

Wards Affected: Meadows (May 2019)

Item No:

**Planning Committee
20th March 2024**

Report of Director of Planning and Transport

Waterway House, Waterway Street, Nottingham, NG2 3DY

1 Summary

Application No: 23/01897/PFUL3 for planning permission

Application by: Rainier Developments (Nottingham) Ltd

Proposal: Demolition of the existing Waterway House building and site clearance; construction of a new build development comprising residential accommodation and amenity space (Use Class C3); associated works including car and cycle parking; and other associated works.

The application is brought to Committee because it is a major application on a prominent site where there are important design considerations. Additionally, for viability reasons, the application is being recommended for approval with proposed planning obligations which are substantially less than required by planning policy.

To meet the Council's Performance Targets this application should have been determined by 09.02.2024. An extension of time has been agreed with the applicant until 30th March 2024.

2 RECOMMENDATIONS

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

- (i) prior completion of a Section 106 Planning Obligation, should it be concluded, following an independent review of the submitted viability appraisal, that one is justified;
- (ii) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report.

2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Transport.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably

related in scale and kind to the development.

3 SITE, SURROUNDINGS AND BACKGROUND

- 3.1 The site lies within a long established industrial area on the southern fringe of the City Centre and to the north of the Meadows residential area. Meadows Way which lies immediately to the south of the building forms the boundary between the City Centre and the Meadows.
- 3.2 The site is formed of a square parcel of land that measures approximately 0.25 hectares. It comprises Waterway House (a vacant 1970's 2-storey office building with around 750sqm of existing floorspace) to the south-east and cleared hardstanding areas of land to the west and north. The site is bound by metal perimeter fencing with Crocus Street to the north, Newthorpe Street to the east, Waterway Street to the south and the tram line and an area of public realm to the west.
- 3.3 The site is part of allocated site for development in the LAPP; allocation SR65. This identifies the following forms of development as being appropriate for the site - Offices (B1a), light industry/research & development (B1). Additional uses could include residential (C3), non-residential institution (D1). Ancillary ground floor uses could include small scale retail (A1, A2, A3) delivered as integral part of a mixed use scheme.
- 3.4 The site falls within the Canal Quarter as defined by the LAPP and within flood zone 2 as defined by the Environment Agency Flood Map.
- 3.5 The site is not covered by any statutory designations however, the southern boundary of the Station Conversation Area abuts Crocus Street immediately north of the application site. The Grade II listed Meadow Mill is located approximately 100m north-east of the site and further to north is the Nottingham Railway Station, Grade II* listed. Additionally, 3-5 Station House, on Crocus Street, is a locally listed asset.

4 DETAILS OF THE PROPOSAL

- 4.1 Following demolition of the existing building (Waterway House), the proposed development is a single residential block of 191 apartments, which steps down in height from 8 storeys on the frontage to Crocus Street to 3 storeys adjacent to Meadows Way.
- 4.2 It is proposed that the housing mix would be made up of 122 x 1-bed apartments and 69 x 2-bed apartments. The applicant seeks flexibility in respect of the tenure of the residential use (ie. open market and / or build to rent).
- 4.3 Vehicular access into the site would be taken from Crocus Street. 22 car parking spaces and 4 disabled parking spaces, proposed at ground floor level below a podium, are to be available by residents and visitors. The scheme

proposes 191 cycle parking spaces within the cycle store rooms, also at ground floor level. The site would be serviced on-street from Crocus Street.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

53 Neighbouring properties were notified by letter, a site notice posted and press notice published. The overall expiry date was 23.12.2023.

One representation from a neighbouring resident has been received which fully supports the regeneration of this area but raises concern that the proposed development would result in a dramatic loss of natural light to Station House on Crocus Street, recently converted to apartments.

The Nottingham Civic Society raise the following concerns:

Object to the replacement building proposed for a site in the setting to the Station Conservation Area and adjacent to two undesignated heritage assets. NCS has no objection to the replacement of the later twentieth-century office building currently on part of the site, but considers that the scale of the new building is seriously overbearing for the setting of the three storied Victorian mill (Station House) on Crocus Street, identified as worthy of addition to Nottingham's Local List and to this part of the Station Conservation Area. The scale is also detrimental in respect of the two storied industrial building along Newthorpe Street which, while beyond the conservation area boundary, must also be considered as a heritage asset because of its age and appearance, enhanced by the quality of its brick detailing and street presence. The mill building has an affinity with Station House and other Victorian buildings within the conservation area. The applicant's Heritage Statement does not explore the impact of the eight storey building upon the Newthorpe St former hoisery mill, but NCS believes the adverse impact of the over-scaled new building should be taken into account on both undesignated heritage assets together.

