

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

66 London Road, Nottingham

1 SUMMARY

Application No: 18/02107/PFUL3 for planning permission

Application by: Indigo Planning on behalf of Cassidy Group (London Road) Ltd.

Proposal: The development of 150 apartments with associated communal space and parking.

The application is brought to Committee because it is for a major development on a prominent site on the approach to the city from the south. Furthermore, the development has been the subject of a viability challenge and proposed planning obligations are substantially less than typically required by adopted planning policies.

To meet the Council's Performance Targets this application should have been determined by 8th January 2019, an extension of time has been agreed with the applicant.

2 RECOMMENDATIONS

2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and subject to:

(a) Satisfactory resolution of the objection raised by the Environment Agency

(b) Prior completion of a Section 106 Planning Obligation which shall include:

- (i) A financial contribution of £155,000 towards affordable housing
- (ii) A financial contribution of £66,731 towards public open space enhancement within the vicinity of the site in the Southern Gateway

(c) 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 both the terms of the Planning Obligation and the conditions of planning permission 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 That Councillors are satisfied that the Section 106 Obligation(s) sought would not exceed permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010

3 BACKGROUND

- 3.1 The site is partially occupied by an empty three storey Victorian commercial building (66 London Road), known as the Walter Danks building. The land to the south (68 London Road) was historically occupied by the Norfolk Hotel and is currently occupied by a hand car wash (Car Jacuzzi). Access to the building and the car wash is gained from Eugene Street to the west. The Tinkers Leen is situated to the north of the site with the land level being approximately 4m lower than the site at this point. The Tinkers Leen feeds into the canal which is on the opposite side of London Road. Immediately to the north of the Tinkers Leen is the Hicking building which is occupied by Hooters at ground floor level with residential accommodation above. To the west of the site is the development known as Saffron Court, an apartment scheme currently under construction.
- 3.2 The site is partially within the Station Conservation Area and partially within Flood Zones 1 & 2 in accordance with Environment Agency mapping. The site is also within the Southside Regeneration Zone.

Planning History

07/01021/PFUL3 - Erection of office development following part demolition of existing building. Approved but not implemented

4 DETAILS OF THE PROPOSAL

- 4.1 The current proposal is for a Private Rental Sector (PRS) development of 150 apartments with ancillary accommodation at ground floor and associated works. The proposed mix would be 95 x studios, 48 x 1 bed apartments, 4 x 2 bed duplexes and 3 x 2 bed apartments. Pedestrian access to the building would be on the corner of Crocus Street and London Road, with vehicle access from Eugene Street.
- 4.2 The proposed development would retain the front (eastern) and northern elevations of the Victorian warehouse which fronts onto London Road, whilst the rest of this building and remaining structures on the site would be demolished. Behind the retained facades, the warehouse would be rebuilt and extended to the rear, at a comparable height (3 storeys). A new build element to the south of this would be linked to the warehouse and rise to 8 storeys in height (ground plus 7), with the top 2 floors recessed. The overall height and mass of the development would be comparable with that of Saffron Court to the west. The developer for both sites is the same (Cassidy Group) and it is therefore proposed for the same architectural language and palette of materials to be used, particularly in terms of the fenestration pattern and use of red facing brickwork, grey window frames and recessed darker brickwork for the upper levels.
- 4.3 The development would provide a gym, shared amenity room, bin store, post room and reception at ground floor level. On a lower ground floor level there would be 27 car parking spaces, 2 of which would provide electric vehicle charging points in addition to 48 cycle parking spaces. Solar photovoltaic panels would be installed on the roof of the building.

- 4.4 The applicant is also committed to working with the Council to deliver local employment and training initiatives through the construction of the development, to be delivered as part of the S106 planning obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Neighbouring buildings notified by letter: Fire station, 1 Walleth Street and residents in block 4 of the Hicking building.

A site notice was posted and a press notice published. The overall expiry date was: 16/12/18

One letter of correspondence received from a third party stating the following:

This site has been an eyesore on a major approach road to the city for many years. This proposal not only offers a smart new building, but also retains and improves the existing Victorian building. It will make a really big improvement to London Road.

