

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Site Of 25, Station Street

1 SUMMARY

Application No: 18/00926/PFUL3 for planning permission

Application by: Lichfields on behalf of Vita Student Nottingham 1 Ltd

Proposal: Erection of part 6, part 8 and part 9 (plus lower ground floor) storey student accommodation (323 units), provision of ancillary coffee shop, refurbishment and use of former railway arches as space for street traders (Class A1, A3 and A5 uses), landscaping and improvements to the public realm.

The application is brought to Committee because it relates to a major development on a prominent site where there are important design and heritage considerations.

To meet the Council's Performance Targets this application should be determined by 17th August 2018.

2 RECOMMENDATIONS

2.1 (a) prior completion of a Section 106 Planning Obligation to secure:

(i) a scheme of public realm improvements to include the land between the building/adjacent sub-station and the canal, including a new pedestrian/cycle way from Trent Street to the canal towpath and associated works to the associated former railway arch;

(ii) a student management plan, to include restrictions on car use.

(b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

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

3 BACKGROUND

- 3.1 The site is 0.38ha in area and located on the north side of Station Street. It was formerly occupied by the Employment Exchange but this building has recently been demolished. The eastern boundary of the site is formed by a series of brick archways that are part of the high-level NET line. To the north is the Nottingham and Beeston Canal and towpath, whilst to the south, on the opposite side of the pedestrianised Station Street, is Nottingham Train Station which is a Grade II* Listed Building. To the west is 23 Station Street which is occupied by Hopkinson Vintage Antiques and Art Centre. Within the site is a large electricity substation, which is to remain in situ.
- 3.2 Both pedestrian and service vehicle access is from Station Street. There is a change in levels of about 3m between the Station Street level and the towpath.
- 3.3 The site is located within the Station Street Conservation Area, bounds the Canal Conservation Area and is also located within Flood Zone 3.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal involves the creation of 323 student studios, with communal facilities including a gym, reception area and coffee shop. The coffee shop is also proposed to be open to the public. The site includes the former railway arches to the east and it is proposed that these are refurbished to facilitate their use by street traders. The northernmost arch is to be opened to provide pedestrian/cycle access from Trent Street down to the canal towpath.
- 4.2 The proposed building would be largely L shaped, with its widest frontage onto the canal and its narrowest frontage onto Station Street. The building would be positioned about 7m away from the Hopkinson Building and about 8m (narrowest point) from the NET tram bridge.
- 4.3 The building would increase in height from south to north. The southern elevation facing onto Station Street would be 6 storeys high with an overall height of 17.5m. The middle section would be 8 storeys and 23m high, whilst the northern part of the building would be 9 storeys (above a lower ground) and have a height of just over 26m.
- 4.4 The building has a simple grid like appearance with windows being set in double height openings. The majority of the building would be brick built, but the two upper storeys of the middle section to be finished in a light gold aluminium cladding system, the same colour as is proposed for the windows.
- 4.5 South facing studios on the second, third, fourth and fifth floors would be provided with balconies, whilst on the sixth floor a roof top terraced is proposed.
- 4.6 Bin storage, a cycle store with 80 spaces and plant rooms are proposed within the lower ground floor, along with a gym that would have large windows looking out onto the canal towpath.

- 4.7 Shared vehicular access for the site, 23 (Hopkinsons) and 11-19 Station Street would be provided between the new building and 23 Station Street, where there is an existing vehicular access. For the proposed development this access would only be for servicing and emergency vehicles.
- 4.8 The applicants have agreed to work in partnership with the Council to provide local employment and training opportunities during both construction and once the building is operational.

5 **CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

Adjoining occupiers consulted:

7 neighbouring properties along Station Street, Canal Street and Carrington Street have been notified in writing of the proposal. The application has also been publicised through press and site notices. As a result of this publicity, 2 letters of representation have been received.