NCS is also concerned about the proposed mass use of a grey brick. This is not an appropriate choice for this part of the city. Predominantly red brick should be used in this location, as characteristic of the conservation area. There are some good examples of new red brick buildings demonstrating successful townscape integration close to Nottingham Station. Sadly many other new buildings in the vicinity, in a variety of other materials have failed to respect their context. The decision to apply a red brick cladding to the upper reaches of the building simply accentuates its height by reason of its darker tone. To reduce the perceived excessive scale, this arrangement should be reversed and the red bricks applied to the lower storeys with all lighter grey treatment confined to the upper, sky-merging levels.

The proposed scale of this building, would, once again, reinforce the visual barrier between the Meadows and the City Centre. A more modulated approach, reducing the height by two storeys would be beneficial to the overall townscape.

At present, the scheme is unacceptable because it fails to respect the setting of the Station Conservation Area or its impact upon two adjacent undesignated heritage assets, contrary to local plan policy and guidance. The height and materials should be reconsidered.

Additional consultation letters sent to:

Highways: No objection subject to conditions relating to a construction management scheme, car parking and cycle storage.

Drainage: No objection subject to conditions related to the maintenance and management of surface water and a flood management plan.

City Archaeologist: No objection.

Education: 2 bed flats would likely to generate primary rather than secondary pupils, and there is sufficient projected primary capacity in the area. Therefore no S106 contribution is required.

Biodiversity: No objection subject to a condition related to biodiversity enhancement including details of bird and bat boxes. Satisfied that the applicant have adequately surveyed the building for roosting bats and that the revised BNG calculations are now more accurate.

Carbon Neutral Policy Team: No objection.

Tree Officer: Compensation required to relocate trees adjacent to the site.

NET: No Objection. Informative suggested.

Environment Agency: No objection subject to condition.

Nottinghamshire Police: No objection.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2023):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible.

Paragraph 131 notes that the creation of high quality beautiful and sustainable 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 135 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In determining applications that may affect heritage assets, paragraph 200 of the NPPF advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 203 of the NPPF then states that in determining applications, local planning authorities should take account of:

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

Paragraphs 205 - 207 indicate that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site;

and

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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.

Paragraphs 209-210 require that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Paragraph 212 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

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 EE4: Local Employment and Training Opportunities

Policy RE2: Canal Quarter

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy EN7: Trees
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy TR1: Parking and Travel Planning
Policy SA1: Site Allocations (SR65 – Canal Quarter - Arkwright Street East)

Supplementary Planning Documents (SPDs)

Biodiversity (2020)

The Provision of Open Space in New Residential and Commercial Development (2019)

Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 places a duty on local planning authorities 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.

Nottingham City Centre Urban Design Guide (May 2009)

Although not a statutory document that is part of the development plan, this guide provides a physical framework and promotes the highest standard of urban design and architecture for the city centre. The area in which the development falls has been identified as a 'Zone of Reinvention' in the Urban Design Guide. In this area of the City buildings of ground plus 4 are envisaged due to its sensitive location and need to respect longer views adjacent to the Meadows residential area.

7. APPRAISAL

Main Issues

- (i) Principle of the Development
- (ii) Design, Scale and Impact on Townscape and Heritage Assets
- (iii) Impact on the Amenities of Surrounding and Future Occupants

- (iv) Highway Considerations
- (v) Other Matters

(i) Principle of the Development (Policies A, 5, 7 and 8 of the ACS, Policies RE2, HO1 and SA1 (allocation SR65) of the LAPP)

- 7.1 The site falls within a wider area allocated for development in the LAPP; allocation SR65. This identifies the following forms of development as being appropriate for the site - *Offices (B1a), light industry/research & development (B1). Additional uses could include residential (C3), non-residential institution (D1). Ancillary ground floor uses could include small scale retail (A1, A2, A3) delivered as integral part of a mixed use scheme.* Comprising a block of C3 apartments, the proposal meets this requirement.
- 7.2 ACS Policy 7 ‘Regeneration’ sets out strategic regeneration priorities for the City and states that the “Southside Regeneration Zone” will be developed as a mixed use business district, with a predominance of offices, supported by residential development, new hotels and complementary retail and leisure activity across a number of key sites. The site lies at the fringe of the City Centre in an area which has long been identified as an area of change. The redevelopment of the land for residential purposes would be in accordance with the Council’s aims and aspirations for the Southside Regeneration Zone. The proposed development would be a positive addition in regeneration terms.
- 7.3 The proposal also needs to be considered against policies 5 and 8 of the ACS and policies HO1 and RE2 of the LAPP.
- 7.4 Policy 5 of the ACS supports City Centre living where appropriate. Policy 8 of the ACS sets out, inter alia, that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.
- 7.5 Policy HO1 of the LAPP states that on sites within the City Centre, the mix of housing should address the need to diversify the existing housing stock by including flats of two or more bedrooms. Innovative family housing will be sought as part of the overall housing mix on the City Centre fringes. Policy RE2 sets out the strategic aims of the Canal Quarter, which include new housing provision where this is compatible with, and does not prejudice, the activities of nearby uses.
- 7.6 The proposal would be compatible with the mixed use characteristics of the surrounding area and would be close to a choice of sustainable means of public transport; bus, tram and train. The size and quality of the apartments is welcomed, providing an appropriate mix of 1 and 2 bed units.
- 7.7 In light of the above, the principle of the proposed scheme is considered to be acceptable and would accord with policies A, 5, 7 and 8 of the ACS, and policies RE2, HO1 and SA1 of the LAPP.

