

**DIRECTOR OF PLANNING AND REGENERATION**

**Site Of 31, Gregory Street**

**1 SUMMARY**

Application No: 18/00700/PFUL3 for planning permission

Application by: Zenith Planning and Design Alison Dudley on behalf of Mr Sajaid Mahmood

Proposal: Erection of 22 two bed apartments and 1 one bed apartment

The application is brought to Committee because the application relates to a major development on a prominent site where there are important design considerations. The Ward Councillors have also objected to the proposal.

To meet the Council's Performance Targets this application should be determined, with an extension of time, by the 24<sup>th</sup> August 2018.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to:

2.1 (a) Satisfactory resolution of the Environment Agency's objection to the scheme and subject to no material issues arising from any changes that are necessary to the scheme in this regard;

(b) Prior completion of a Section 106 Planning Obligation which shall include a Public Open Space financial contribution of £20,838 towards infrastructure improvements at Highfields and Priory Park;

(c) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and any additional conditions arising from the requirements of 2.1(a).

Power to determine the final details of the conditions and the terms of the Planning Obligation to be delegated to the Director of Planning and Regeneration.

2.2 Providing that Councillors are 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.

2.3 Providing also that Councillors are satisfied that the section 106 obligation sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

### **3 BACKGROUND**

- 3.1 The site comprises vacant land formerly occupied by the Red Cross building, now demolished, and bounded by Abbey Bridge and Gregory Street. To the east are residential properties in the form of two storey terraced houses, to the south is the NET tramline on Gregory Street, and to the north and west is a mix of residential and commercial properties. Opposite the site, to the south, is The Priory Church of St Anthony which is a Grade II Listed Building and is bounded by a Grade II listed boundary wall. The church stands within the Lenton Priory Scheduled Monument Area.
- 3.2 The site is located within an area at risk of flooding and also within an area of archaeological constraints.
- 3.3 A previous application for 43 student apartments was reported to Planning Committee in 2016 (16/02055/PFUL3). This application was refused due to the impact that the proposal would have on the balance and sustainability of the community and the impact that the proposal would have on living conditions of residents. The decision was subsequently upheld at appeal.

### **4 DETAILS OF THE PROPOSAL**

- 4.1 The current scheme proposes 23 apartments (22 x 2 bed and 1 x 1 bed) within a building that would range in height from two to four storeys, rising in scale at the junction of Gregory Street and Abbey Bridge. The external appearance of the proposed building is very similar to the previous scheme. The building would be U shaped and would be curved to reflect the corner of the site. The main entrance would be from this corner, which would be raised and accessed via steps and a ramp off Abbey Bridge. Car parking is proposed to the rear of the building and would be accessed from the existing entrance off Gregory Street, comprising 10 car parking spaces (1 disabled). The area around the front of the building would be landscaped.
- 4.2 Discussions have taken place to refine the design of the building further and to make its appearance closer to that of the previous scheme. These alterations have primarily concerned the fenestration pattern and the re-introduction of balconies. The proposed building would be constructed using brick and the windows would be aluminium set within deep reveals.

### **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

#### **Adjoining occupiers consulted:**

25 neighbouring properties were notified of the application in writing. The application was also publicised through press and site notices. The notification period expired 23<sup>rd</sup> May 2018. As a result of this publicity 8 letters of representation have been received, which raise the following objections:

- The development is still likely to be occupied by students, and as such raises similar issues to the previous scheme with regard to the population balance in the area and creating sustainable communities

- The impact that additional students in the area would have on residential amenity in terms of noise, disturbance and other forms of anti-social behaviour.
- The scheme will only be attractive to those renting short term, occupation will be transient and will not assist in creating community cohesion.
- The height of the building is out of keeping with the area and will affect the residential amenity of neighbouring properties regarding loss of light, privacy and impact on immediate outlook.
- The external appearance of the building is out of keeping with the character of the area.
- The site has flooded in the past.

