

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Nottingham School Of Martial Arts Ilkeston Road

1 SUMMARY

Application No: 19/00393/POUT for outline planning permission

Application by: McAfee Design Ltd on behalf of Mr Tony Vohra

Proposal: Erection of up to 42 No. Studio Apartments (Student Accommodation)

The application is brought to Committee at the request of the local ward councillor who has raised valid planning reasons.

To meet the Council's Performance Targets this application should have been determined by 10th June 2019, however an extension of time has been agreed with the applicant.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

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

(i) A financial contribution of £210.83 per unit towards off-site public open space

(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 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 That Committee 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 Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

3.1 The building in question is a white painted structure part of which was a former chapel. The building is situated on the corner of Ilkeston Road and Cobden Street

with a parking area accessed from Cobden Street. The building is set back from Ilkeston Road and elevated from the roadside. The building has been added to overtime and a mix of flat and dual pitched roof slopes are visible. The building overall does not appear to be in a good state of repair with flaking paintwork, cracked windows and missing roof tiles evident. The site backs onto the Old Bakehouse on Cobden Street which is a 2 storey part brick, part rendered former factory which was converted to 8 x 1 bed flats in 1999 (99/00965/PFUL3).

- 3.2 The site is situated in a mixed use area with residential and commercial properties on Cobden Street, a sweet factory situated to the south east of Stansfield Street and car sales on the opposite side of Ilkeston Road. The site is also in relatively close proximity to both university campuses and well served by public transport on Ilkeston Road.
- 3.3 The applicant has provided Taekwondo classes from the site since the mid 1980's. Student numbers have now however dwindled given the variety of other martial arts classes available and that the owner of the site is often overseas for teaching and refereeing at tournaments. The applicant has stated that he now undertakes only limited classes from the site with a handful of existing students.

4 DETAILS OF THE PROPOSAL

- 4.1 Outline planning permission is sought for the demolition of the existing building and the construction of a 3 ½ storey building to provide up to 42 one bed studio student flats. Details of access and landscaping are reserved for future submission. Plans submitted show a red brick building with a central access point from Ilkeston Road. A courtyard area would be provided to the rear with access from Cobden Street for cycle parking.
- 4.2 Plans have been revised during the lifetime of the application with the introduction of projecting, oriel windows on the rear elevation of the building and removal of dormer windows to improve the relationship with residents of the Bakehouse.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

17 neighbouring properties notified:

Flats 1 – 8 the Old Bakehouse
213 – 217 Ilkeston Road
1 – 4 Cobden Street

Site and press notices displayed

A petition signed by 42 residents has been received calling for:

- 1) A public meeting to consult local residents
- 2) That the application be taken to committee
- 3) That a building preservation notice be served so the building can be assessed by Historic England
- 4) That permission be refused and the building used for community purposes

Furthermore, letters objection have been received from 5 residents and 1 further letter neither supporting nor objecting stating the following points:

Impact of Students

- No more student accommodation is required. The city is being turned into a student city which will be empty for half the year
- The martial arts centre enriches the area and gives something to the community. A student development would provide nothing and be separate to its environs

Impact on Amenity

- The plans are incorrect in relation to the numbering of the flats in the Bakehouse
- The proposal may result in overlooking, loss of light and overshadowing
- Concerned regarding noise and anti-social behaviour in an area which tends to be quiet at night

Impact on Character of the Area

- Consider that the proposed building would be out of character with the area. The building would be unattractive and stand out in contrast to the unusual and charming building that is currently in place
- I would like to suggest that the building be preserved given its long history as a community centre serving the local people of Radford since at least 1860
- The council is showing a lack of forethought allowing historic buildings to either be demolished or converted into student accommodation in and around Radford.

Other

- Concern regarding parking; Cobden Street is already busy with deliveries to the sweet factory and cars from neighbouring properties
- The application states that 6 parking spaces would be provided, this will make parking on the street difficult
- Concern regarding rubbish with bags often left on the street
- The construction of the building would also be inconvenient and would result in disturbance
- The application states that the main road location makes it unsuitable for family dwellings, however many families already live in the vicinity of the site, surely the site would be better served as providing family housing?
- In general most local residents are not supportive of the proposed development

The Civic Society considers that the scale, materials and proportions of the proposed building are respectful of their surroundings. However, there are reservations regarding the design of the dormer windows and their design should be re-thought.