(ii) Design, Scale and Impact on Townscape and Heritage Assets

(Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP, the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- 7.8 The submitted scheme has been developed through extensive pre and post application discussions in relation to its design, appearance, scale, mass and form.
- 7.9 The building within the site is of no architectural value, particularly within a City Centre context. Redevelopment of the site offers the opportunity to improve the contribution the site makes to local character and would introduce new built form on a site that is currently of poor townscape quality.
- 7.10 The site sits within the Southside Regeneration Zone and also the Zone of Reinvention as defined in the Nottingham City Centre Urban Design Guide, with Crocus Street, Queens Road and Traffic Street nearby all seeing a number of similar residential schemes, either constructed or with permission.
- 7.11 The Civic Society has raised concern regarding the proposed height of the scheme. The scale and massing of the building takes its reference from recent development in the surrounding area which has begun to change the character of the area towards higher-rise residential and office development. The massing approach is for a U-shaped block which steps down in height from 8 storeys to 3/5 storeys, responding to the transition from the larger scale within the Southside Regeneration Zone and the domestic scale of properties to the south of Meadows Way. This also recognises the site's role at a corner location addressing the primary routes of Arkwright Street and tram line to the west, the intersection of which is marked by a larger area of public realm.
- 7.12 The proposed building has a clear base, middle and top with the elevations articulated by generous window reveals, recessed brickwork panels, changes in materiality and detailing.
- 7.13 The proposal integrates green spaces on the terraces of the southern block and within the central courtyard.
- 7.14 The Civic Society also raised concern about the proposed use of a grey brick. This has been reviewed and the predominant brick changed to a pale red. Brick detailing includes the use of a "corduroy" pattern and stack bonding alongside the glazing with the larger apertures of the building frame.
- 7.15 Further details of the external materials and detailing would be secured by condition.
- 7.16 With regards to the impact of the proposal on any adjacent listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty of having 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.

- 7.17 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".
- 7.18 The nearest listed building is Meadow Mill. From the south, views of this heritage asset from Meadows Way and Arkwright Street are largely obscured by existing buildings and street trees, with only small elements of its upper floors being visible in glimpsed views. It is not considered that the proposed development would restrict any notable views of the Mill nor add to its setting in a harmful way. The glimpsed view along Newthorpe Street would remain unimpeded. From Queens Road to the north, the only view taking in both buildings would be glimpsed between Meadow Mill and the Picture Works, where the proposed development would be seen as part of the backdrop. This view is not prominent and within the context of the larger surrounding buildings, it is not considered that the proposed development would harm an appreciation of the Mill.
- 7.19 With regards to the Railway Station, it is considered unlikely that any part of the proposed development would be visible from, or inter-visible with, its principal elevation to Carrington Street. This is due largely to intervening built form and the local topography which slopes downwards to the south, meaning that the site is set at a lower groundlevel.
- 7.20 The site is not within a conservation area but the Station Conservation Area is located a short distance to the north. Adjacent to the site the boundary has been drawn to include Station House, which fronts onto Crocus Street and is noted in the Conservation Area Appraisal as an 'unlisted building that makes a positive contribution to the conservation area'. This building has recently been renovated and converted to apartments. Whilst the proposal is clearly a much larger building that would sit opposite Station House, Crocus Street is characterised by buildings of different scale located alongside one another and within this context, the relationship is not felt to be unduly jarring. Indeed the application site is currently harmful in townscape terms and detracts from the setting of the street and this undesignated heritage asset. The proposal would help to repair this damage and provide enclosure to Crocus Street with a building of appropriate architectural quality that would enhance this frontage, to the benefit of Station House and the wider street in general terms.
- 7.21 The site falls within the viewing corridor of two Key Vistas (Vista A and Vista E) and one Key View (Embankment Long View) as identified by the Nottingham City Urban Design Guide. However, due to the prevailing height of the existing buildings, the generally tight-knit urban grain and street pattern of the local area, the extent of visibility of the site is largely limited to closer views from the immediately surrounding streets. It is therefore considered that the proposed development would have no discernible effect on the character or quality of any of these identified Key Vistas or Key Views.