The Ward Councillors Trimble and Piper have also objected to the proposal. Their comments are summarised below:

We object to the proposal on the grounds that the development will not contribute to the creation of a balanced community in Lenton and will introduce short term renters into the area to the detriment of long term residents. The area is well recognised as having an unbalanced community with a severe shortage of housing for families.

The developer previously submitted an application for 43 student studio flats which was unsuccessful. The site was owned until fairly recently by the City Council and was included in a Housing Land availability report for February 2013 as being suitable for 12 dwellings. It is understood that the applicant did not seek pre-application advice.

The site is bounded by family housing on all sides. The proposal is located in an area where the average concentration of student households is 29%. The developer has stated that the development would be attractive to workers at the local hospital, however the type of accommodation proposed would also be attractive to students.

Having reviewed the design it is primarily aimed at students and is not substantially different to the previous application. The development includes a communal laundrette, a common room and a shared garden. The features of the scheme make it attractive to short term renters or students which will still add to the transient nature of the ward and do nothing to improve social cohesion. It will still raise the amenity matters that the Planning Inspector pointed to in his appeal decision.

The scheme would prejudice the creation and maintenance of a balanced community contrary to policies ST1 and H6 of the Local Plan, policy 8 of the ACS, the Building Balanced Communities Supplementary Planning Document and paragraph 50 of the National Planning Policy Framework.

Concerns are also raised about the impact of the proposal on the Tram Network and traffic flows on Abbey Bridge.

Their view is that the application should be refused. If it is to be approved, they

have requested that residents should not be able to apply for residents parking permits.

**Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objections subject to conditions securing a remediation strategy and its implementation; a noise impact assessment; a sound insulation scheme and its implementation; and requiring details of any proposed piling.

**Highways:** No objections subject to conditions securing a construction management plan; provision of visibility splays to the vehicular access; cycle parking provision; making good of redundant crossings; and surfacing of the car park with spaces marked out.

**Drainage:** No objections.

**Archaeology:** No objections subject to a condition securing a programme of archaeological investigation.

**Environment Agency:** In the absence of an acceptable Flood Risk Assessment (FRA) that sets finished floor levels at 26.74m AOD the Environment Agency objects to the proposed development. A finished floor level of 26.74m AOD is in line with the amended figures provided in the Greater Nottingham Strategic Flood Risk Assessment (GNSFRA) addendum 2017.

*In relation to this objection, it should be noted that the current proposal sets the finished floor level of the development at 26.44m AOD. The difference between the proposed and that required by the latest GNSFRA is 300mm. The matter is further discussed below at 7.20. The potential need to increase the height of the building is discussed at 7.8 in relation to design matters and the potential impact on neighbouring residents is considered at 7.12 below.*

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

The NPPF advises that there is a presumption in favour of sustainable development and advises that development which is sustainable should be approved. Of relevance to this application are paragraphs 50 (relating to housing mix and creating sustainable communities), 56 to 64 (relating to design), 100 to 104 (relating to flooding) and paragraph 132 relating to listed building settings.

### **Nottingham Local Plan (November 2005):**

ST1 – Sustainable Communities

H2- Density

NE9 – Pollution

NE10 – Water Quality and Flood Protection

NE12 – Derelict and Contaminated land

BE10 – Development around Listed Buildings

BE16 – Archaeological Constraints

R2- Open Space in New Development

**Aligned Core Strategy (September 2014):**

Policy A – Sustainable Development  
Policy 1 – Climate Change  
Policy 8 – Housing Size, Mix and Choice  
Policy 10 – Design and Enhancing Local Identity  
Policy 11 – The Historic Environment  
Policy 14 – Managing Demand for Travel  
Policy 17 – Biodiversity  
Policy 19 – Developers Contributions

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

- (i) Principle of development
- (ii) Design Considerations
- (iii) Impact on residential amenity and quality of accommodation
- (iv) Planning Obligations

**Issue (i) Principle of Development** (Policy ST1 of the Local Plan, Policy 8 of the ACS, the Building Balanced Communities SPD and paragraph 50 of the NPPF)