Nottingham Civic Society: Strongly object to the development because of its detrimental impact on the character and appearance of the Station Street Conservation Area, the setting of the canal and 11-21 Station Street. The scheme fails to follow the Urban Design Guidance for this area which is identified as a Zone of Repair. The Society believes that the new building is significantly higher than its predecessor, and that its bulk and height would overwhelm the appearance of the Hopkinsons building next door. The new building would be higher at the canal towpath than the canal elevation of the Jury Inn. The proposed overdevelopment of this site will disfigure the heritage merits of the townscape at this point. The damaging overshadowing and oppressive bulk of the building will not be mitigated by an open, welcoming aspect since only part of the towpath elevation will have windows onto this area of public realm, with the remainder of the elevation being occupied by cycle parking, offering little community safety benefits. No landscaping details have been provided for the Trent Street arches, which the application indicates forms part of the proposal.

Ministries of Justice: Raise concerns relating to maintaining privacy and preventing unauthorised outlook from the development towards the Court rooms. The Crown Court holds various hearings and proceedings, including high security criminal cases and as such there is need to ensure that the day to day operations of the court are not prejudiced. Disturbance and disruption should be mitigated for the lifetime of the development, including during the construction phase. The Ministries of Justice (MoJ) have requested a condition requiring the submission of a construction management plan, which the MoJ should be consulted on along with the police to ensure that there are no adverse impacts on the Court.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections but recommend that the following are secured by condition: a heating and power generating assessment; a remediation strategy; a noise assessment/sound insulation scheme for both residents and plant; and a noise management plan. Conditions will also be required to verify that the agreed mitigation measures have been implemented.

Highways: No objections but recommend that the following be secured by

condition: a construction management plan; provision of the cycle storage; details of the hard surfacing; a travel plan; and student management plan. It is also requested that servicing including waste collection be restricted to 08:00 to 18:00 hours Monday to Saturday.

Environment Agency: No objections but recommend a condition requiring the development to be carried out in accordance with the approved flood risk assessment and also to deal with contamination and piling in order to safeguard ground water resources.

Archaeology: No objections but recommend a condition securing an archaeological investigation.

Ecology: No objections but recommend conditions to secure the following: an ecological resurvey of the site should the development not be commenced within 2 years; provision of bat and bird boxes and other features to improve bio-diversity; details of precautionary measures to protect the canal and banks during construction; and provision of bat friendly lighting.

Tree Officer: No objections but has highlighted the need for careful consideration to be given to the landscaping along the tow path.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012):

The NPPF advises that there is a presumption in favour of sustainable development and advises that development which is sustainable should be approved. Of particular relevance to this application are paragraphs 18 (securing economic growth), 50 (relating to housing mix and creating sustainable communities), 56 to 64 (relating to design), 100 to 104 (relating to flooding) and paragraphs 128 to 139 (relating to heritage assets).

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities

H6 – Student Housing

H2 – Density

MU3 – Allocated site within the Southside Regeneration Zone (MU3.6 Station Street)

BE6 – Creation of New Pedestrian Routes in the City Centre

BE7- Creation and improvement of Public Open Spaces in the City Centre

BE10 – Development affecting the setting of a Listed Building

BE12- Development in Conservation Areas

BE16 – Archaeology

NE2 and NE3 – Nature Conservation and Conservation of Species

NE9 – Pollution

NE10- Water Quality and Flood Protection

NE12 – Derelict and Contaminated Land

T3 – Car, Cycles and Serving Parking

R2 – Open Space in New Developments

Aligned Core Strategy (September 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 Environment
Policy 11 – The Historic Environment
Policy 14 – Managing Travel Demand
Policy 17 – Biodiversity
Policy 19 – Developers Contributions

Supplementary Planning Policy Documents

Southside Regeneration Supplementary Planning Guidance 2003

Building Balanced Communities SPD (BBC SPD)

Nottingham City Centre Urban Design Guide

Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

Station Street Development Brief (November 2012)

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Design Considerations (Listed Building and Conservation Area Impact)
- (iii) Impact on Neighbouring Amenity and Quality of Accommodation
- (iv) Other Matters (Transport, Flooding, Contamination and Archaeology)
- (v) Planning Obligations

Issue (i) Principle of Development (Policies MU3.6, ST1, H2 and H6 of the Local Plan; Policies A, 5, 7 and 8 of the ACS; the Southside Regeneration Supplementary Planning Guidance 2003; the Building Balanced Communities SPD (BBC SPD))