- 7.22 It is concluded that the proposed development would not have a negative visual impact upon the site and its surroundings and would not adversely impact upon any key longer views. In relation to the statutory duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is concluded that there is no substantial harm or loss of significance to the adjacent listed buildings. Equally, it is felt that there would be no harm to the setting of the Station Conservation Area.
- 7.23 Subject to precise materials and landscaping details being secured by condition, it is considered that the development therefore accords with policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP and the NPPF.

(iii) Impact on the Amenities of Surrounding and Future Occupants
(Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 7.24 The proposed building would provide activity on all street frontages although Crocus Street is the focus for back of house facilities such as the car park access, cycle and bin storage. On the other three frontages all ground floor apartments have individual entrances directly from the street, which would enhance community safety.
- 7.25 A concern has been raised that the proposed development would result in a loss of natural light to the Station House apartments. A Daylight, Sunlight and Overshadowing Assessment has been submitted in support of the planning application. The assessment sets out the existing conditions and potential impact of the proposed development on the daylight and sunlight levels of the neighbouring residential properties in accordance with the BRE (Building Research Establishment) Guide 2022. The neighbouring residential buildings (sensitive receptors) include Nos. 8-34 Meadows Way (houses to the south), Nos. 10-16 and 38-44 Arkwright Walk (houses to the south), Masson House (apartment complex to the south-west), The Picture Works (apartment building to the north) and Station House.
- 7.26 In terms of daylight quantity, the impact of the proposed development on all assessed neighbouring residential properties is considered acceptable in an inner-city urban environment with 79% of the assessed windows adhering to the BRE guideline. Consequently, the effect of the proposed development on neighbouring properties is therefore considered minor in accordance with paragraph H6 of the BRE Guide. In terms of sunlight, the impact of the proposed development on all assessed neighbouring properties (within 90 degrees due south) is considered negligible in accordance with paragraph H5 of the BRE Guide 2022, with all (100%) of the assessed windows within 90 degrees of due south adhering to the BRE guideline. The overshadowing assessment has shown that all gardens pass the BRE criteria and would receive adequate levels of sunlight (more than 2 hours) on 21 March each year. Accordingly, the proposals would have a negligible impact on all proposed neighbouring residential gardens. The proposal is therefore

considered acceptable in terms of daylight, sunlight and overshadowing in this inner-city urban location.

- 7.27 Above the ground floor parking area, a podium creates an external landscaped shared amenity space for residents. The building's design opens up toward the south to maximize natural light into the courtyard and the apartments facing the courtyard. Also on the southern side, private garden roof terraces are positioned on levels 3 and 5. These spaces would serve as private amenity spaces for the adjacent apartments, offering additional green areas and southward views. It is considered that all flats would have an appropriate standard of amenity in terms of privacy, outlook, daylight and sunlight, and additionally would meet the Nationally Described Space Standards.
- 7.28 Noise impact and air quality assessments have been submitted for consideration as part of the application, which are considered to be acceptable. Standard conditions would be included to address appropriate mitigation measures. A noise and dust management plan can also be required to minimise disturbance to nearby residents during construction.
- 7.29 Subject to conditions, the proposal therefore complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

(iv) Highway Considerations (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 7.30 The application is supported by a detailed Transport Statement which has been reviewed by Highways colleagues. Policy TR1 of the LAPP seeks to preclude development that would be detrimental to highway safety and to ensure that proposals minimise journeys by private car and support journeys by sustainable modes of transport, in line with the transport hierarchy set out within policy 14 of the ACS.
- 7.31 The proposal includes 26 car parking spaces (including 4 disabled parking spaces) on-site, which is considered appropriate given the site's location within the City Centre and proximity to sustainable transport modes and core services.
- 7.32 It is proposed to provide 191 cycle spaces within the site, which is in accordance with the parking standards within the LAPP. The cycle parking would be internal and secure, accessed directly from the building and via a secure access.
- 7.33 Highways have no objection to the proposal and subject to their recommended conditions, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

OTHER MATTERS

Flood Risk and Drainage (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.34 The site is located within Flood Zone 2 in accordance with the Environment Agency Flood Map. The finished floor level has been set at 25.93 metres AOD in accordance with the recommendations of the Flood Risk Assessment submitted with the application. The Environment Agency has no objection to the proposal.
- 7.35 The Council's Flood Risk Officer has requested details of the design and associated management and maintenance of the surface water drainage. This can be secured through condition.
- 7.36 The development therefore accords with policy 1 of the ACS and policy CC3 of the LAPP.

