prejudice to the consideration of section (iii) below, it is considered that policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP and the relevant sections of the NPPF are satisfied in this regard.

Issue (iii) Design considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views (Policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP, and the NPPF)

- 7.20 The main consideration of the original scheme concerned the impact of the height and scale of the 22 storey London Road Tower and the potential impact that this would have had on the setting of important heritage assets including Nottingham Castle, Nottingham Station and the Station, Canal and Castle Conservation Areas. With the removal of both the London Road Tower and Queens Road Apartment Building from the scheme, the visual impact of the revised scheme on both the townscape and cultural heritage is significantly diminished.
- 7.21 The existing site is of poor townscape quality and the potential for revised scheme to provide a positive change to the character to the area remains. The area surrounding the station is characterised by the large scale buildings along both Queens Road and Station Street. These are predominantly 6 to 7 stories with taller buildings landmarking the end of each street, with the 10 storey Pictureworks building at the western end of Queens Road and the 9 to 13 storey Jurys Inn hotel at the eastern end of Station Street. The adjacent apartment development when completed will also be 10 storey in height. Additionally, a specific characteristic of this site is its lower ground level relative to the Queens Road / London Road junction, due to the latter rising over the railway line. This results in the already low level buildings on the site appearing partially hidden when viewed from London Road heading north.
- 7.22 The NPPF Glossary GPA3 'The setting of a Heritage Asset' states that *"The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 7.23 By virtue of the scale and height of the PBSA, it is recognised that the main impact of the revised application scheme would relate to its impact on its immediate surroundings, namely the setting of the Grade II* Nottingham Station and the Station Conservation Area.
- 7.24 The setting of Nottingham Station is defined by how the building is appreciated in its local context. Nottingham Station is a relatively low-rise building with a high townscape value created by the architectural flourishes of its Neo-Baroque design

and the townscape value of its landmark central clock tower. Its historic setting was created by its association with historic buildings of a similar date and scale within the Station Conservation Area. The Nottingham Station Development Brief (2004) further identifies the site as part of the South East Development Site where mixed use development with parking below is envisaged. Building heights could range from four to five storeys to the west up to ten to eleven storeys at potential penthouse house level towards London Road. Elevations, built up to the pavement edge, will need to be attractively modelled and carefully articulated in order to provide visual interest.

- 7.25 The SoC, in reviewing the TVIA chapter of the ES, concludes that whilst the revised scheme reduces the scale of development, the PBSA and associated amenity space/public realm would still be a marked improvement on the existing appearance of the site and its associated contribution to the townscape. There would be a minor beneficial townscape effect on the canal as a result of the introduction of a well-designed building that would appear as a new feature and focal point in views along the canal. There would be a neutral effect on the landmark role of the main listed Station building and its clock tower, and from Nottingham Castle the building would be seen in conjunction with existing development; an understanding of the wider landscape and topography would be maintained. The scale of the PBSA would be commensurate with the height, scale and form of development on adjacent sites on Queens Road.
- 7.26 The SoC, in reviewing the Cultural Heritage chapter of the ES, acknowledges that the tallest element of the original scheme that would have been most prevalent in the setting of the surrounding heritage assets, has been removed. Once completed the revised development would deliver aesthetic benefits that would enhance the character and appearance of the surrounding area. Its effect on the Station Conservation Area would remain neutral and minor adverse in terms of its impact on the listed Station. The scale of the PBSA would be commensurate with the height, scale and form of development on adjacent sites on Queens Road and it is considered to be sufficiently separate from the Grade II* listed Station and its landmark clock tower to ensure its significance is not undermined. The level of impact on the setting of the Station is considered to constitute a low degree of less than substantial harm to the overall significance. Nottingham Castle and the Castle Conservation would experience a minor adverse effect from where the PBSA which due to its much lower height, would be seen alongside adjacent development on Queens Road and assimilated into the existing background.
- 7.27 The relationship with the former Saxon Borough (centred at St Mary's Church) which now forms the focus of the Lace Market Conservation Area, and with Old Market Square, landmarked by the Council House, are also key. The Cultural Heritage chapter of the ES confirms that the existing site plays a negligible role on the setting on these heritage assets. The site is entirely screened in views from within these conservation areas by intervening developments and tall buildings. The minor adverse townscape effect on users of Trent Bridge identified with the original scheme was due to the position of the London Road Tower screening an existing partial view of the tower of St Marys. With the removal of this from the scheme, the PBSA would be barely discernible in the view resulting in a negligible minor adverse townscape effect.
- 7.28 The Conservation Officer's concerns related to the London Road Tower and its impact on the significance of the Grade II* listed Station, the character of the