Additional consultation letters sent to:

Environmental Health & Safer Places: No objection subject to conditions relating to confirmation that the remediation measures as detailed within the contaminated

land assessment have been complied with, and requiring a noise and insulation assessment to be submitted and agreed prior to commencement of works

Highways: No objection, cycle storage and a traffic management plan should be secured by condition

Drainage: No objection, drainage details should be secured by condition

Conservation: No objection

The existing building (which is neither listed or within a designated Conservation Area) would be demolished and replaced with a development of 42 studio apartments intended for students. The existing building is a former Congregational Chapel which dates to the mid-late nineteenth century. It is of red brick construction with a slate roof and has a simple rectangular plan form with a side wing. An additional extension was added in the south west corner of the site in 1910.

While the chapel is believed to be contemporary with the expansion of Radford as an industrial district, the proliferation of non-conformist chapels from this period makes the building far from unique. The building's original architectural character was unremarkable for the period and its aesthetic value has been heavily compromised by later alterations and neglect. The roof slates have been overpainted with bitumen, the windows replaced and the brickwork painted with unbreathable masonry paint. To the rear, between the two blocks is an unsympathetic flat roofed extension. Although historically it served as a community facility, the building has been used as a martial arts centre for a considerable length of time and its communal value is therefore of minor significance. Taking all of these matters into account the building is not considered to be of sufficient heritage significance to merit its addition on the local list of undesignated heritage assets, let alone a nomination for statutory listing.

6 RELEVANT POLICIES AND GUIDANCE

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 1 – Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 19 – Developers Contributions

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities

H2 – Density

H6 – Student Housing

NE9 – Pollution

NE10 – Water Quality and Flood Protection

NE12 - Derelict and Contaminated Land

T3 – Car, Cycle and Servicing

CE3 - Loss of existing community facilities

Supplementary Planning Documents

Building Balanced Communities

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of Student Accommodation
- ii) Design and Impact on Character of the Area
- iii) Impact on Amenity of Surrounding Residents
- iv) Other Matters
- v) Developer contributions

(i) Principle of Student Accommodation (Policies A and 8 of the Aligned Core Strategy, Policies ST1, CE3, H2 and H6 of the Local Plan, and the Building Balanced Communities SPD (BBCSPD))

- 7.1 As student accommodation, the principle of the proposal needs to be considered against Policy 8 of the ACS, saved policies ST1 and H6 of the Nottingham Local Plan and the Building Balanced Communities Supplementary Planning Document (BBC SPD).
- 7.2 Policy ST1 of the Local Plan seeks to provide and maintain balanced communities within the City, noting that family housing is particularly important to sustain local communities and support local schools as centres of communities. Policy ST1 promotes "a balanced mix of housing size, type and affordability in the area, particularly promoting housing for families with children".
- 7.3 In addition, the Building Balanced Communities Supplementary Planning Document (BBCSPD) expands on Policies ST1 and H6 (student housing) and sets out the City Council's approach to the imbalance caused by the overconcentration of student housing. It promotes the diversion of students from general housing into purpose built student accommodation in appropriate locations. The BBCSPD references that an area is in danger of becoming imbalanced if the percentage of student households exceeds 25% of the total number of households in that area (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students). The methodology in the SPD shows this and adjoining census output areas to have a concentration of 47.7% of student households, undoubtedly influenced by its proximity to the area of large-scale purpose-built student accommodation (PBSA) to the west. However, the BBCSPD also advises that this formula should not result in an overly rigid and mathematical approach to decision making and should not be used as the sole determining factor for proposals in this regard. The BBCSPD also sets out some exceptions to the general presumption of resisting further student accommodation in areas of high concentration, which include where:
- *The development is located within a shopping frontage on a major radial route, where it assists in the regeneration and re-use of retail premises, such as conversion of redundant shops or accommodation above shops*
- 7.4 Policy 8 of the ACS sets out, inter alia, that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities, and that within Nottingham City there should be an emphasis on providing family housing, including larger family housing, to meet Sustainable Community Strategy and Housing Strategy objectives.
- 7.5 The latest Nottingham Authority Monitoring Report (March 2017) highlights that in last 9 years there has been a significant rise in the number of students in Nottingham. This has resulted in approximately 12,417 additional students (a rise from 42,292 in 2007/08 to 54,709 in 2016/17). The 2016/17 academic year saw the largest number of full time students in the two universities. It is difficult to predict student numbers given current uncertainties such as Brexit, but the Universities are continuing to invest in their facilities and both are highly rated both nationally and internationally, so the trend of increases in student numbers is anticipated to continue.