Contamination (Policy IN2 of the LAPP)

- 7.37 A Phase I contaminated land report has been submitted with the application. Standard conditions would be included to deal with the risks associated with ground, groundwater and ground gas contamination of the site. Policy IN2 of the LAPP is therefore satisfied.

Impact on Trees (Policy EN7 of the LAPP)

- 7.38 The proposed scheme would require removal of three category B and C trees to facilitate the development, which are to be replaced as part of the landscaping proposals, to be secured through planning condition.
- 7.39 It has been established that a row of 4 relatively juvenile street trees to the west of the site, planted as part of the tram line works, would be affected by the proposed development. To address this constraint the trees would require removal or relocation (there is potentially the opportunity to relocate close to their current position). Negotiation is currently being held with the Council's Tree Services to secure the necessary compensation package from the applicant for the removal/relocation of these trees.

Planning Obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP and the Open Space SPD)

- 7.40 A policy compliant planning obligation for the proposed development would be expected to provide the following contributions:
- Affordable Housing - £2,075,272
 - Public Open Space - £378,944
 - Local Employment and Training - £92,323
- 7.41 These requirements are in accordance with policies HO3, EN2 and EE4 of the LAPP respectively. The applicant has submitted a viability appraisal with the application which has been independently reviewed by an assessor appointed by the Council. Negotiations and a review of further evidence regarding this matter are on-going and an update will be provided at Committee, with all

relevant background papers circulated beforehand.

7.42 Policy 19 of the ACS and policy IN4 of the LAPP require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. These policies are therefore complied with on this basis.

8. Sustainability/Biodiversity (Policies 1 and 17 of the ACS, Policies CC1 and EN6 of the LAPP, and the Biodiversity SPD)

8.1 The proposal would deliver biodiversity enhancements to a site that is largely devoid of habitats or features of ecological value. The proposal would create several areas of landscaping alongside the installation of bat and bird boxes, as recommended by the Council's Ecologist. The above measures would ensure biodiversity enrichment across the site in accordance with the Biodiversity SPD.

8.2 The following energy efficiency and sustainability measures are to be incorporated into the scheme:

Buildings

- **Betterment (%) above Building Regulations** - The regulated CO2 emissions of the proposed development can be reduced by approximately 52.9% compared to the Part L 2021 Building Regulations baseline.
- **Renewable / low carbon energy** - There will be roof-mounted PV arrays.
- **Photo Voltaic panels** - There will be a minimum 825m2 PV panel array at roof level.
- **SUDs / water re-cycling** - Green roofs are proposed on the lower-level roofs.
- **Reduced water consumption** - The development will aim to reduce water consumption through a range of water efficiency measures such as dual flush WCs, water meters, low flow fittings; and where appropriate, water efficient equipment. Through the use of these measures, new units will target a water consumption rate of 110 litres/ person/day in line with Policy CC1 of the LAPP.

Transport

- **Number of parking spaces** - 22x car parking spaces plus 4x disabled parking spaces (total 26 parking spaces).
- **Number of EVCPs** - 100% of any allocated spaces and 10% of any unallocated spaces.
- **Number of cycle parking spaces** - 191.

Waste

- **Re-cycling facilities** - 22no. 1100 litre storage bins will be provided within the refuse area with facilities for the separation and recycling of waste.

8.3 Given that the scheme has yet to be designed to a sufficiently detailed stage, further details of the proposed sustainability strategy are to be required by condition. The proposal is therefore in accordance with policy 1 and 17 of the ACS and policies CC, CC3 and EN6 of the LAPP.

9 Financial Implications

Financial contributions as detailed above are in accordance with policy 19 of the ACS and policy IN4 of the LAPP, and the relevant Supplementary Planning Documents.

10 Legal Implications

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

11 Equality and Diversity Implications

The 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.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a brownfield site with a high quality, sustainable and mixed-use development

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that would contribute to a safer and more attractive neighbourhood

Working Nottingham: Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities

14 Crime and Disorder Act implications

The development would enhance natural surveillance in and around the site.

15 Value for money

None.