surrounding conservation areas and the skyline of Nottingham City Centre with views towards its highly graded heritage assets. They considered that this impact would result in a moderate degree of less than substantial harm in NPPF terms. With the removal of the London Tower this concern no longer applies to the application before Committee.

- 7.29 Para 202 of the NPPF advises that where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Therefore, any consideration of the proposal should weigh harm identified to the setting of the Station and its conservation area against the public benefits derived from the proposals.
- 7.30 It is also important to note the requirements of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a duty to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. (Additionally, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or land in a conservation area.
- 7.31 In this case Section 6 of the Planning Statement sets out that the less than substantial harm would be outweighed by the social, economic and environmental contributions that the development, including enhancements to the character and appearance of the Station Conservation Area, which are summarised below:
- The development would increase the amount and variety of homes in the City Centre, which presents an opportunity to address local housing needs on an allocated site whilst providing much needed student accommodation and redeveloping a brownfield site. This is considered to represent a substantial public benefit.
 - The economic benefits include capital investment, job creation and an uplift in economic output throughout the build period. The addition of new students in the area would increase expenditure in the area which has the potential to support jobs in local businesses.
 - The environmental benefits of the scheme are manifold and relate both to the regeneration of this brownfield site through the provision of new student housing in a sustainable location, the delivery of improved biodiversity net gain and a development with multiple sustainability and/or carbon reduction features.
- 7.32 Furthermore, in this case there are clear benefits to be derived from a scheme that would deliver considerable regeneration benefits as detailed in 7.1. It would see the delivery of this allocated site in the Canal Quarter Regeneration Zone and within an area designated as a Zone of Reinvention that is in need of transformation, where development of greater density and scale is appropriate. Whilst there are clearly sensitivities in terms of the proposed development's

impact upon heritage assets, its positive impact in townscape terms must be recognised.

- 7.33 The benefits of replacing the former buildings with a high quality development are clearly recognised. The development would be visible in views to and from the conservation area and Station but would be experienced in the context of a number of current and proposed modern developments which surround it along Queens Road and London Road. The appearance of the site and conservation area would be enhanced. Regarding the Grade II* Station, the proposal is not directly adjacent to the primary element of this building that fronts Carrington Street, and is in fact separated from this by the Station's multi-storey car park and the adjacent apartment development. It is also recognised that the Station sits at the heart of the strategically important Regeneration Zone, the redevelopment of which is key to inward investment and economic prosperity of the City. It is therefore appropriate for a building of the scale and density proposed to be found in close proximity to the Station, to take advantage of this being the foremost transport hub and interchange for the City.
- 7.34 Since the October Planning Committee the proposed scheme has been the subject of extensive discussion and amendment to address the concerns raised by Committee in relation to the elevational treatment of the PBSA building. The location, scale and massing of the building has not changed. The following revisions have been incorporated:
- The entrance to the building has been relocated to the front south west corner and would be defined in stone cladding to add further definition, legibility, and interest
 - A clearer base, middle and top have been provided to the facades of the building, which also helps to break up its mass and apparent scale. This is reinforced with the use of two contrasting light grey multi bricks, with elements of stone cladding introduced as an accent material
 - The top two floors have been slightly recessed
 - The building has been given rounded corners with decorative brickwork to reflect similar buildings along Queens Road
 - The graduated undercroft of the ground floor along the front facade has been retained to provide further architectural interest
- 7.35 As described in the Proposals section of the report, an element of the overall public realm and landscaping for the overall site would be provided as part of the phase 1 development, with the remainder to follow within phase 2. Temporary arrangements for the phase 2 area of the site pending its redevelopment can also be secured through condition.
- 7.36 In conclusion, it is considered that the economic, regeneration and townscape benefits of the scheme for the City represent a level public benefit that can justifiably be weighed against the development's 'less than substantial harm', as set out in Paragraph 202 of the NPPF, and the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The site is a longstanding allocation within the development plan for mixed use development, the delivery of which in itself constitutes a wider public benefit. It is also considered that any residual impacts of the development on the designated heritage assets referred to in this report would not significantly or demonstrably outweigh the public benefits of the proposed development, when assessed against the policies of the development plan and NPPF as a whole.