The Civic Society commented as follows:

We support the proposal to redevelop the prominent site fronting London Road. The scale of the new building reflects other new development in the vicinity. It is especially pleasing that the opportunity has been taken to retain and integrate the old Walter Danks building, one of the few historic buildings left along London Road.

Additional consultation letters sent to:

Environmental Health and Safer Places: The submitted information is satisfactory to ensure that the development would not result in contaminated land concerns. The submitted noise impact assessment is satisfactory and it is recommended that a sound insulation scheme and air quality management plan be secured by condition.

Highways: No objection subject to the submission of details to be secured by condition relating to a construction traffic management scheme, provision of electric vehicle charging points and provision of a cycle store.

Drainage: No objection, subject to development being undertaken in accordance with the submitted information.

City Archaeologist: No objection; the submitted archaeological watching brief is acceptable.

Heritage and Urban Design: No objection subject to the provision of a condition securing more appropriate glazing to the ground floor level of the retained building.

Environment Agency: Holding objection

The applicant has proposed a scheme of mitigation which colleagues are reviewing. Further comments to follow.

Biodiversity Officer: No objection. The undertaken survey is satisfactory and no further survey work is required subject to development commencing within 2 years. Confirmation regarding landscaping adjacent to Tinkers Leen should be sought and riparian enhancement secured.

6 RELEVANT POLICIES AND GUIDANCE

Aligned Core Strategies (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 8: Housing Size, Mix and Choice

Policy 7: Regeneration

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Nottingham Local Plan (November 2005):

Policy ST1: Sustainable Communities

Policy MU3.2: Southside regeneration Zone (allocated site)

Policy H2: Density

Policy H5: Affordable Housing

Policy BE8: City Skyline and Tall Buildings

Policy BE12: Development in Conservation Area

Policy BE16: Archaeology

Policy R2: Open Space in New Development

Policy NE2: Natural Conservation

Policy NE9: Pollution

Policy NE10: Water Quality and Flood Protection

Policy NE12: Derelict and Contaminated Land

Policy T3: Car, Cycles and Servicing Parking

National Planning Policy Framework (July 2018)

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.
- 6.2 Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraph 124 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development. Paragraph 127 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further

that developments should function well and add to the quality of the area over the lifetime of the development.

- 6.4 Paragraph 155 advises that inappropriate development in areas at risk of flooding should be avoided, but where it is necessary it should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.5 Paragraphs 184 to 202 of the NPPF set out the approach regarding assessing the impact on heritage assets like conservation areas and listed buildings.
- 6.6 Annex 1 states that the policies in the NPPF are material planning considerations which should be taken into account in dealing with planning applications. For the purpose of decision-taking, the policies in the Local Plan are to be afforded weight in accordance with their consistency with the NPPF.

Supplementary Planning Policy Documents:

Station Conservation Area Character Appraisal and Management Plan (April 2008)

Nottingham City Centre Urban Design Guide (May 2009)

(This guide provides a physical framework and promotes the highest standard of urban design and architecture for the City Centre. The area in which the development falls has been identified as a 'Zone of Reinvention' in the Urban Design Guide. In this area of the City, buildings of ground plus 4 floors are envisaged due to its sensitive location and need to respect longer views adjacent to the Meadows residential area)

Southside Regeneration Supplementary Planning Guidance 2003

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development**
- (ii) Building design including impact on the character and appearance of the Station Conservation Area**
- (iii) Impact on neighbours and future occupants**
- (iv) Other matters**

Issue (i) Principle of the development (Aligned Core Strategy Policies A, 5, 7 and 8, Local Plan Policies ST1, H2 and MU3.2 and the Southside Regeneration Supplementary Planning Guidance 2003)

- 7.1 The application site falls within the Southside Regeneration Zone (SRZ) and occupies a prominent site on approaches into the City Centre. 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 to 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 and leisure activity. The site itself forms part of the larger Hicking site specifically identified for mixed use development under policy MU.2 of the Local Plan, and there is clearly a synergy between this proposal and the adjacent Saffron Court development. Furthermore, the southern element of the site with the hand car wash

is somewhat of an eyesore and the proposed redevelopment would considerably enhance the approach to the City Centre when travelling along London Road.