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

1. Application No: 23/01897/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

17 Published documents referred to in compiling this report

NPPF (2023)

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

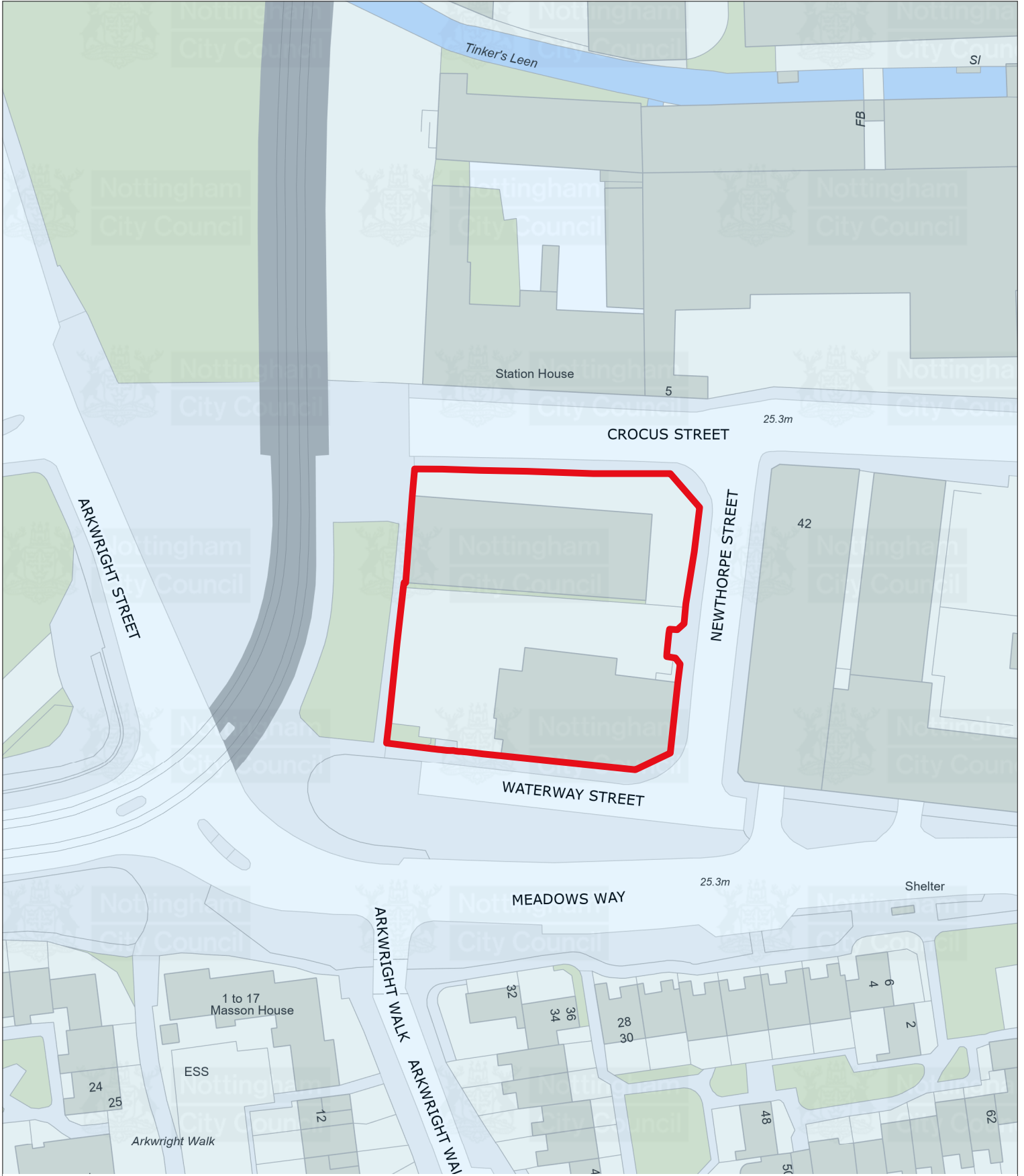
Biodiversity (2020) SPD

The Provision of open Space in New Residential and Commercial Development (2019) SPD

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0 0.02 0.04 km



Key



City Boundary

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Description

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Nottingham
City Council

My Ref: 23/01897/PFUL3 (PP-12508465)
Your Ref:
Contact: Mr Mohammad Taufiqul-Islam
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Turley
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Date of decision:

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

Application No: 23/01897/PFUL3 (PP-12508465)
Application by: Rainier Developments (Nottingham) Ltd
Location: Waterway House , Waterway Street, Nottingham
Proposal: Demolition of the existing Waterway House building and site clearance;
construction of a new build development comprising residential accommodation
and amenity space (Use Class C3); associated works including car and cycle
parking; and other associated works.