7.37 The proposed development is therefore considered to be in accordance with policies 10 and 11 of the ACS and Policies DE1, DE2 and HE1 of the LAPP.

Issue (iv) Impact on neighbour amenity (Policy 10 of the ACS, Policies DE1, HO6 and IN2 of the LAPP)

7.38 The front gable of the PBSA at its closest point would be approximately 35m to the north of the Hicking Building. Given the separation between the two buildings it is not considered that it would have an adverse impact upon the amenities of residents of the Hicking Building and future occupants in terms of light and privacy.

7.39 A Daylight and Sunlight Analysis was submitted in support of the original scheme application scheme, which concluded that the daylight and sunlight impact on the surrounding properties and amenity within the development would have been acceptable given the emerging high density urban context of the site and its City Centre location. This largely related to the impact of the two BTR buildings which have now been removed from the scheme.

7.40 The proposal has been reviewed by Environmental Health colleagues in relation to land contamination, noise and air quality. Subject to the submission of further details which shall be secured via condition, it is not considered that the development would significantly impact upon future occupants or the amenity of the surrounding area in this regard.

7.41 The PBSA would be served by good quality communal spaces throughout, including the external amenity space to be provided by the central courtyard.

7.42 The applicants recognise that there is need for strong management arrangements with the PBSA. Accordingly, a management plan is proposed as part of the S106 Planning Obligation to negate issues regarding vehicle ownership and anti-social behaviour issues within the locality. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation.

7.43 In conclusion, it is considered that the proposed development would have an acceptable impact on the amenities of adjacent occupiers and future occupants of the development, in accord with policy 10 of the ACS and policies DE1, HO6 and IN2 of the LAPP.

Issue (v) Highways impact (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

7.44 The development is located in a highly sustainable location on the southern edge of the City Centre and in close proximity to bus, tram and rail connections. Vehicle access would be via Queen's Road and the proposed development would provide 4 disabled car parking spaces to the north of the PBSA. A total of 184 cycle parking spaces would be provided, in accord with the standards set out within the recently adopted LAPP.

7.45 Comments relating to the development resulting in further traffic congestion are noted, however no parking provision is to be provided other than a small number of disabled spaces and in view of its sustainable location, Highways are satisfied that the proposal is acceptable and would not significantly impact upon traffic flows

along Queens Road. There is no student parking provision for this development and there would be a restriction within the student management plan in the S106 Planning Obligation to prevent residents from bringing vehicles to the development and surrounding area. A condition is also recommended with regard to drop-off and pick-up arrangements.

7. 46 The internal access road which runs along the western and northern boundaries of the site would not only provide access for servicing and refuse vehicles but would also provide the necessary easement and access for maintenance of the London Road railway bridge and district heating infrastructure which runs to the north of the site.
- 7.47 Subject to condition, the proposal therefore accords with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

Issue (vi) Planning obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP)