- 7.2 The proposed apartments are of an appropriate size internally. Although the proposal would not provide traditional family accommodation encouraged by policy ST1 of the Local Plan and policy 8 of the Aligned Core Strategy, the type of accommodation proposed would be attractive to post graduates and young professionals, which are also required to maintain and create sustainable communities. They are also types of accommodation more suited to this regeneration zone which is seeking to maximise higher density development closer to the City Centre and around the station/tram interchange as the City's primary public transport hub, also being close to the proposed Broadmarsh Bus Station and multiple on-street bus routes.
- 7.3 It is concluded that the principle of the development for PRS apartments is acceptable and the proposal accords with the Policies A, 5, 7 and 8 of the Aligned Core Strategy, Policies ST1, H2 and MU3.2 of the Local Plan, and the Southside Regeneration Supplementary Planning Guidance 2003.

Issue (ii) Building design including impact on the character and appearance of the Station Conservation Area (Aligned Core Strategy Policies 10 and 11, Local Plan policies BE8 and BE12)

- 7.4 The Nottingham City Centre Urban Design Guide has identified the application site as falling within a 'Zone of Reinvention' where it is expected that a new urban form would emerge, through the introduction of high quality gateway buildings, whilst respecting the wider historic context. The northern half of the site is located within the Station Conservation Area. Policy BE12 of the Local Plan seeks to ensure that new development preserves or enhances the character or appearance of conservation areas.
- 7.5 The proposed development would see the frontage of 66 London Road, the Walter Danks building, retained and improved with a new build element to the rear which would be of a comparable height. The new build element to the rear has been designed to ensure that it sits comfortably alongside the existing building without competing for prominence. The larger part of the scheme steps up to the south and the elevational treatment has been chosen to compliment that of the existing building and the wider Hicking development. Its appearance comprises a defined base and expressed top that frames the main central body. The proposal has been designed to read as part of the Saffron Court development. Its scale and mass are considered to be acceptable and would not be unduly prominent when viewed in the context of neighbouring buildings. A double height pedestrian entrance to the building is on the corner of Crocus Street and London Road, finished in a contrasting dark grey brick that is carried along the frontage to London Road to create a strong base to the building. The corner has been curved to highlight the prominence of this corner on London Road and to mark the entrance for the building. The top two floors of the development would be recessed and constructed in a contrasting darker brick which would mirror the design approach on Saffron Court.
- 7.6 The scale and massing are in keeping with the surrounding area without dwarfing the existing building. It is considered that the retention of the frontage of 66 London Road and the regeneration of the adjacent land would enhance the character and appearance of the Station Conservation Area and improve the approach to the City

Centre from the south. The proposal is therefore considered to accord with Aligned Core Strategy Policies 10 and 11, and Local Plan policies BE8 and BE12.

Issue (iii) Impact on neighbours and future occupants (Aligned Core Strategy Policy 10 and Local Plan Policies H2, NE9, NE12)

- 7.7 The proposed development would have an acceptable impact on the amenities of adjacent occupiers to the north and west. The closest window to window relationship would be the same as those existing in the end gable of the Walter Danks building orientated north towards the Hicking building. Given that this relationship between the two buildings has existed for a long period of time, albeit not in residential use, it is considered to be acceptable. Windows in the new build element offer a greater degree of separation and would not result in a loss of residential amenity.
- 7.8 The proposal has been reviewed by Environmental Health colleagues and additional information submitted by the applicant during the lifetime of the application. Based on the additional submitted ground contamination reports, colleagues are satisfied that the proposed development would not result in land contamination or ground gas concerns.
- 7.9 A noise impact assessment has been submitted for consideration as part of the application which has been reviewed and is considered to be acceptable. A sound insulation scheme has been requested by the Environmental Health Officer to ensure that the development would provide satisfactory amenity levels for future occupiers, this can be secured by condition.
- 7.10 The proposal therefore accords with Policy 10 of the Aligned Core Strategy and Policies H2, NE9 and NE12 of the Local Plan.