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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2. Prior to the commencement of development, a construction traffic management plan (including a demolition construction traffic management plan and a traffic management plan for above ground works) shall be submitted to and agreed in writing with the Local Planning Authority. Provision shall be made for the parking of all site operatives, visitors and construction vehicles when loading and offloading during the construction period. The construction traffic management plan shall also include a construction traffic routing agreement.

The approved plan shall be implemented at all times whilst the development is under construction.

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 DE1 and TR1 of the LAPP.

3. Prior to the commencement of above ground development and notwithstanding the approved drawings, the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the window frames and doors, ventilation louvres (if any), window reveal depths, and brick detailing
- c) Roof edge, parapet and balcony details
- d) Details of all external materials. A sample panel of the proposed brickwork shall be constructed on site for review by the Local Planning Authority before seeking written approval

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

Reason: To ensure an appropriate quality of finish to the approved development in accordance with policies 10 and 11 of the ACS and policies DE1, DE2 and HE1 of the LAPP.

4. Prior to the commencement of above ground development, an electric vehicle charging point (EVCP) scheme shall be submitted to and be approved in writing by the Local Planning Authority.

Thereafter, the approved scheme shall be implemented prior to first occupation of the development.

Reason: In the interests of sustainable transport and to accord with policies CC1 and TR1 of the LAPP.



5. Notwithstanding the information submitted with the application, prior to the commencement of above ground development details of the sustainability measures to be incorporated into the development, including the areas of green roof, shall be submitted to and approved in writing by the Local Planning Authority.

Where the sustainability measures include provision for heating and power generating proposals produced by combustion, then they shall be accompanied by an air quality assessment which include:

- A full air quality impact assessment including heating and power generating proposals, emissions from existing road and rail transport activities and vehicles associated with the development and the concentrations of pollutants of concern at sensitive receptors
- A stack height calculation (where appropriate)
- Details of an abatement techniques and mitigation of potential impacts

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

Reason: To ensure that the development incorporates sustainable design features to accord with policy 1 of the ACS and policy CC1 of the LAPP.

6. Notwithstanding the information submitted with the application, prior to the commencement of development, a detailed design and associated management and maintenance plan for the surface water drainage of the site shall have been submitted to and approved in writing by the Local Planning Authority.

The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided in order to comply with policy CC3 of the LAPP.

7. Notwithstanding the information submitted with the application, prior to the commencement of development, details of the management of surface water on site during construction shall have been submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented prior to the commencement of development.

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 through the entire development construction phase in order to comply with policy CC3 of the LAPP.

8. Prior to the commencement of development, the off-site street trees that require removal/relocation to facilitate the development shall have been removed/relocated in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure a development of satisfactory appearance and to mitigate any biodiversity impact, in accord with policies 10 and 17 of the ACS and policies DE1 and EN6 of the LAPP.



Pre-occupation conditions

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

9. Prior to the occupation of the development, Verification Reports shall be compiled and submitted which shall include the data referred to in the Verification Plan (referred to below), to demonstrate that the Remediation Strategy (referred to below) to deal with ground, groundwater, ground gas and radon gas contamination of the site has been fully implemented and completed.

The Remediation Strategy shall include the following components to deal with the risks associated with ground, groundwater, ground gas and radon gas contamination of the site:

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

The Remediation Strategy and associated Verification Reports 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 any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.



10. Prior to the occupation of the development the cumulative impact of any environmental noise and / or vibration (see Informative) affecting the development shall be designed to achieve the following internal noise levels throughout the development as set out below, while maintaining the minimum ventilation standards to meet the current building regulations.

The sound insulation and ventilation scheme shall achieve the following internal noise levels:

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

The sound insulation and ventilation scheme required to mitigate environmental noise and / or vibration shall be implemented and be fully operational prior to the occupation of the development and shall continue to be maintained and operated while to development continues to be occupied unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the sound insulation scheme approved to safeguard residential amenity and to deal with noise associated with the operation of the building has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

11. Prior first occupation of the development, a landscaping scheme (both hard and soft landscaping, including surfacing and means of enclosure), shall be submitted to and approved in writing by the Local Planning Authority. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. The landscaping scheme shall also include proposals for the on-going management and maintenance of the external areas of the site.

The landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development. Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority. Management and maintenance of the landscaping shall at all times be in accordance with the approved details.

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

12. No part of the development hereby permitted shall be brought into use until a minimum of 191 secure cycle parking spaces have been provided at the site.

Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS and TR1 of the LAPP.



13. Prior to first occupation of the development, bird and bat housing shall have been installed 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 17 of the ACS and policy EN6 of the LAPP.