- 7.1 The application relates to an allocated site within the Southside Regeneration Zone (SRZ) and occupies a prominent location adjacent to Nottingham Station and the NET tramline. The policies relevant to the SRZ seek to encourage comprehensive, mixed use, sustainable developments that promote the Southside as a major location for inward investment, and ensure that new developments are integrated in a comprehensive way to maximise employment and regeneration benefits. Policy 7 of the ACS Identifies the SRZ as a mixed-use business district with a predominance of offices supported by residential development, new hotels and complimentary retail leisure activity.
- 7.2 The application site is located on the southern fringe of the City Centre which in general terms is an appropriate location for purpose built and managed student accommodation, in accordance with the BBC SPD and Local Plan Policy H6. The latest Nottingham Authority Monitoring Report (March 2018) recognises that there is

still a need for purpose built accommodation and the demand for student accommodation remains high. This report advises that despite an increase in purpose-built student accommodation its supply is still less than demand, from a student population that is still increasing. It also advises that purpose built student accommodation only makes up 11% of the City Centre residential properties. It is considered that the provision of further good quality purpose-built accommodation would attract students that would otherwise occupy houses of multiple occupation outside of the City Centre. The location of the site is distant from the main areas of high student concentration (largely) to the west, rather being situated in a mixed-use commercial environment at the periphery of the City Centre.

- 7.3 The proposed accommodation is of an appropriate size internally with studios ranging from 16 to 26 sqm and benefiting from generous communal facilities on the ground and lower ground floor, as described above. It is in a highly accessible location with good pedestrian, cycle, bus and tram links to the City Centre and both University campuses.
- 7.4 It is concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Policies A, 5, 7 and 8 of the Aligned Core Strategy, Policies ST1, MU3.6 H2 and H6 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Building Balanced Communities SPD.

Issue (ii) Design Considerations (Listed Building and Conservation Area Impact) (Policies BE10 and BE12 of the Local Plan; Policies 10 and 11 of the ACS; the City Centre Urban Design Guide; the Station Street Development Brief)

- 7.5 As described elsewhere in the report, the proposed building has been designed with a lower element to the Station Street frontage, stepping upwards further back into the site. The Station Street frontage would sit on the same building line as the Hopkinson Building and its height has been designed to reflect the general height of the buildings to the west of the Hopkinson building, which increase in scale as they rise towards Carrington Street. Whilst the lower element of the building is taller than that indicated in the Station Street Development Brief and City Centre Urban Design Guide, which is ground plus 4 storeys, this is not considered to be significantly so and having regard to the site specific context, the design approach to scale is considered to be acceptable. It is acknowledged that scale on the Station Street frontage is noticeably greater than the Hopkinson building, yet the proposed development is also seeking to balance this against the elevated height of the tramline to the east. Hopkinson is a detached building with sizeable gaps to both sides which are to be retained with both this proposal and the office scheme to the west, for which there is also a current application (18/00916 /PFUL3). These gaps help to mitigate the step up in scale and allow sufficient breathing space for the Hopkinson building to be read in its own right. From the east the lowest element of the building would present itself as approximately 3 storeys above the elevated tramline, which is a very modest scale from this viewpoint.
- 7.6 The former employment exchange also had a low wing fronting Station Street and a larger wing at 90 degrees to this at the rear, fronting the canal. The current proposal is configured in the same way and similarly steps up to a larger east/west orientated wing at the northern end of the site. The stepping up of the building, including the intervening middle section, are designed such that the taller elements would not have a presence from street level on Station Street but rather would be seen in a different context within more distant views. The wing to the rear is also

taller than the previous building on the site and as prescribed within the Station Street Development Brief, but again this extra height has been tested having regard to the site specific context and is considered to be acceptable. Although the taller block is 9 storeys above lower ground, it is in fact a comparable height to the 5 storey (above basement) Loxley House on the opposite side of the tramline, demonstrating the difference in floor heights between residential and office development. From tram level, again this scale is considered to be appropriate and responds to this different aspect from which the townscape is viewed.