Issue (iv) Other matters

Flooding (Aligned Core Strategy Policy 1 and Local Plan Policy NE10)

- 7.11 The site is located partially within Flood Zones 1 and 2 in accordance with Environment Agency (EA) mapping. The application has been reviewed by internal drainage colleagues and the Environment Agency. A holding objection has been raised by the EA in relation to proposed finished floor levels on the ground floor of the building. The applicant has engaged with the EA to seek a solution to this matter and an update will be provided at Committee. Subject to the proposed development being constructed in accordance with the information submitted and subject to agreement with the EA, it is not considered that the building would result in flood risk concerns. The development would therefore accord with Aligned Core Strategy Policy 1 and Local Plan Policy NE10.

Highways Impact (Aligned Core Strategies Policy 10 & 14 and Local Plan Policy T3)

- 7.12 The building would be located within a highly sustainable location on the southern edge of the City Centre and in close proximity to bus, tram and rail connections. Vehicle access would be via Eugene Street and the proposed development would provide 27 car parking spaces, 2 of which would be disabled and 2 with electric vehicle charging points, beneath the level of London Road. In addition, space for parking 48 bikes has been provided on the same level. No objections have been

raised by Highways colleagues, subject to the development being undertaken in accordance with the submitted details and further clarification being secured via condition in relation to a construction traffic management plan, travel plan and cycle parking arrangements, the proposal would accord with Local Plan policy T3 and Aligned Core Strategies policies 10 and 14.

Biodiversity (Policy 17 of the Aligned Core Strategies)

- 7.13 The application has been supported by a protected species survey undertaken by EMEC dated August 2018. The report concludes that the site is of limited ecological value and subject to an informative relating to timing to avoid bird breeding season (March – September) the development would not detrimentally impact upon biodiversity in the surrounding area. The comments from the Biodiversity Officer in relation to riparian enhancement are noted and detail would be secured as part of a landscaping condition. The proposal would therefore accords with Policy 17 of the Aligned Core Strategies.

Archaeology (Policy BE16 of the Local Plan)

- 7.14 The application has been supported by an archaeological desk based assessment and reviewed by the Council's archaeologist. The site is not designated as being within an archaeological constraint area but is on the edge of an area recognised as being of archaeological interest. A Written Scheme of Investigation (WSI) was requested and trial trenching undertaken. A report detailing the findings of the trenching has been produced and reviewed by the Council's archaeologist, who concurs with the conclusion that the site is of limited archaeological interest and that the development is acceptable. The proposal therefore accords with Policy BE16 of the Local Plan.

Developer Contributions (Aligned Core Strategy Policy 19 and Local Plan Policy R2 and H5)

- 7.15 The scheme meets the thresholds for securing contributions towards the provision of public open space, education and affordable housing.
- 7.16 To be policy compliant the scheme requires the following contributions, all for off-site provision, to be secured through planning obligation:
- Public open space - £66,731
 - Affordable housing - £1,119,000
 - Education - No sum sought due to the development being predominantly 1 bed units
- 7.17 The applicant has submitted a viability appraisal which concludes that the development would be unviable with the burden of the entire affordable housing contribution. Due to timeframes associated with the application and the delivery of this scheme, along with a backlog of work that they are currently experiencing, the District Valuer's have been unable to review this viability appraisal. As an alternative, HEB Surveyors have been appointed to provide the necessary independent review of this report.
- 7.18 The applicant's viability appraisal concludes that the scheme is able to provide a total S106 contribution of £102,095. HEB's assessment is that this figure should in fact be £257,095. In response, the developer has revised their proposed total

contribution. It is proposed that £155,000 to be allocated towards affordable housing provision and that £66,731 be allocated towards public open space improvement within the Southern Gateway, in the vicinity of the site. This proposition is considered to be acceptable and the proposal recommended for approval on this basis. The planning obligations are considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that they are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