- 7.48 In order to comply with development plan policy and the requirements of the relevant Supplementary Planning Guidance, the revised development attracts the following S106 obligations:
- A commuted sum of £783,340 in lieu of on-site affordable housing provision
 - A financial contribution of £478,146 towards the enhancement of public open space/public realm in the surrounding area, in lieu of on-site provision
 - Local employment and training benefits including opportunities in the construction and operational phases of development, together with payment of a financial contribution of £86,162 towards their delivery
 - A student management scheme for the PBSA, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management
- 7.49 Policy 19 of the ACS and Policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. The applicant has submitted a viability appraisal and the conclusions of the assessment are that the development would be unviable with the burden of the total contribution being sought and indeed, that no contribution could be offered. Following review by an independent assessor and extensive negotiation regarding this matter, it has been agreed that a contribution of £200,000 should be paid for Phase 1 of the development, which relates to the PBSA. It is recommended that this be allocated towards the provision or enhancement of off-site Public Open Space/Public Realm.
- 7.50 Regarding the requested contribution by Network Rail for improvements to Nottingham station, it is recognised that improvement of sustainable modes of travel referenced in policies 14 and 19 of the ACS and policies IN4 and TR2 of the LAPP are relevant. However, such a contribution would be difficult to justify without a clear indication of what the monies would be required to fund and the direct correlation between this and the development in question. Without this, the request does not meet CIL requirements. Furthermore, in this instance there are viability challenges which mean that the development is not able to meet the full policy

compliant contributions, indicating there would be no monies available to facilitate requests for additional funding.

Issue (vii) Others matters

Contamination (Policy IN2 of the LAPP)

- 7.51 The condition relating to the remediation strategy, recommended by Environmental Health colleagues, would be secured by condition.

Flood risk and drainage (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.52 The site resides within Flood Zone 2 and has been supported with a site specific Flood Risk Assessment (FRA). No objection to the proposed development has been raised by the Environmental Agency or Drainage colleagues subject to the imposition of conditions relating to the final details of the surface water drainage strategy being agreed and details of surface water management during construction. Drainage support the inclusion of green roof as part of the scheme, the final details of which will be agreed by condition. The proposal is therefore in accord with policy 1 of the ACS and policy CC3 of the LAPP.

Biodiversity (Policy 17 of the ACS, Policy EN6 of the LAPP)

- 7.53 The site was largely covered by the former industrial units or hard surfaced, however there is some scrub vegetation along the rear boundary. An ecological appraisal has been carried out that concludes the site is of limited ecological value and that enhancement can be achieved through the provision of green roofs, bird and bat boxes integrated within the buildings and native wildlife landscaping. Being a high density City Centre site the scheme offers limited landscaping opportunity, however, together with details of the green roof and bird/bat boxes, further details of landscaping can be secured via condition. The proposal subject to condition accords with policy 17 of the ACS and policy EN6 of the LAPP.

Sustainability (Policy 1 of the ACS, policies CC1 and CC3 of the LAPP)

- 7.54 The site is sustainably located and the revised scheme incorporates new public realm and pedestrian routes through the site. A wide range of sustainable measures are also to be incorporated within the built development, including:
- Fabric first, high-performance façades
 - Energy efficiency to exceed Building Regulations by 30%
 - Air source heat pumps for cooling of main front of house areas and domestic hot water of the PBSA
 - An all-electric building solution
 - Highly efficient glazing to manage solar gain
 - A low energy ventilation strategy with passive ventilation and cooling
 - Building management system (BMS) to optimise the building services and maintain internal environmental conditions efficiently
 - High water efficiency fixtures and fittings
 - Incorporation of Sustainable Urban Drainage (SUDs) with green roofs, permeable pavements and below ground attenuation tanks to achieve a 30% reduction in surface water run-off
 - A comprehensive waste management strategy for the reuse and recycling of materials

- The provision of an Electric Vehicle Charging Point
- Landscaping and building design adopt flood mitigation features
- Ecological enhancements proposed to both the building and landscaping

7.55 On this basis, it is considered that the proposed development accords with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

8 Financial Implications

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

9 Legal Implications

Under s 66 Planning (Listed Building and Conservation Area) Act 1990, in determining an application which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 must also 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.

It is also 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, as designated heritage asset, under section 72 of the Planning (Listed Building and Conservation Area) Act 1990, when determining a planning application within a conservation area.