- 7.6 It is recognised that policy guidance contained in the BBCSPD and development plan documents have been effective in assisting the maintenance and promotion of balanced communities by encouraging well-managed purpose built student accommodation (PBSA) in appropriate locations, with the intention of freeing up other residential properties for occupation by other households. The Council's monitoring has shown that the number of Student Council Tax Exempt properties has fallen by approximately 20% across the city over the last few years. However, despite the increase in number of purpose-built student bed spaces, general housing stock in the traditional areas of high student concentration, i.e. Dunkirk and Lenton, Radford and Park, remain attractive to students, with little reduction in Council Tax exemptions for student households in these areas. The last few years have seen a significant increase in the supply of PBSA, which reached its highest level in 2016/17 when 1,412 additional bed spaces were made available (it is likely that an additional 800 bedspaces will have been provided for the 2018/19 academic year). Vacancy surveys were undertaken for the last 4 academic years with PBSA providers who reported very low vacancy rates of less than 1% for 2017/18. Despite the increase supply of PBSA bed spaces being provided, this has actually been less than the number of additional students requiring accommodation within the City.
- 7.7 The latest Nottingham Authority Monitoring Report (March 2017) recognises that there remains a need for a continued supply of bed spaces within attractive purpose built accommodation and that the demand for student accommodation remains high. It is considered that the provision of further good quality PBSA would attract students that would otherwise occupy houses of multiple occupation in Lenton and Dunkirk.
- 7.8 Although the application relates to a martial arts hall rather than a shop, the principle set out in BBCSPD in paragraph 7.3 is felt to be equally applicable in this instance and, furthermore, it would not result in the loss of family housing. The creation of student accommodation would also enable the site, which has a neglected and uncared for appearance, to be regenerated to the benefit of the wider character of the area. The site sits within a mixed use area with residential flats and houses interspersed with shops, factories and car sales lots. This is not a location where the development would be likely to have a significant detrimental impact on the amenity of existing residents; the relationship with the closest residential building, the Bakehouse, is discussed further below.
- 7.9 The proposed accommodation is of an appropriate size with studio flats averaging 20sqm and benefitting from associated communal space on the ground floor of the building. The site is in a highly accessible location with good pedestrian, cycle and bus links to the City Centre and both University campuses.
- 7.10 The concerns raised regarding the loss of the hall for martial arts use are noted. Given that limited classes are undertaken from the hall it is difficult to justify that the building be considered as a community facility in accordance with policy CE3 of the Local Plan. Notwithstanding this, policy CE3 accepts the loss of facilities if, amongst other things, provision can be made elsewhere. The applicant has stated that regarding the limited number of students that he currently instructs, he hopes to retain these and will look to rent space locally when needed. The applicant has also stated that there are approximately 11 other gyms and/or martial arts centres within 0.5km of the site.

7.11 It is concluded that the loss of the building and principle of the development for student occupation is acceptable and that the proposal accords with Policies A and 8 of the Aligned Core Strategy, Policies ST1, CE3, H2 and H6 of the Local Plan, and the Building Balanced Communities SPD (BBCSPD).

(ii) Design and impact on the Character of the Area (Policy 10 of the ACS)

7.12 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.

7.13 The original chapel which occupied the site has been much altered over time. The building has been unsympathetically extended and poorly maintained with paint added to the walls and bitumen to the roof. It is showing signs of decline with elements to the rear having been partially demolished. Concern has been raised by a neighbouring resident regarding the loss of the building and it is understood that contact has been made with Historic England to enquire regarding the suitability of the building for listing. The Conservation Officer has reviewed the scheme and concluded that the existing building is not of sufficient heritage significance to merit its addition on the local list of undesignated heritage assets, let alone a nomination for statutory listing.