- 7.7 The impact of the taller element of the development on the canal towpath, as raised by the Civic Society, is acknowledged. The canal sits to the north of the site and would inevitably be affected by a large block in this location. However, the building is also responding to the historic character of large warehouse buildings alongside the canal and the relationship that this would create would have some comparison to that established by Loxley House to the east, although this sits closer to the canal footpath than the proposed development.
- 7.8 The architectural style of the elevations is felt to be well considered, reflecting the warehouse aesthetic of traditional canal side buildings whilst also picking up on the materials and grid like rhythm of the buildings along Station Street. The fenestration pattern of the individual buildings on Station Street vary in scale and proportion and the proposal does likewise; the double height openings and very deep reveals create a grid of greater scale and a building with its own distinct character, yet one which sits comfortably within the general character of the Station Street frontage. The proposed building is not a continuation of the terrace to the west but rather stands as a clearly detached and separate building, which is also responding to the elevated tramline and larger scale of buildings to the east. Overall the development is considered to offer a strong intervention at street level. The scheme would also constitute a dramatic improvement when compared to the previous Employment Exchange and significantly enhance the character and appearance of the Station Street Conservation Area and setting of Nottingham Train Station.
- 7.9 The Civic Society also challenge the lack of active frontage on the rear elevation overlooking the canal. They note that the gym is located here and will provide such activity and natural surveillance. This occupies the central third of the ground floor rear elevation. Another third is occupied by the plant room which is unavoidably located at lower ground level to avoid it being located a more sensitive part of the building, where its visual impact would be greater. The other third is occupied by the bike store; while this does not offer the activity that would be associated with the gym, its openings would have a degree of permeability that would allow light, movement and activity to be seen within the bike store, thus avoiding a blank façade at this point. The scheme also incorporates landscaping proposals to this part of the canal side that would significantly enhance the character and pedestrian activity associated with this part of the canal, close to the new pedestrian route to be created from Trent Street.
- 7.10 As mentioned above, the height and architectural style of the northern elevation would complement the large warehouse buildings that are found in the Station and Canal Conservation Areas, which include the British Waterways Warehouse Building further to the west. The improvements proposed to the canal directly behind the building would significantly enhance its setting as a non-designated heritage asset that lies within the Station Conservation Area.
- 7.11 The scheme also incorporates the renovation of the former railway arches to so that

they are capable of accommodating street traders. This would present an appropriate use for these prominent yet under-utilised non-designated heritage assets that front Trent Street, and present a significant opportunity to enliven and enhance this busy road frontage and Station Street Conservation Area.

- 7.12 Given the location of the building and its relationship with the immediate townscape, its impact on the setting of other listed buildings in the locality (the Railway Station and Goods Offices, Bentinck Hotel, 111 Carrington Street and the British Waterways Building) would be minimal and would be seen only in their periphery, in the context of existing taller buildings such as Loxley House.
- 7.13 A Townscape and Visual Impact Assessment has been submitted with the application that has assessed the impact of the development on all key vistas and viewpoints. In conclusion it is considered that the impact on listed buildings in the wider skyline of the City such as the Castle, St Mary's Church, The Former Unitary Chapel and The Council House would not be significant, as is also the case with the Lace Market and Old Market Square Conservation Areas.
- 7.14 A notable impact is from Queens Walk where the tallest element of the building would break the skyline, sitting behind the Station dome and in front of the St Mary's Church tower. However, the top of the Station dome above the clock faces and the upper two stages of St Mary's tower would remain clear of the development, maintaining their legibility and prominence. In the assessment this impact is categorised as 'minor neutral'. In views from the Castle terrace the impact would be minimal, seen within the context of an existing varied roofscape of comparable scale and from where it would not obscure views of other landmark buildings or historic elements of the view. Neither would the proposal effect the wider views into and out of the Castle Conservation Area. From the Nottingham Station tram stop the view of the Former Unitary Chapel the building would be maintained and when viewed from Weekday Cross it would again sit as part of the surrounding roofscape.
- 7.15 In conclusion, the proposal is considered to make a positive contribution to the streetscape and has been designed taking into account the requirements of policies 10 and 11 of the ACS, policies BE10 and BE12 of the Local Plan and the NPPF. The impact on heritage assets and non-designated heritage assets is considered to be of less than substantial harm, and the benefits of bringing a vacant site (formerly occupied by a visually harmful 1960s office building) are felt to outweigh any residual concerns about its impact.