While the duty with regard to preserving or enhancing may only require that no harm should be caused, it nonetheless creates a "special presumption" and "considerable weight and attention" as a material planning consideration, should be given to any harm found to arise with regard to the character or appearance of the area.

The above duty means there is a strong statutory presumption against granting planning permission which does not so preserve or enhance. This must be placed in the planning balance in determining the application. However, that presumption may be outweighed by other material considerations great enough.

The weight to be attached to each of the relevant historic dimensions or ingredients of the judgment is a matter which section 72 clearly leaves to the decision-maker in each individual case.

Aside from the main EIA consideration addressed within this report, on determination of the application, regulation 30(1) of the 2017 Regulations requires that the Secretary of State and consultation bodies be informed of the decision in writing, the decision has to be advertised and a statement made available for inspection. The statement must include a range of elements specified in the 2017 Regulations but particularly the main reasons and considerations on which the decision was based, a summary of the results of consultations undertaken and information gathered and how those results have been incorporated or otherwise addressed.

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

10 Equality and Diversity Implications

The proposed development has been designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

11 Risk Management Issues

None.

12 Strategic Priorities

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

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

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

13 Crime and Disorder Act implications

The development would provide active frontages and natural surveillance where non currently exists.

14 Value for money

None.

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

1. Application No: 22/00593/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R8W3MDLY0KU00>

16 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)

NPPF (2021)

Open Space SPD 2019

Biodiversity SPD 2020

Affordable Housing SPD 2021

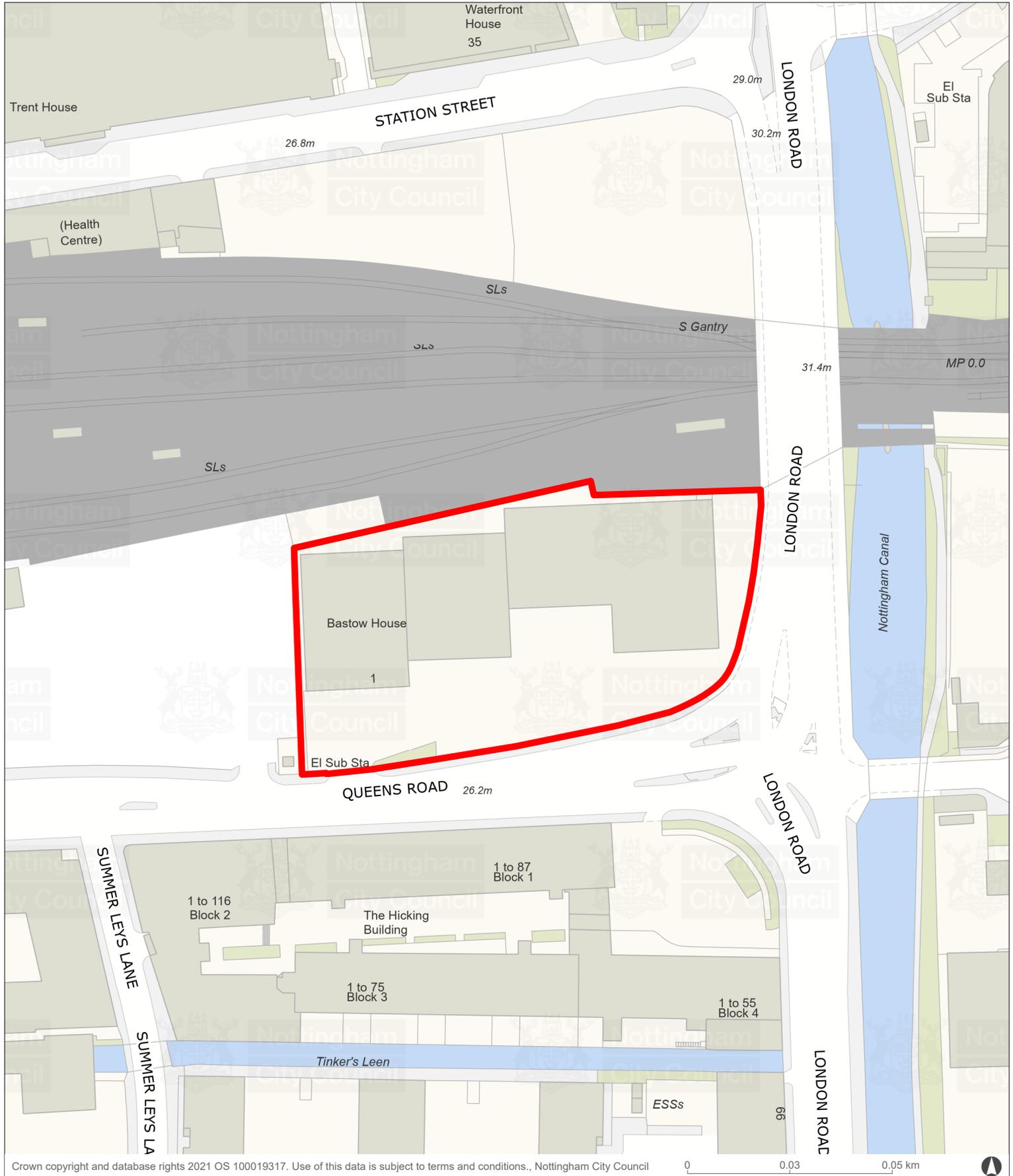
Nottingham City Centre Urban Design Guide (May 2009)