7.14 The proposed replacement building, which has been the subject of pre-application discussions and numerous design changes, has been designed to reflect the general character of the area. The building is three storeys in height with 2 dormer windows on the front roofslope, and steps down to two storey level on Cobden Street. Drawings show the building constructed of red brick with slate or concrete roof tiles, which would tie in with the palette of materials in the vicinity of the site. The fenestration pattern is considered to be well proportioned, particularly the large openings to the Ilkeston road frontage. Cill, header and reveal depth details of the windows can be secured via condition, along with further details of the eaves. Whilst the comments of the Civic Society concerning the dormers are noted, these are considered to be acceptable in principle subject to further assessment of their detailed design, again by condition.

7.15 In conclusion the design, scale and mass of the building are considered to be an appropriate solution for this site, subject to conditions relating to the precise detailing of the building. The proposal would therefore accord with policy 10 of the ACS.

(iii) Impact on Amenity of Surrounding Residents (Policy 10 of the ACS, Policies H2, H6 and NE9 of the Local Plan)

7.16 The majority of the mass of the building would be orientated north to south with a separation distance to the Bakehouse of approximately 11m. The building steps down to 2 storeys along Cobden Street and down to single storey at its closest point to the Bakehouse. Residents in the Bakehouse have ground and first floor windows orientated towards the site, with limited outlook given the proximity of the mass of the existing martial arts hall. The proposed plans as submitted would increase the separation distance between the main mass of the building and the Bakehouse but would result in some degree of overlooking. Discussions have been had with the applicant regarding this and alterations to the fenestration on the rear elevation have been made. Projecting, oriel windows are proposed on all 3 floors of the building and the rear facing dormer windows have been replaced with roof

lights. The oriel windows would have the main pane of glass frosted and a smaller clear pane orientated to the east, thus removing direct window to window overlooking. In terms of overbearing and loss of light, assessed against the impact of the existing building, the proposal is not considered to result in such a significant degree of overbearing or loss of light to warrant refusal of the application.

- 7.17 Concerns in relation to impact resulting from students occupying the building are noted, however this can be controlled via a student management scheme which could be secured via condition, to ensure that occupants would not result in anti-social behaviour.
- 7.18 The proposed development is considered to result in a satisfactory relationship with surrounding buildings in terms of amenity and subject to appropriate conditions, the proposal would accord with Policy 10 of the ACS and Policies H2, H6 and NE9 of the Local Plan.

(iv) Other Matters (Policy 1 and 14 of the ACS Policy NE10, NE12 and T3 of the Local Plan)

- 7.19 The comments from Drainage, Environmental Health and Highways colleagues are noted and the required details can be secured via condition.
- 7.20 Regarding third party comments concerning parking, it is not considered that the development would result in any additional vehicle parking within the area; a condition of the student's tenancy agreements would require that they do not keep a car within the city. It is acknowledged that there will be a need to use vehicles at the start and end of each term, however given the small number of rooms concerned it is not considered that these brief periods of additional vehicle movements would result in significant impact upon the surrounding area.

(v) Developer Contributions (Aligned Core Strategy Policy 19 and Policy R2 of the Local Plan)

- 7.21 The scheme meets the threshold for securing a contribution towards providing or enhancing public open space. As this is an outline application the precise figure required for the contribution cannot be quantified at this stage but based on the indicative figure of 42 apartments is likely to be in the region of £8854.86. This would be directed towards improvements at the Radford Recreation Ground.
- 7.22 Subject to the applicant entering into a S.106 to secure these contributions, the scheme would be compliant with Policy 19 of the ACS.
- 7.23 It is confirmed that the Section 106 obligation sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8. SUSTAINABILITY / BIODIVERSITY

No details have been provided in relation to the proposed fabric of the building, however clarification has been sought from the applicant and an update will be provided prior to the committee meeting.

The development would result in no impact on biodiversity.

9 FINANCIAL IMPLICATIONS

As detailed above a section 106 agreement would secure payment of a financial contribution towards the provision or enhancement of public open space serving the development.