Issue (iii) Impact on neighbouring amenity and quality of accommodation
(Policies H2, H6 and NE9 of the Local Plan and Policy 10 of the ACS)

- 7.16 The Crown Courts are located across the canal at a distance of about 28m. There are few windows in the southern elevation of the Court building that faces onto the application site, with the majority of windows being to the upper floor. The Court car park area is bounded by a high brick wall. The former Employment Exchange was located at a similar distance to the Crown Courts and had windows along its rear elevation. Although the proposed building at the rear is taller than the former office building, it is not considered that the potential for overlooking and loss of privacy for the Courts would be significantly different.
- 7.17 The matters raised by the Courts in relation to noise and disturbance during construction can be dealt with through a construction management plan. The

applicants should be advised through an informative to discuss the construction plan with the Courts. The applicants would also need to discuss construction plans with the NET team.

- 7.18 A sunlight and shadow analysis have been submitted which shows little difference in the shadow cast by the proposal when compared to the former Employment Exchange building.
- 7.19 The commercial mix of uses in the immediate vicinity of the site are considered to be compatible with the proposed scale of the development, and the introduction of 323 student units in this location.
- 7.20 The proposed studios will range in size from 16sqm to 26sqm, four of which would be fully accessible studios. All studios would be provided with kitchens, study areas and shower rooms and would have appropriate levels of light and outlook as result of the proposed floor to ceiling windows. The building has been set off the NET Bridge which will assist in reducing noise and disturbance for occupants. A noise impact assessment with regards to residential and commercial noise, together with a sound insulation scheme, can be secured by condition to further safeguard the residential amenity of future occupants. A noise management plan can also be secured by condition and can be used to ensure that the proposed roof terrace area is not used late at night.
- 7.21 Through the use of conditions and as a result of the siting of the development and its location, the scheme complies with policies H2, H6 and NE9 of the Local Plan and policy 10 of the ACS

Issue (iv) Other Matters

Transport (Policy T3 of the Local Plan and Policy 14 of the ACS)

- 7.22 The proposal is located within a highly sustainable location, being opposite the Train Station, Station tram stop and within walking distance of a large a number of bus stops. Details of pick up and drop off of students to ensure that there is no adverse impact on the highway can be secured by condition. The servicing arrangements are considered to be acceptable and Highway colleagues have raised no objections. In this highly sustainable location with restrictions on car parking on streets it is felt that the travel plan condition suggested by Highway colleagues is not appropriate in this instance. The proposal complies with policy T3 of the Local Plan and Policy 14 of the ACS.

Flooding (Policy NE10 of the Local Plan)

- 7.23 The flood risk assessment that accompanies the application has been reviewed, and is considered to be acceptable. The recommendations of the assessment can be secured by condition, the proposal therefore complies with policy NE10 of the Local Plan.

Contamination (Policy NE12 of the Local Plan)

- 7.24 The site raises no adverse risk with regards to contamination. Conditions can be used to secure a remediation strategy and to ensure that groundwater is not affected by any contamination. The proposal therefore complies with policy NE12 of the Local Plan.

Archaeology (Policy BE16 of the Local Plan)

- 7.25 The site may have potential for archaeology so an archaeological watching brief will be secured by condition. The proposal complies with Policy BE16.

Issue (v) Planning Obligations (Policies R2, BE6 and BE7 of the Local Plan, Policy 19 of the ACS and the Open Space SPD)

- 7.26 The development's required contribution towards the provision or enhancement of Public Open Space is to be met through the proposed public realm improvements immediately adjacent to the site, principally to the adjacent section of canal towpath and provision of a pedestrian link from Trent Street. These works are to be secured by planning obligation and will therefore satisfy policies R2 and BE7 of the Local Plan, policy 19 of the ACS and the Open Space SPD.
- 7.27 The Section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8 SUSTAINABILITY / BIODIVERSITY (Policies NE2 and NE3 of the Local Plan, and Policies 1 and 17 of the ACS)

- 8.1 The energy statement submitted with the application demonstrates that the proposal will be designed to meet Part L2A 2013 of the Building Regulation and that the building has been designed in line with the energy hierarchy, ensuring the building is energy efficient and that its demand for resources are reduced. The biodiversity of the site can be enhanced through the landscaping proposals and mitigation measures relating to protected species are addressed by condition. Through conditions the development is therefore capable of complying with policies NE2 and NE3 of the Local Plan, and policies 1 and 17 of the ACS.