- 7.1 Policies ST1 and 8 both promote the creation of sustainable communities and recognise the need for a balanced mix of housing size and type, which reiterates paragraph 50 of the NPPF. Policy ST1 also recognises that developments should make use of previously developed land and buildings and ensure that it is used efficiently. Policy 8 requires site circumstances to be taken into account. The form of development is in this instance felt to be appropriate to the triangular shape of the site, which is also on a prominent corner of two busy roads, one of which incorporates a tramline. Given these factors it is not considered to be a site on which it would be either practical or attractive to develop a scheme of family housing. The urban context of this site is therefore felt to better lend itself to a higher density scheme.
- 7.2 The previous scheme for this site proposed student accommodation in the form of 43x1 bed studios. Given the over-concentration of students within the surrounding area this type of accommodation was not considered to be appropriate to the development of a sustainable community and in conflict with policies ST1 and 8, and also the Building Balance Communities SPD. The revised scheme comprises largely 2 bed apartments, offering a different typology of residential accommodation. The apartments are in themselves of an appropriate size, largely in the range of 60-64 sqm for the 2 bed units, with the smallest 56 sqm and the largest 78 sqm. 10 parking spaces are also made available for approximately 50% of the apartments. Which is not a facility provide for student accommodation. As student accommodation is not proposed policy H6 'Student Housing' is not relevant

to the consideration of this application.

- 7.3 Whilst it is acknowledged that these apartments could be occupied by two students per unit without this constituting a change of use, this is not typical student accommodation and clearly aimed at a different target market, with a particular focus in this area for employees at the QMC and Nottingham University. If any of the apartments are occupied by students then this is a different proposition to purpose built student accommodation, which would have an entirely different dynamic in terms of the characteristics and behaviours of its occupants. The size and density of the accommodation would influence the type of occupant and behaviour within the block, which to a certain extent would be policed by the other occupants of the building.
- 7.4 In conclusion on this matter, having regard to the site constraints and typology of the accommodation proposed, the scheme is considered to be an appropriate and well considered solution for this site that is responsive to the aims of policies ST1 and 8, and the Building Balance Communities SPD.
- 7.5 The precise occupation of the dwellings proposed cannot be controlled through the planning system, the BBC SPD does recognise that there will be instances where this will be the case, and this is one of those instances. Whilst the Council may be unable to control the occupation of this development, the nature of the dwellings proposed is felt to be attractive to a range of people, such as young professionals, young and older couples who may wish to stay on a long-term basis. The scheme can contribute to the creation of a sustainable community and therefore does not conflict with policy ST1 of the Local Plan or policy 8 of the ACS.

**Issue (ii) Design Considerations** (Policies H2 and BE10 of the Local Plan, Policies 10 and 11 of the ACS, and paragraphs 56 to 64 of the NPPF)

- 7.6 The site is prominent, particularly in views from the west and south. Whilst the site was previously occupied by a 2 storey building, it is not felt that redevelopment should be constrained to such a scale. The proposed building would exceed the height of its neighbours but is also seen within the context of what is a very wide and open junction that is poorly enclosed. The way that the proposal rises in height assists in ensuring that it sits comfortably with the neighbouring residential properties to the east, whilst creating a taller focal point at the prominent corner.
- 7.7 It is noteworthy that the scale and appearance of the building was not a reason for refusing the previous student scheme. The current proposal is designed by the same architect who has adapted the previous scheme to accommodate the different residential typology now proposed. They have largely maintained the same footprint, scale and design aesthetic, which in general terms was welcomed. Furthermore, the Planning Inspector when considering the appeal for the previously refused application raised no concern about the scheme in this regard.
- 7.8 If the height of building is increased by 300mm as result of the objection received by the Environment Agency, this is not significant and it is not considered that this would compromise the conclusion reached in relation to scale and design. The design proposed creates a landmark building which would make a positive contribution to the location's sense of place, creating enclosure and visual interest which may not have been possible if a less dense scheme was proposed.
- 7.9 The suggested materials for the building of a buff brick with bronze aluminium

windows and cladding panels, are felt to be appropriate, and condition can be used to secure precise details of these.