7.19 Subject to the applicant entering into a S106 to secure these contributions, the scheme is considered to be compliant with Policy R2 and H5 of the Local Plan and Policy 19 of the ACS.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the Aligned Core Strategy and Policy NE2 of the Local Plan)

Photovoltaic panels are to be provided on the roof of the building to ensure that Building Regulations Part L carbon reduction targets are achieved. The applicant has stated that the development has not progressed to a detailed design stage at this moment in time but can confirm that all U-Values will provide better than Building Regulations Part L minimum. In addition, the applicant has indicated that electric vehicle charging points will be provided within the car park.

The development would result in no impact on biodiversity

9 FINANCIAL IMPLICATIONS

The undertaken viability appraisal demonstrates that the total policy compliant contribution of approximately £1.2 million would result in a developer profit of approximately 3%, which would warrant the scheme unviable. The viability report provides the following approximate figures:

- Gross project value: £17.5 million
- 150 PRS apartments ranging from 33m² to 75m²
- Building repair, retention and partial demolition cost: £300,000
- Developer profit: 10% (industry benchmark)

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: Providing a high quality and sustainable development

Working Nottingham: Securing training and employment for local citizens through the construction of the development

14 CRIME AND DISORDER ACT IMPLICATIONS

Would provide a residential development with good natural surveillance

15 VALUE FOR MONEY

None.

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

1. Application No: 18/02107/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PGBI1PLYGB300>

17 Published documents referred to in compiling this report

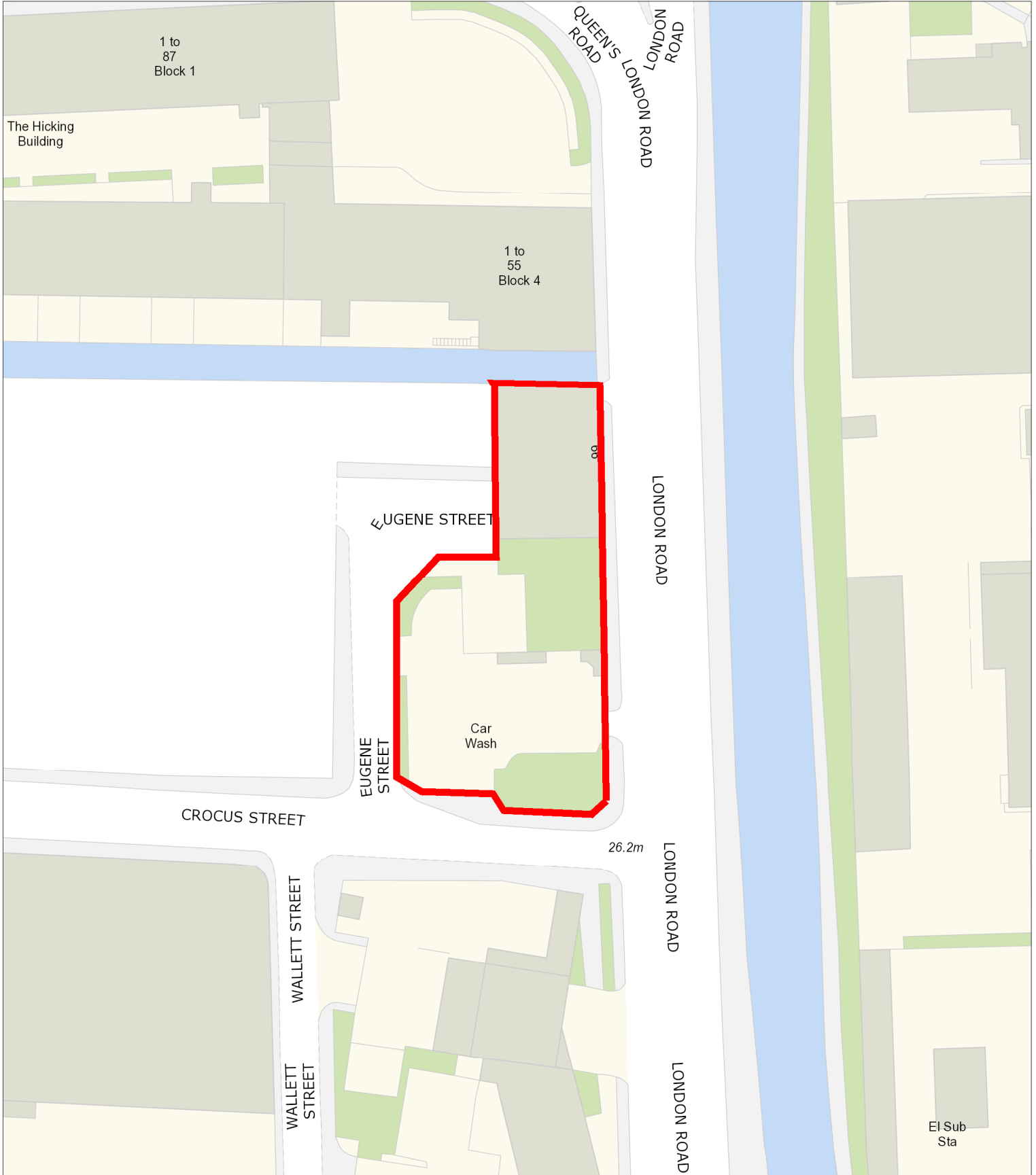
Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
NPPF 2018