9 FINANCIAL IMPLICATIONS

Public realm improvements to the canal towpath and to provide a pedestrian link from Trent Street are to be secured through a planning obligation.

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 long term cleared brownfield site

with a high quality, sustainable residential development.

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

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

1. Application No: 18/00926/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P8JVEALYGSO00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Miss Jenny Cole, Case Officer, Development Management.

Email: jenny.cole@nottinghamcity.gov.uk. Telephone: 0115 8764027

NOMAD printed map



© Crown copyright and database right 2018. Ordnance Survey Licence number 100019317. NOMAD print generated by a NOMAD user on 10/07/2018. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk (ext. 64341) for high quality maps. Copyright Nottingham City Council, Crown Copyright and database right 2018. Ordnance Survey Licence number 100019317

Key

 City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 18/00926/PFUL3 (PP-06927066)

Your Ref:

Contact: Miss Jenny Cole

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Lichfields
FAO: Ms Alison Bembenek
14 Regents Wharf
All Saints Street
London
N1 9RL

Date of decision:

TOWN AND COUNTRY PLANNING ACT 1990 APPLICATION FOR PLANNING PERMISSION

Application No: 18/00926/PFUL3 (PP-06927066)
Application by: Vita Student Nottingham 1 Ltd
Location: Site Of 25, Station Street, Nottingham
Proposal: Erection of part 6, part 8 and part 9 (plus lower ground floor) storey student accommodation (323 units), provision of ancillary coffee shop, refurbishment and use of of former railway arches as space for street traders (Class A1, A3 and A5 uses), landscaping and improvements to the public realm.

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. <i>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.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
2. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development including the construction of a sample panel on site, shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details. <i>Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS.</i>

3. Prior to the commencement of above ground development, large scale sections 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, an assessment of the heating and power generating proposals for the development, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:
- (i) Air quality impact assessment
 - (ii) Stack height calculation
 - (iii) Abatement techniques and mitigation of potential impacts

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

Reason: To ensure that the heating requirements of the building do not adversely affect air quality to accord with policy NE9 of the Local Plan.

5. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 and 2 Geo-Environmental Assessment Report by BWB dated April 2018 (ref MCS2365) and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:

a) A supplementary post-demolition site investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan as required, 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 as required, providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.

6. Prior to the commencement of the above ground development, an environmental noise assessment covering residential noise impacts together with an appropriate sound insulation scheme, which has regard to the Environmental Noise Study by Fisher Acoustics dated May 2018 (Ref PR0596-REP01A-MPF), shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB LAm_{ax}(5 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).

Reason: To ensure that future occupants of the building are not adversely affect by noise and to accord with policy NE9 of the Local Plan.

7. Prior to the commencement of the above ground development, an environmental noise assessment for commercial noise and an appropriate 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 the operation of the building causes no adverse noise and disturbance impacts on neighbouring uses or on the future occupants of the building to accord with policy NE9 of the Local Plan.

8. Development shall not be commenced, including the breaking of any ground 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 significantly contribute towards understanding of the historic Nottingham City Centre;
 - 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 archaeological remains at the site are appropriately preserved and to accord with policy BE16 of the Local Plan.

9. Prior to the commencement of development, details of precautionary measures to protect the canal and its banks during and after construction works shall be submitted to and approved in writing by the Local Planning Authority. The details shall be incorporated into a method statement detailing working practices.

Reason: The site is adjacent to the Canal which may provide foraging area for waterside wildlife, like water voles, to ensure that there are no adverse impacts on local wildlife details of canal and bank protection measures are required to accord with policy 17 ACS.

10. 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 reduce noise and disturbance to neighbouring properties; proposed hours of working; the type, size and frequency of vehicles to/from the site; haul routes (if any); staff parking provision; site security; traffic management plans; to enable the safe operation of the NET Tram network; wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. 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 development has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.

11. Prior to the commencement of development details of any piling, or of any other foundation designs using penetrative methods, shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall demonstrate that there would be no

unacceptable risk to ground water. No further piling, or any other foundation designs using penetrative methods shall be utilized unless prior agreed in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation using penetrative methods can result in risks to groundwater supplies it therefore needs to be demonstrated that piling would not result in contamination of groundwater to accord with Policy NE10 of the Local Plan.