- 7.10 As indicated above the site is opposite The Priory Church of St Anthony, which is a Grade II listed sandstone building and there are number of other listed structures within the site. The development site is viewed within the same context as the churchyard and does form part of the setting of the church. Policy BE10 of the Local Plan, Policy 11 of the ACS and paragraph 132 of the NPPF are therefore relevant. Apart from allowing clear views of the churchyard, the wide junction and the vacant nature of this site makes little positive contribution to the significance of these designated heritage assets. The design of the proposed building by contrast will improve the visual appearance of the area and it is not considered that it would detract or cause harm to their setting. It is worth noting that the Planning Inspector for the previous application felt that the scheme would complement the setting of the listed building and the streetscene.

- 7.11 Therefore the proposed development compiles with policies H2 and BE10 of the Local Plan, policies 10 and 11 of the ACS, and paragraphs 56 to 64 of the NPPF.

**Issue (iii) Residential Amenity and Quality of Accommodation** (Policies H2 and NE9 of the Local Plan and Policy 10 of the ACS)

- 7.12 In designing the building consideration has been given to the proximity of the residential dwellings to the east. The scheme now proposed has been set further away from the dwellings on Abbey Bridge than the previous scheme. Given the relationship of the development to its site boundaries it is not felt that the proposal would have an adverse impact with regard to privacy, daylight, sunlight or outlook. The potential need to increase the building height by 300mm is also felt to be acceptable and would not raise any additional issues concerning neighbour amenity.
- 7.13 As indicated above it is not felt that this development would be solely attractive to students, and as such the amenity issues that are highlighted in the BBC SPD that can be associated with student accommodation would be less likely.
- 7.14 The units proposed are relatively large and all habitable rooms would be served by windows, providing a good level of outlook for residents. The building is set back off Abbey Bridge and Gregory Street and also at a higher level, providing an element of defensible space and separation from the roads and tram line for future occupants. The accommodation is considered to be of a standard that would provide a good quality living environment for future occupants.
- 7.15 The development therefore complies with policies H2 and NE9 of the Local Plan and Policy 10 of the ACS in relation to residential amenity.

**(iv) Planning Obligations** (Policy A and 19 of the ACS and Policies ST1 and R2 of the Local Plan)

- 7.16 In order to comply with development plan policy, the developer is required to enter into a section 106 obligation to secure a financial contribution of £20,838 for off-site public open space. The contribution has been calculated in line with the Council's Public Open Space Supplementary Planning Guidance. The contribution sought would be used for infrastructure improvements to Priory Park and Highfields Park. The proposed contribution would comply with policy A and 19 of the ACS and policy

ST1 and R2 of the Local Plan.

- 7.17 The section 106 obligation sought would not exceed the permissible number of obligations according to regulation 123 (3) Community Infrastructure Levy Regulations 2010.
- 7.18 The applicant has agreed to these heads of terms to enable the S106 to progress.

### **Other Matters**

- 7.19 Traffic Management colleagues have raised no objections to the development in terms of the proposed vehicular access or level of car parking proposed. Additionally, no objections have been received from the NET team. Given the concerns raised over generating demand for on street parking in the area it is felt appropriate in this instance to secure a residents parking management plan by condition. Traffic Management colleagues have also confirmed that the residents of the proposed development would not be eligible for the residents permit scheme. Overall therefore it is considered that the proposed development would accord with Policy T3 of the Local Plan and Policy 10 of the ACS in relation to highway matters.
- 7.20 It is considered that the Environment Agency's (EA) objection to the scheme can potentially be overcome by raising the finished floor levels by 300mm. The recommendation to grant permission is subject to this technical matter being resolved and the EA withdrawing their objection, at which point the development would accord with policy NE10 of the Local Plan.
- 7.21 The City Archaeologist has raised no objections to the proposal and has indicated that an archaeological investigation can be secured through condition. Policy BE16 is therefore satisfied.