Contact Officer:

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0 0.03 0.05 km

Key
 City Boundary

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Description
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My Ref: 22/00593/PFUL3 (PP-11016890)
Your Ref:
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Date of decision:

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

Application No: 22/00593/PFUL3 (PP-11016890)
Application by: C/O Agent
Location: Units 1 To 4, Queens Road, Nottingham
Proposal: Redevelopment of part of the site to provide student accommodation (Phase One) with associated infrastructure, works and landscaping

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

Time limit

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

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

Pre-commencement conditions

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



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Not for issue

Continued...

2. Notwithstanding the submitted plans and prior to the commencement of above ground development, details of the temporary treatment of the remaining part of the site (phase 2) shall be submitted to and agreed in writing with the Local Planning Authority. Details shall include the following:

- Boundary enclosure
- Treatment of the remaining undeveloped part of the site, including hard/soft landscaping
- Ground level changes (if any)
- Arrangements to access the bridge, district heating infrastructure and railway
- Timescale for the works to be carried out

The development shall be carried out in full accordance with the approved details prior to first occupation of the development.

Reason: In order to safeguard the appearance of the development pending delivery of Phase II, in accordance with Policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP.

3. The development shall not be commenced until details of the proposed new access has been submitted to and agreed in writing with the Local Planning Authority.

The vehicular access shall be constructed in accordance with the approved details.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the ACS and Policies DE1, IN2 and TR1 of the LAPP.

4. The development shall not be commenced until a Remediation Strategy that has regard to the Desk Study & Ground Investigation Report by GEA dated Feb 2022 Rev 3 and includes details of the remedial capping of all landscaped areas forming part of the development and an appropriate Verification Plan, has been submitted to and be approved in writing by the Local Planning Authority:

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 proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.

5. The development shall not be commenced until a construction methodology statement in relation to the railway, the London Road bridge structure and district heating system infrastructure located immediately to the east and north of the site, has been submitted to and approved in writing by the Local Authority. The statement shall demonstrate consultation with both the Asset Protection Project Manager at Network Rail and the City Council's Highways and Enviroenergy teams.

The construction shall thereafter be carried out in accordance with the approved construction methodology statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the neighbouring transport and district heating infrastructure in accordance with Policies 10 and 14 of the ACS and Policies IR2 and TR1 of the LAPP.



6. The development shall not be commenced until a scheme to ensure appropriate access for the future maintenance, operation, emergency access to and future improvements of the neighbouring bridge structure and district heating infrastructure, has been submitted to and agreed in writing by the Local Planning Authority. The arrangements should be designed to enable access by all necessary vehicles.

The scheme shall be fully implemented prior to first occupation of the development.