Pre-occupation conditions

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

12. Prior to the development being first occupied details of the proposed refurbishment works to the railway arches including the provision of power, water, lighting and enclosures shall be submitted and approved in writing by the Local Planning Authority.

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

13. Prior to the development being first occupied provision shall be made within the application site for the parking of cycles in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, this facility shall not be used for any purpose other than the parking of cycles.

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.

14. Prior to the development being first occupied the site shall be hard surfaced in accordance with details (location and type of surfacing) that have first been submitted to and approved in writing by the Local Planning Authority. Hard surfacing shall be porous or permeable materials. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the proposed use has appropriate surfacing that will not cause surface water runoff to Station Street or adversely affect the areas surface water drainage pattern to accord with policy 10 of the ACS and policy NE10 of the Local Plan.

15. Prior to the development being first occupied a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term shall be submitted to and approved in writing by the Local Planning Authority. The traffic management scheme shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To ensure that the loading and unloading of vehicles associated with the student occupation at the start and finish of the each academic term does not adversely affect highway safety to accord with policy 10 of the ACS.

16. 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.

17. Prior to the development being first occupied details of a management and maintenance plan for the new areas of public realm shall be submitted to and approved in writing by the Local Planning Authority. The 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 ACS.

18. Prior to the development being first occupied a detailed Noise Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The Noise Management Plan shall identify the types and locations of operational activities which are likely to cause noise disturbance to sensitive receptors and:
- Minimise noise arising from operational activities by technical and physical means, and through management best practice
 - Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from any residents
- Provision for the regular review the Noise Management Plan shall be also be made. The plan shall also set out the measures for controlling noise associated with the use of the southern roof terrace.

Reason: To ensure that noise associated with the occupation of the building and the use of the southern terrace does not adversely affect surrounding properties or causes disturbance to any occupants of the building. To accord with policy NE10 of the Local Plan.

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

Reason: To ensure that the heating and power scheme complies with the approved details to accord with policy NE9 of the Local Plan.

20. 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 gas 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 and groundwater contamination of the site has been fully implemented and completed.

Reason: To ensure that site is remediated appropriately in line with the approved remediation strategy to accord with policy NE12 of the Local Plan.

21. Prior to the development being first occupied, verification that the approved sound insulation scheme, to safeguard residents of the development 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 the sound insulation schemes approved to safeguard residential amenity and to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.

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

Reason: To ensure that approved mitigation measures schemes to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.

23. Prior to the development being first occupied an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and shall demonstrate that it is ecologically sensitive.

Reason: To ensure that there is no adverse impact on local wildlife, such as bats to accord with policy 17 of the Local Plan.

24. Prior to the development being first occupied precise details of the works to create the new public realm, incorporating the foot path link from Trent Street to the canal towpath and the area of land between the canal towpath edge and to the north of the substation and proposed building, shall be submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details of hard and soft landscaping.

Reason: To ensure that appropriate public realm improvements are undertaken to accord with Policy R2 and BE7 of the Local Plan.

Regulatory/ongoing conditions

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

25. The proposed coffee shop shall remain ancillary to the primary use of the building as student accommodation and shall not become a separate planning unit.

Reason: To define the scope of the permission and to ensure that the use of the proposed coffee shop does not cause any adverse noise and disturbance to occupants of the building to accord with policy NE9 of the Local Plan.

26. Servicing arrangements (including waste collection) shall not take place between the hours of 08:00 to 18:00 hours Monday to Saturday.

Reason: To ensure that the servicing requirements of the proposed development do not adversely affect the highway to accord with policy 10 of the ACS.

27. The development hereby permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (2180015, revision P2, dated May 2018) and in particular the following mitigation measures detailed within:

- i) Finished floor levels (FFL) of all residential accommodation shall be set no lower than 26.26mAOD;
- ii) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- iii) Flood resilient construction measures shall be incorporated throughout the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with policy NE10 of the Local Plan.

28. The lower ground floor accommodation of the development hereby approved shall be available for 'less vulnerable' flood risk vulnerability uses only (i.e. plant, cycle parking, storage and gym facilities), and at no time shall it be used for any other purpose without the express permission of the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with policy NE10 of the Local Plan.