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NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/02107/PFUL3 (PP-07291285)
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**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 18/02107/PFUL3 (PP-07291285)
Application by: Cassidy Group (London Road) Ltd.
Location: 66 London Road, Nottingham,
Proposal: The development of 150 apartments with associated communal space and parking.

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

Time limit

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

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

Pre-commencement conditions

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

2. Prior to the commencement of development a construction traffic 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 facilitate visitors and construction vehicles loading, offloading, parking and turning within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network to accord with policy 10 of the Aligned Core Strategy.



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Not for issue

Continued...

3. Prior to the commencement of the above ground development, details of the landscaping of the site (including hard surfaces, boundary treatments and wherever appropriate the retention of existing trees) shall have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be fully implemented within one year of either the first occupation or use of the development or its substantial completion, whichever is the sooner, and shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Prior to the commencement of the above ground development an air quality management scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The scheme shall include design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality. The air quality management 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 future occupants of the building are not adversely affected by air quality and to accord with policy NE9 of the Local Plan.

5. Prior to the commencement of the above ground development, details of the design, specification and fixing (in the form of drawings and sections at a scale of not less than 1:10) of the windows in the element of existing building to be retained, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character of the building and wider conservation area and to accord with policy BE12 of the Local Plan and policies 10 & 11 of the Aligned Core Strategies

6. Prior to the commencement of the above ground development, a sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority. The sound insulation scheme shall have regard to the Noise Impact Assessment Report by Hann Tucker dated 17/10/2018 (ref 25638/NIA1) and subsequent correspondence, and 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 exceeding 45dB LAmax(5 min) more than 10 times per night in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00, Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

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

Reason: To ensure 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.

7. Prior to the commencement of the above ground development, details of the heating and hot water required to serve the development shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with policy policy 10 of the Aligned Core Strategies and policy NE9 of the Local Plan.

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

Reason: To secure a development of satisfactory appearance that complies with policies 10 and 11 of the ACS.

Pre-occupation conditions

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

9. Prior to the first occupation of the development. full details of cycle parking provision and bin storage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In accord to accord with the requirements of policy T3 of the Local Plan and policies 10 and 14 of the Aligned Core Strategies

10. Prior to first occupation of the development, verification that the approved air quality management 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 of the building are not adversely affected by air quality and to accord with policy NE9 of the Local Plan.



11. Prior to first occupation of the development, verification that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development, including any mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority.

The submission 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.

12. Prior to first occupation of the development, the approved electric vehicle charging scheme as detailed on plan 00140 rev P14, shall be implemented and fully operational.