Reason: To allow access to the London Road bridge structure and district heating infrastructure for essential maintenance and thereby ensure there is no health and safety risk to third parties, in accordance with the aims of Policies 1, 10 and 14 of the ACS and Policies DE1, IN2 and TR1 of the LAPP.

7. The development shall not be commenced until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Provision shall be made for all site operatives, visitors and construction vehicles loading and offloading at the site during the construction period. The Plan shall also include a construction traffic routing agreement.

The development shall be constructed in accordance with the approved Plan.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with Policies 10 and 14 of the ACS and Policies DE1, IN2 and TR1 of the LAPP.

8. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority, demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: To ensure that the proposed development poses no contamination risks to accord with Policy IN2 of the LAPP.

9. The development shall not be commenced until details for the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority.

The management of surface water for the development shall be implemented in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with Policy 1 of the ACS and Policy CR3 of the LAPP.



10. Prior to the commencement of above ground development, finalised details of the sound insulation and complementary ventilation scheme as set out in the Noise Impact Assessment by Adnitt Acoustics dated 18/02/2022 and amended to consider only Phase 1 of the development, shall be submitted to and be approved in writing by the Local Planning Authority.

The sound insulation and ventilation scheme for the development 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 an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

11. No above ground development shall be commenced until an environmental noise assessment and sound insulation scheme has been 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.

Reason: To ensure an appropriate noise environment for future and neighbouring occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

12. The development shall not be commenced until details of the surface water drainage strategy for the development, to include sustainable drainage measures, have been submitted to and approved in writing by the Local Planning Authority.

The management of surface water for the development shall be implemented in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems in accordance with policy 1 of the ACS and policy CR3 of the LAPP.

13. No above ground development shall be commenced until precise details of the materials to be used externally within the development, including the construction of a sample panel on the site, have been submitted to and approved in writing by the Local Plan Authority.

The approved detailed design shall thereafter be implemented prior to the occupation of the development.

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP.



14. No above ground development shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) Large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements of the extension and new building:

a) Elevations: including window, glazing systems, reveals, window panels and entrances;

b) Roofs: including edges, parapets and plant enclosures;

c) Plant: including 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 Policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP.

15. Notwithstanding the approved drawings, no above ground development shall be commenced until a scheme of Accessible and Adaptable units to be provided within the development has been submitted to and approved in writing by the Local Planning Authority.

Thereafter that the development shall be carried out in accordance with the approved scheme.

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

Pre-occupation conditions

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

16. The development shall not be brought into use until the public realm enhancement works to the frontage of Queens Road have been completed in accordance with details that have first been submitted to and agreed in writing. Details shall include the following:

- existing and proposed ground levels along the frontage
- relocation, repair replacement of new items of street furniture, bollards, lighting columns and road signs
- the retention of walls or other boundary treatments
- hard surfacing materials
- tree specifications
- demarcation of adopted highway and privately maintained public realm
- maintenance proposals

Reason: In the interests of the appearance of the development and to avoid prejudice to traffic conditions within the vicinity of the site, in accordance with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

17. The development shall not be brought into use until a Verification Report, which shall include the data referred to in the Verification Plan to demonstrate that the approved Remediation Strategy has been fully implemented, has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development poses no contamination risks to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.



18. Prior to first occupation of the development, verification that the diesel generator proposed for fire-fighting use in Phase 1 of the development shall not exceed a NOx emission rate of 5 mg/sec, shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development poses no contamination risks and to ensure an appropriate noise environment for future occupants, to accord with Policy 1 of the ACS and Policies CC3 and IN2 of the LAPP.

19. The development shall not be brought into use until the applicant has submitted 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 has been implemented.

Reason: To ensure that an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

20. The development shall not be brought into use until verification that the approved sound insulation and ventilation scheme for the development has been implemented and is fully operational, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate noise environment for future occupants and to accord with Policy 10 of the ACS and Policies DE1 and IN2 of the LAPP.

21. The development shall not be brought into use until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed in accordance with the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to: surface water attenuation devices/areas, flow restriction devices and outfalls.