14. Prior to the occupation of the development, the following details shall have been submitted and approved in writing by the Local Planning Authority:

a) A Flood Management Plan (FMP);

b) A verification report carried out by a qualified drainage engineer to demonstrate that the drainage system has been constructed in accordance with the approved details (with minor variations if necessary). Details shall also have been provided 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, outfalls.

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development and to ensure the safety of the users of the development in the event of a flood in order to comply with policy CC3 of the LAPP.

Regulatory/ongoing conditions

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

15. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref WHN-BWB-ZZ-XX-RP-YE-0001_FRA, dated October 2023 and compiled by BWB Consulting) and the following mitigation measure it details:

i) Finished floor levels shall be set no lower than 25.93 metres above Ordnance Datum (AOD).

All mitigation measures detailed within the FRA shall be fully implemented prior to first occupation and thereafter retained and maintained for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in order to comply with policy CC3 of the LAPP.

16. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 10 November 2023.

Reason: To determine the scope of this permission.

Informatives

1. All damaged or altered areas of public highway including dropped kerbs for vehicle crossings should be reinstated to the satisfaction of the LPA in consultation with the Highway Authority.

2. It is an offence under Section 148 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.

3. In order to carry out the off-site highway 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 the applicant has no control. In order to undertake works you will need to enter into an agreement under Section 278 of the Act. The applicant must contact the Technical Services Team via email at highway.agreements@nottinghamcity.gov.uk to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

4. 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 will be required. Please contact them via highway.approvals@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

5. 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.

6. Environmental Noise Assessment

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

Environmental noise includes, transportation noise, noise from fixed plant and equipment, noise from people on the street and any other premises and / or activities in the vicinity that are likely to have an adverse effect on noise levels when operating. In addition, it includes predicted noise levels for any relevant premises which may not currently be operating, and plant and equipment which will form part of the development. The developer is advised to consider octave band analysis and all acoustic assumptions made (e.g. glazing and façade areas, commercial / residential separation).

It is desirable that the external noise level for garden areas (including garden areas associated with residential homes or similar properties) does not exceed 50 dB LAeq(1 hour), with an upper guideline value of 55 dB LAeq(1 hour) which would be acceptable in noisier environments. The developer should document which plots meet the desired external noise level, which plots meet the upper guideline value and which plots exceed the upper guideline value & by how much.

Noise also includes vibration. Where vibration is likely to be an issue the predicted Vibration Dose Values should be determined in accordance with BS 6472 - 1 2008 - Guide to Evaluation of Human Exposure to Vibration in Buildings - Part 1 Vibration Sources other than Blasting and mitigation measures implemented to ensure that the day and night Vibration Dose Values are below the 'low probability of adverse comment' range set out in Table 1 of BS 6472 - 1 - 2008.

Subsequent Enforcement

Where complaints regarding noise or vibration affecting future residents are received by the Local Authority, Environmental Health are under a statutory duty to investigate those complaints. Where it cannot be demonstrated that the necessary / appropriate mitigation measures have been implemented, Environmental Health will require remedial measures to address any problem, if necessary, by service of an abatement notice under the provisions of the Environmental Protection Act 1990 (as amended) on any person to whose act, default or sufferance the nuisance is attributable. Contravention of an abatement notice may result on conviction of a fine of up to £20,000 per offence. Under the provisions of section 157 of the Environmental Protection Act 1990 where an offence committed by a company is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of any director, manager, secretary or other similar officer of the company or a person who was purporting to act in any such capacity, s/he, in a personal capacity, as well as the company shall be guilty of that offence.

7. 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.

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. The developer and owner of a site are advised to document and retain all reports of any investigation and remediation works undertaken on site.

Subsequent Enforcement

Should a development site not be adequately remediated, then under the provisions of Part 2A of the Environmental Protection Act 1990 (as amended) [the Act] a Local Authority has a duty to deal with unacceptable risks posed by land contamination to human health and the environment.

Liability will rest with firstly persons who caused or knowingly permitted each pollution linkage (which may include any previous owner / occupier or the current developer) and then potentially the current owners and occupiers of the land (who may themselves potentially have claims against any developer who has not adequately remediated the site).

The Local Authority may be under a duty to determine the site as contaminated land under the provisions of the Act and serve a remediation notice on each appropriate person requiring the remediation of the land. Where the development is already complete or, in the case of ground gas, where foundations are already in place, then the costs of retrospective remediation may be substantial.

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: 23/01897/PFUL3 (PP-12508465)

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 Planning Inspectorate website at <https://www.gov.uk/appeal-planning-decision>.

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, 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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