## **8. SUSTAINABILITY / BIODIVERSITY**

- 8.1 For this development it is intended to adopt a 'fabric first' approach to improve the performance of the building. For a building of this shape and perimeter to floor area ratio, it is likely that increased ground floor insulation and wall insulation thicknesses will greatly improve the EPC ratings and SAP calculations. Improved efficiency heating services will be explored to further improve the performance, with an emphasis on high efficiency combination gas boilers proving to be much less carbon intensive than full electric heating systems when measured under SAP. The use of high efficiency LED lighting units and PIR motion sensors to communal areas and bathrooms will also improve the performance of this scheme. The proposed development therefore complies with policy 1 of the ACS.
- 8.2 A condition requiring details of biodiversity enhancements to the scheme will assist in meeting the aims and objectives of policy 17 of ACS.

## **9 FINANCIAL IMPLICATIONS**

A financial contribution of £20,838 has been negotiated in accordance with the Open Space SPG.

## **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**

None.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Redevelopment of a cleared brownfield site with a quality sustainable residential development.

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

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 18/00700/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P7261HLYK6100>

**17 Published documents referred to in compiling this report**

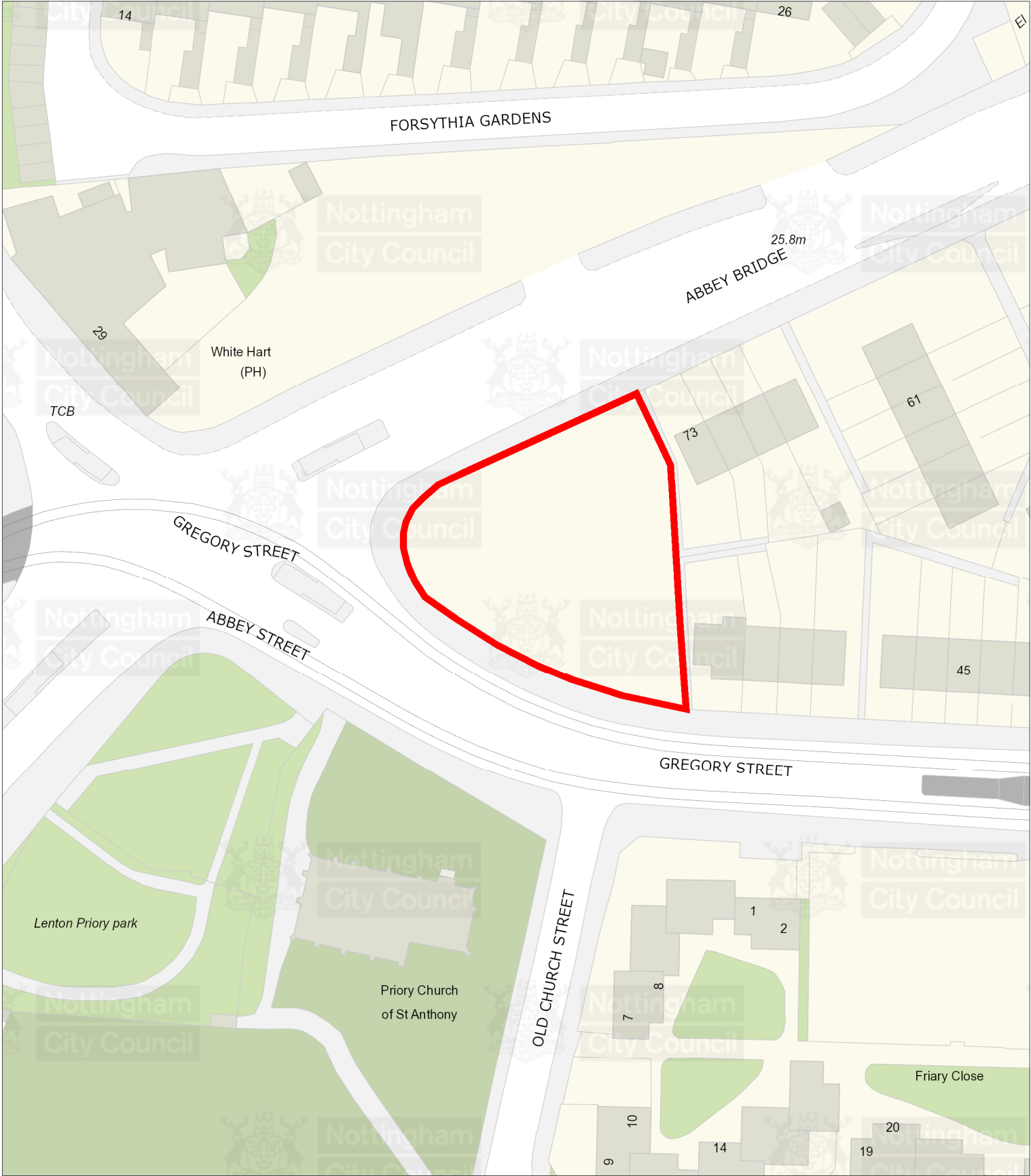
Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)  
Building Balanced Communities Supplementary Planning Document  
Planning Guidance for the Provision of Open Space within Developments  
Supplementary Planning Guidance