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

Regulatory/ongoing conditions

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

13. A Travel Plan with up-to-date user survey data shall be submitted for approval by the Local Planning Authority no later than 3 months after first occupation of the development. The Travel Plan shall include the provision of a travel pack for residents, a car park management plan for the parking spaces within the proposed development, and proposals for the monitoring, review and update of the Plan. The Travel Plan will also detail any other additional measures to be actioned by a named Travel Plan Coordinator for a minimum of 5 years following first occupation of the development.

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

14. The development shall be undertaken in accordance with the revised flood risk assessment and drainage management strategy dated 6/11/18, undertaken by Betts Hydro, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved surfaced water drainage scheme is provided and that the development complies with Policy NE10 of the Local Plan.

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:
Planning Layout reference FF plan 00142 revision P14
Planning Layout reference 3F plan 00144 revision P14
Planning Layout reference LGF plan 00140 revision P14
Elevations reference London Rd perspective 00161 revision P07
Planning Layout reference 4F plan 00145 revision P14



Planning Layout reference 7F plan 00148 revision P14
Elevations reference London Rd elevation 00150 revision P11
Elevations reference North/South elevations 00152 revision P10
Elevations reference London Rd perspective 00160 revision P06
Planning Layout reference Site Plan 00130 revision P07
Planning Layout reference GF plan 00141 revision P15
Planning Layout reference 2F plan 00143 revision P14
Planning Layout reference 5F plan 00146 revision P13
Planning Layout reference 6F plan 00147 revision P13
Landscaping reference 00131 revision P04
Drawing reference Cross section 01 00170 revision P07
Drawing reference Section A 00701 revision P02
Drawing reference Section C 00703 revision P01
Elevations reference 00151 revision P10
Drawing reference Section 02 00171 revision P08
Drawing reference Strip section □ elevation 00180 revision P06
Planning Layout reference Studio plan 00190
Planning Layout reference One bed plan 00193
Planning Layout reference Two bed plan 00194

Reason: To determine the scope of this permission.

Informatives

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

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

An air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling) will be required to establish which floors of a multi-storey building do not require an appropriate ventilation scheme.

The air quality management scheme shall include the design and configuration specification of the whole building ventilation scheme and ensure that:

Exposure of sensitive receptors to poor air quality shall be reduced as far as practicable;
The location of clean air intakes for the scheme shall be located so as to maximise the vertical and horizontal distance between the clean air intakes and the primary source of poor air quality / air pollution;
The discharge of ventilation air shall be from the building façade facing the primary source of poor air quality;

The approved whole building ventilation scheme [including any additional mitigation measures], shall be shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Consideration will also be given to alternative equivalent measures to reduce exposure to poor air quality. However these may require the support of an air quality assessment to demonstrate their effectiveness.



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The combined noise from the whole building ventilation scheme, any other environmental noise and noise from plant and equipment must not exceed NR 25 in bedrooms between the hours of 23.00 and 07.00 or NR 30 for living rooms and bedrooms between the hours of 07.00 and 23.00.

2. All site clearance work and demolition should be undertaken outside of the bird-breeding season (March to September inclusive) because all birds' nests (except pest species) are protected from disturbance and destruction by the Wildlife and Countryside Act 1981 (and as amended). If work has to take place during the bird breeding season it is recommended that searches are carried out by an experienced ecologist before work begins. If nesting birds are present, work will have to be suspended and the nest left undisturbed.

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

4. 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.

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

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

7. There shall be no deliveries and collection of goods and refuse except between 0800 - 1800 hrs Monday - Fridays, 0800 - 1300 hrs Saturdays and at no time on Sundays or Bank or Public Holidays.

8. During the construction phase of the development, working hours and commercial vehicle movements to or from the site during construction shall be restricted to 0800 to 1800 hrs Monday to Friday and 0800 to 1300 hrs Saturdays, and at no time on Sundays or Bank and Public Holidays

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: 18/02107/PFUL3 (PP-07291285)

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.



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