Reason: To ensure the drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with Policy 1 of the ACS and policy CR1 and CR3 of the LAPP.

22. The development shall not be brought into use until a Waste Management Plan has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include provision for the management, storage and collection of waste arising from the development.

The development shall thereafter be carried out in full accordance with the Plan.

Reason: To ensure waste arriving from the development is dealt with in an appropriate manner to safeguard the amenities of the future and neighbouring occupiers in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.



23. The development shall not be occupied until details of a Student Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term, has been submitted to and agreed in writing with the Local Planning Authority.

The Traffic Management Plan shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the ACS and Policy TR1 of the LAPP.

24. Prior to first occupation of the development, an electric vehicle charging scheme shall have been installed in accordance with details that have first been submitted to and be approved in writing by the Local Planning Authority.

Reason: To promote sustainable forms of travel to comply with Policies 1 and 14 of the ACS and Policies CC1 and TR1 of the LAPP.

25. The development shall not be brought into use until a landscaping scheme (both hard and soft landscaping including surfacing and means of enclosure), including details to enhance biodiversity and a management strategy relating to on-going maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of proposed trees, shrubs, planters and other planting.

The approved hard surfacing shall be carried out prior to first occupation of the development. The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of that phase of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE1, DE2 and EN6 of the LAPP

26. The development shall not be brought into use until a scheme of ecological enhancement measures, including those integrated within the fabric of the building, has been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation in accordance with Policy EN6 of the LAPP and Policy 17 of the ACS.

27. Each phase of the development shall not be occupied until secure cycle has been provided in accordance with the approved details.

Reason: To promote sustainable forms of travel in accordance with Policies 10 and 14 of the Aligned Core Strategy and policy TR1 of the LAPP.



28. External lighting shall not be installed other than in accordance with details that have first been submitted to and approved by the Local Planning Authority.

Reason: In order to ensure that the external public spaces of the approved development are appropriately lit having regard to public safety in accordance with Policies 10 of the ACS and Policies DE2 and EN6 of the LAPP.

29. Prior to the first occupation of the development, any redundant footway crossings and/or damaged or altered areas of footway or other highway street furniture shall be reinstated or relocated in accordance with details that have first been approved in writing by the Local Planning Authority.

Reason: To ensure that any redundant crossings or damaged crossings are reinstated appropriately to safeguard highway safety and to accord with Policy 10 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)

30. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and the Council's Environmental Health department. An investigation and risk assessment must be undertaken in accordance with current guidance and good practice, and where remediation is necessary a remediation scheme must be prepared and be submitted for approval in writing by the Local Planning Authority.

Following completion of remedial measures identified in the approved remediation scheme, a verification report must again be submitted to and approved in writing by the Local Planning Authority.

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

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 7 April 2022.

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. Noise Control: hours of work and equipment during demolition/construction



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To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

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

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

4. Air Quality

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

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

5. Contaminated Land, Ground Gas & Groundwater

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

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



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

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

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

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

7. 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.

8. i: The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238 or Highway.Agreements@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

ii: It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

iii: In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Highway Agreements on 0115 876 5293 or Highway.Agreements@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

iv: The proposed development appears to require the stopping up public highway. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public highway and an unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up the public highway will be required. This is a separate legal process and the applicant will need to contact the Department for Transport at their earliest convenience to discuss this matter further. Their contact details as follows: The National Transport Casework Team, Department for Transport, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (T) 0191 226 5216. It is strongly recommended that the applicant liaise with our Rights of Way Officer, John Lee who can be contacted on 0115 876 5246.

v: 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. For further information please refer to the DSP Design Guide which is available at <https://www.nottinghaminsight.org.uk/Document-Library/Document-Library/197452>

vi: The applicant should provide a Travel Plan to contain transport related information on the provision of sustainable modes of transport. The applicant is advised to contact Robert Smith (Senior Transport Planner) on 0115 8763604 or Transport.Strategy@nottinghamcitygov.uk for further information.

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: 22/00593/PFUL3 (PP-11016890)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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 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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