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# NOMAD printed map



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Key

City Boundary

Description

No description provided

**My Ref:** 18/00700/PFUL3 (PP-06887273)

**Your Ref:**

**Contact:** Miss Jenny Cole

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Date of decision:

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

Application No: 18/00700/PFUL3 (PP-06887273)  
Application by: Mr Sajaid Mahmood  
Location: Site Of 31, Gregory Street, Nottingham  
Proposal: Erection of 22 two bed apartments and 1 one bed apartment

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**

**Pre-commencement conditions**

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

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.*
2. Prior to the commencement of the development precise details of the materials to be used externally within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.  
  
*Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS.*
3. Prior to the commencement of development large scale section details of at least 1:20 shall be submitted to show the placement and position of windows and balconies and the depth of proposed reveals to windows and doorways. The development shall be completed in accordance with the approved details.  
  
*Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.*

4. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

*Reason: To ensure that the proposed development poses no contamination risks to accord with policy NE10 and NE12 of the Local Plan.*

5. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

*Reason: To ensure that an appropriate noise environment for future occupants and to accord with policies H2 and NE9 of the Local Plan and policy 10 of the ACS.*

6. Prior to the commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to control noise and dust, the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway, details of how site construction will be managed in relation to the NET Tram Line, together with a timetable for the implementation of the construction management plan. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the construction of the site does not adversely impact on surrounding residents, the local highway network or the operation of the NET tram to comply with policy NE9 of the Local Plan and policy 10 of the ACS.*

7. The development shall not be commenced until details of any proposed 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 only be implemented in accordance with the approved details.

*Reason: To ensure that surrounding residents are not adversely affected by the construction of the development to accord with policy NE9 of the Local Plan.*

8. No development involving the breaking of ground shall take place, unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:

- a) Excavation of areas to be affected by development and the implementation of a watching brief during the course of groundworks for service installation;
- b) Preservation, in situ, of any remains which, upon archaeological investigation, are found to be part of the medieval Lenton Priory and significantly contribute towards understanding of the Scheduled Monument;
- c) Arrangements for the recording of archaeological remains and finds during the investigation and for the preparation of a final report;
- d) Arrangements for the deposition of the material and documentary archive in a registered museum;
- e) Arrangements of the publication of a summary of the final report in an appropriate journal

The archaeological investigation and works approved under this condition shall be carried out in accordance with the approved programme.'

The archaeological work should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be issued by the City Archaeologist.

*Reason: To ensure that any archeological remains at the site are appropriately preserved and to accord with policy BE16 of the Local Plan.*

**Pre-occupation conditions**

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

9. Prior to the development being first occupied boundary treatments shall be provided in accordance with details that have first been submitted and approved in writing with the Local Planning Authority.

*Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.*

10. Prior to the development being first occupied a landscaping scheme, including details to enhance biodiversity, 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 the proposed trees and shrubs.