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 partially dilapidated brownfield site with a quality sustainable residential development.

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

14 CRIME AND DISORDER ACT IMPLICATIONS

The proposal 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: 19/00393/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PN9KVCLYGF200>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
Building Balanced Communities SPD (BBCSPD)
NPPF 2019

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Date of decision:

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

Application No: 19/00393/POUT (PP-07644355)
Application by: Mr Tony Vohra
Location: Nottingham School Of Martial Arts , Ilkeston Road, Nottingham
Proposal: Erection of up to 42 No. Studio Apartments (Student Accommodation)

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

Time limit

1. Application for the approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 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. Approval of the details of the means of access thereto, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



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3. No above ground development shall be commenced until design details of the following, including drawings and sections at a scale of not less than 1:10 where indicated (*), have been 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.

Windows and doors, including their reveal depths *
Treatment of window and door heads and cills *
Dormer windows *
Verges and eaves *
Rainwater goods and soil pipes
Extractor vents/meter boxes

Reason: In the interests of the character of the area nad to accord with policy 10 of the Aligned Core Strategy

4. 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 Planning Authority. The development shall be completed in accordance with the approved details.

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

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

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

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

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

6. Prior to the commencement of above ground development details of the means of foul drainage and surface water disposal shall be submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and to accord with policy 1 of the ACS

7. No above ground development shall be commenced until such time as a sustainability statement has been submitted to and agreed in writing by the Local Planning Authority. The

statement as a minimum shall provide an appraisal of the building fabric and details of energy efficiency measures (including renewable energies) that are proposed to be integrated within the building to ensure the scheme results in a sustainable form of development. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of sustainability and to accord with policy 1 of the ACS

Pre-occupation conditions

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

8. The residential units shall not be occupied until details of a Student Accommodation Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the operators of the development who shall be responsible for the actions of its occupants and for implementing and enforcing the measures within the Management Plan. The measures within the Management Plan shall ensure that occupants do not create noise and disturbance for neighbouring residents, that the premises are kept clean and tidy.

Reason: To protect the amenity of neighbouring occupiers and to ensure that the appearance of the development is satisfactory in accordance with Policies H6 and NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

9. 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.

10. The development shall not be brought into use until secure, covered cycle storage is provided in an accessible location, in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage sustainable travel in accordance with policy T3 of the Local Plan

11. The applicant shall submit written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures have been implemented prior to occupation of any part of the development.

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

12. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
A Verification Report, which provides evidential proof that the remediation measures recommended in the Phase 1 Land Contamination Report, by Castledene & Co, dated January 2019 have been fully implemented.

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

13. The south (rear) facing glazing within the oriel windows on the rear elevation of the building shall be obscure glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy and to accord with policy 10 of the ACS

Regulatory/ongoing conditions

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

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:
Elevations reference Elevations and sections MD1807 (A) 04 revision E, received 10 May 2019
Planning Layout reference Floor plans as proposed MD1807 (A) 02 revision E, received 10 May 2019
Planning Layout reference Floor plans as proposed MD1807 (A) 03 revision E, received 10 May 2019
Elevations reference Rear elevation details MD1807 (A)09 revision B, received 10 May 2019
Planning Layout reference Site plan MD1807 (A) 01 revision C, received 11 March 2019
Drawing reference Typical details MD1807 (A) 08, received 4 March 2019

Reason: To determine the scope of this permission.

Informatives

1. If the development will create one or more new addresses, either for new build or conversion, you should contact the Council's Address Management Team, who are legally responsible for agreeing and registering addresses. Contact should be made at the latest by the time you receive Building Control permission to avoid any problems for developers, occupiers or visitors, which often occur when unofficial addresses come into use. If you are unsure whether this applies to the development, please contact the Address Management Team who will be happy to give advice.

The Team can be reached via their web page at: <http://www.nottinghamcity.gov.uk/about-the-council/access-to-information/managing-addresses>

They can also be contacted by email at: address.management@nottinghamcity.gov.uk or by phone on 0115 8765012.

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

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.



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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.

3. 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.

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: 19/00393/POUT (PP-07644355)

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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Not for issue