29. 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. Any remediation strategy approved as a result of any unidentified contamination being found shall be implemented as approved.

Reason: To ensure protection of controlled waters to accord with policy NE10 of the Local Plan.

30. 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 ACS.

31. If the development is not commenced within 2 years from the date of the decision, then prior to the development taking place a bat survey together with an assessment and proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved details to a timetable that has been prior agreed.

Reason: To ensure that wildlife in the area is appropriately safeguarded and to comply with policy 17 of the ACS.

32. The refurbishment of the railway arches shall be undertaken in accordance with the approved details and completed in accordance with a timetable that has been prior agreed in writing by the Local Planning Authority.

Reason: To secure the implementation of the archway refurbishment to ensure a satisfactory development that accords with policy BE12 of the Local Plan and policies 10 and 11 of the ACS.

33. The public realm works shall be implemented in accordance with the approved details to a timescale that has been prior agreed in writing by the Local Planning Authority.

Reason: To ensure that the public realm works are carried out in accordance with the approved details to secure a development of satisfactory appearance to comply with policies R2 and BE7 of the Local Plan and policy 10 of the ACS.

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 following drawings/documents:

General reference 17 026 90 003 revision R4
Drawing reference 17 026 20 00 revision R8
Drawing reference 17 026 20 01 revision R15
Drawing reference 17 026 20 02 revision R13
Drawing reference 17 026 20 03 revision R9
Drawing reference 17 026 20 04 revision R9
Drawing reference 17 026 20 05 revision R9
Drawing reference 17 026 20 06 revision R9
Drawing reference 17 026 20 07 revision R14
Drawing reference 17 026 20 08 revision R10
Drawing reference 17 026 20 09 revision R10
Elevations reference 17 026 20 100 revision R9
Elevations reference 17 026 20 101 revision R6
Elevations reference 17 026 20 102 revision R7
Elevations reference 17 026 20 103 revision R7
Landscaping reference 095LYRXXXXDWGL revision 1000-04 PLN
Planning Layout reference 095LYRXXXXDWGL revision 5001-00 PLN
General reference 095LYRXXXXDWGL revision 1001-00 PLN
Ecology Report dated 29 August 2018
General reference 21800515 FRA revision Rev 2

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. Construction and Dust Management Plan

This covers access to the site and minimisation of dust. However the hours of construction have not been set out explicitly. The acceptable hours for demolition or construction work (including deliveries to and from the site) are detailed below; -

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

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

Furthermore the site investigation indicated that piled foundation would be required for the development and recommend that CFA piling would be the most suitable method. The Management Plan should therefore be amended to include details of any piling or other foundation designs using penetrative methods demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers, as piling often give rise to complaints.

4. Air Quality - Heating and Power Generation

The proposals for biomass for heating (and power generation) or any Combined Heat and Power systems (over 60kWe) using natural gas or bio-fuel will be screened and assessed against the guidance set out in Biomass and Air Quality Guidance for Local Authorities by Environmental Protection UK (June 2009) which may be found at

<http://www.lacors.gov.uk/lacors/upload/22062.pdf> and Combined Heat and Power: Air Quality Guidance for Local Authorities by Environmental Protection UK (February 2012) which may be found at http://www.iaqm.co.uk/text/guidance/epuk/chp_guidance.pdf

Contaminated Land, Ground Gas and Groundwater

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, 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:

- i) Cut and fill operations on site
- ii) How trees retained on site will be dealt with
- iii) How gas precautions including any radon gas precautions will be validated
- iv) 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.

Environmental Noise Assessment

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

The approved sound insulation scheme must be maintained &, 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.

Noise Management Plan

The applicant must adhere to the agreed Noise Management Plan while the premises remain operational and regularly review the Noise Management Plan. Any amendments which may have an impact on noise sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders.

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

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

iii: The applicant is advised that the site is adjacent to the NET tram line.. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method during construction. 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.

6. The developer is strongly advised to consult the Ministries of Justice to prepare the Construction Management Plan to ensure that the construction of the development does not adversely affect Court proceedings.

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: 18/00926/PFUL3 (PP-06927066)

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.

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.