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

11. Prior to the development being first occupied details of a management and maintenance plan for the landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The building and landscaping areas shall be maintained in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategies.*

12. Prior to the development being first occupied a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be operated in accordance with the approved plan.

*Reason: To ensure that there is an appropriate flood evacuation plan in place to assist safe access and egress in the event of a flood and to accord with policy NE10 of the Local Plan.*

13. Prior to the development being first occupied details of management arrangements for the building and also of residents and visitors car parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved details.

*Reason: To secure a satisfactory development and to ensure that occupants and their visitors do not generate a demand for additional on street parking in the area to ensure that the residential amenity of existing residents would not be unduly affect to comply with policy 10 of the ACS.*

14. Prior to the development being first occupied written verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that future occupants are provided with an appropriate noise environment to accord with policy NE9 of the Local Plan and policy 10 of ACS.*

15. Prior to the development being first occupied, verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: To ensure that future occupants are provided with an appropriate noise environment within which to live and to accord with policy NE9 of the Local Plan and policy 10 of the ACS.*

16. Prior to the development being first occupied, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground contamination of the site has been fully implemented and completed.
  - b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- Reason: To ensure that the site is appropriately remediated in accordance with policy NE12 of the Local Plan.*
17. Prior to the development being first occupied visibility splays shall be provided on each side of the vehicular access, in accordance with plans that have first been submitted to and approved in writing by the Local Planning Authority. Any dwarf walls or vegetation to be provided on the Gregory Street frontage must be no greater than 0.6m in height.
- Reason: To ensure that the vehicular access to the development does not raise any highway safety issues to accord with policy 10 of the ACS.*
18. Prior to the development being first occupied cycle parking for a minimum of 23 cycles shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.
- Reason: To ensure that appropriate cycle parking facilities are provided to encourage an alternative mode of transport to accord with policy T3 of the Local Plan and policy 14 of the ACS.*
19. Prior to the development being first occupied any redundant footway crossings and/or damaged or altered areas of footway or other highway shall be reinstated 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.*
20. Prior to the development being first occupied the parking, turning and servicing areas shall be provided and surfaced in a bound material with the parking bays clearly delineated in accordance with plans to be first submitted and approved in writing by the Local Planning Authority. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning, loading and unloading of vehicles.
- Reason: To ensure the appropriate provision of car parking to accord with policy T3 and policy 10 of the ACS.*

**Regulatory/ongoing conditions**

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

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

*Reasons: To reduce the risk of groundwater contamination and to accord with policy NE10 of the Local Plan.*

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

*Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategies.*

23. Flood Risk Assessment and Finished Floor Levels compliance

**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 13 April 2018.

*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. Highways

i: 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.

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

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 Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

iv: The works are likely to place pedestrians within the Tram Hazard Zone and also certain works to the frontage may fall within the Tram Hazard Zone. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method and receive authorisation. Unauthorised work may be dangerous and is an offence. To get authorisation the applicant must request a NET Work Request Form which can be obtained from NET by telephoning 0115 942 7777, or by writing to: Infrastructure Manager NET Depot Wilkinson Street Nottingham NG7 7NW.

v: Residents of this development will not be eligible for residents parking permit schemes that operate within the local area.

#### 4. Contaminated Land & Ground Gas Remediation

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' 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 will be validated

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 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).

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 and ground gas contamination of the site has been addressed satisfactorily.

#### 5. Noise

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

## Commercial Noise

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.

The City Council's Noise and Pollution Control Section advise the following:

Construction 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 and neighbouring residents.

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

Appropriate measures include;-

Flexible plastic sheeting.

Water sprays/damping down of spoil and demolition waste.

Wheel washing.

Periodic road cleaning.

For Construction Noise comments

Construction Noise Control: Hours of Work

The acceptable hours for construction work are detailed below; -

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0900-1300)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance in writing with Nottingham City Council's Environmental Health and Safer Places Team

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: 18/00700/PFUL3 (PP-06887273)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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