

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**Units 1 2 3 4 7 And 9, Radmarsh Road**

**1 SUMMARY**

- Application No: 19/02325/PFUL3 for planning permission
- Application by: Church Lukas on behalf of Omni Developments
- Proposal: Erection of six storey co-living student accommodation block, with associated ancillary accommodation & structures

The application is brought to Committee because it is a major application on a prominent site, where there are important land use and design considerations

To meet the Council's Performance Targets this application should be determined by 16th January 2020

**2 RECOMMENDATIONS**

**2.1 To GRANT PLANNING PERMISSION** subject to:

(a) (i) receipt of confirmation from the Environment Agency that measures proposed and agreed with the developer, secure the provision of satisfactory mitigation to ensure the development is safe for its lifetime from flooding and would not result in flooding elsewhere

(ii) delegation to the Director of Planning and Regeneration final details and terms of a Planning Obligation as to whether a financial contribution towards Environment Agency flood alleviation works along the River Leen corridor associated with the site and wider area, should be sought and as to the quantum of such a contribution, subject to him being satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is necessary to make the development acceptable in planning terms; directly related to the development; fairly and reasonably related in scale and kind to the development.

(b) Prior completion of a Section 106 Planning Obligation to secure:

(i) An off-site Public Open Space financial contribution of £46,804.26 towards enhancement in the surrounding area;

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

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

- 2.2 Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought at 2 (b) (i) and (ii) above are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

### **3 BACKGROUND**

- 3.1 The site is a former timber yard situated at the end of Radmarsh Road in Lenton.
- 3.2 The site is approximately 20m in width and 110m in length and bound by the railway to the east and the River Leen to the west. The site is largely flat and contains a collection of semi-dilapidated single storey buildings. The land level on site is approximately 1.4m lower than the existing path which runs along the western boundary of the site.
- 3.3 Radmarsh Road at present is mixed use at the Derby Road end with a pub (The Three Wheatsheaves) on the eastern side and car dealership (Toyota/Lexus) with associated vehicle storage along the majority of the western side of the road. Between the aforementioned pub and the development site are a collection of four storey student accommodation buildings providing approximately 200 units, managed by Unite Students. At the northern end of Radmarsh Road is a footpath which leads to a footbridge over the River Leen, providing access onto the Jubilee campus.
- 3.4 To the east of the site beyond the railway line are properties which front onto Faraday Road, which are a mix of commercial and residential. To the west are buildings within the University of Nottingham's (UoN) Jubilee Campus, the closest being the circular, four storey, Ingenuity Centre.
- 3.5 The site is designated as being within Flood Zones 2 and 3b. The site is also partially located within an Archaeological Constraint Area as identified within the allocations map within the Local Plan.
- 3.6 The site falls within the area safeguarded for the expansion of the Jubilee Campus. Within the Development Brief for the campus this south eastern corner of the plan area is designated for 'mixed use' development associated with its primary function for education and research and development (R&D) use.

#### **Site Planning History**

11/02013/PFUL3 - Erection of 221 student dwellings in a 6 storey building, cafe to ground floor and associated works. Withdrawn 2012

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

- 4.1 Planning permission is sought for the construction of a six storey student accommodation block providing 222 bed spaces with associated ancillary accommodation & structures.
- 4.2 The accommodation is proposed to be a mix of cluster flats (5/6 beds) and self-

contained studios. The proposed ratio would be approximately 67% cluster flats and 33% studios. All rooms would have en-suite bathrooms and range in size from approximately 12m<sup>2</sup> to 25m<sup>2</sup>. All cluster flats would have access to shared kitchen/living spaces and all rooms would have access to a communal 'Winter Garden' area, centrally located within the building with access from all floors.

- 4.3 To the front of the building is proposed an energy centre incorporating facilities management area and staff room. To the side and rear of the energy centre would be a covered bin and cycle store. Provision has been made for the storage of 22 bins and 50 bikes.
- 4.4 Extensive landscaping is proposed to the front and side of the building as part of the scheme which is supported by an illustrative landscape masterplan. No parking is proposed, with the exception of 1 space for the facilities manager to the front of the energy centre and 2 disabled parking bays.
- 4.5 Local employment and training opportunities will arise from this development and discussions are underway with the applicant to secure the delivery of these opportunities through working with the Council's Employer Hub.

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

### **Adjoining occupiers consulted:**

29 neighbouring properties notified on Radmarsh and Faraday Roads.

Site notices have been posted on both roads and an advert placed in the paper.

(The site was the subject of a public consultation event when the last application was submitted in 2011, at which time it was also reviewed by the Design Review Panel).

Three letters of representation have been received two from neighbouring residents and one from the University of Nottingham stating:

The area cannot accommodate an extra 222 students. The proposed building is too large and unattractive. The extra students will be a drain on public transport/doctors/dentists and shops.

The area should be made more family friendly, if this is not possible the building should be made smaller and used as a newsagent or similar that would be beneficial to the area.

The University of Nottingham supports the principles of good quality design and the utilisation of brownfield sites.

The proposed scheme meets the broader objectives of the University's master plan (which will imminently be replaced) and opens up the eastern boundary of Jubilee Campus.

The site is constrained by the narrow plot, the railway line, the river Leen and a sewer running through it. The use is appropriate for the location. The proposed scheme integrates well with the Campus and resolves the health and safety/ security issue associated with the cut through from Radmarsh Road to the Campus.

### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection subject to a number of conditions relating to noise, sound insulation, contaminated land, air quality, lighting and piling.

**Environment Agency:** A meeting has been undertaken and the scheme discussed. Whilst no written comments have been made, comments have been made verbally concerning this application and proposed responses/actions are as detailed in paragraph 7.22 - 7.27. It is anticipated that full comments from the EA will be reported in the update to committee.

**Drainage/Lead Local Flood Authority:** No objection to the proposal. Request details relating to the maintenance arrangements for the proposed drainage features.

**Highways:** No objection subject to condition and informatives relating to electric vehicle charging, parking bay provision, waste collection and a travel plan

**Biodiversity:** No objection subject to biodiversity enhancement being provided in accordance with the recommendations of the submitted ecology report.

**Archaeology:** No archaeological work is required in advance of determining the application or by condition. An archaeological Desk Based Assessment submitted with the application suggests that an archaeological evaluation may be required for this site. However, the potential for archaeological remains is considered to be too low to justify archaeological fieldwork.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **Aligned Core Strategy (ACS) (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.

R2 - Open Space in New Development.

CE8 – Further and Higher Education.

NE9 - Pollution.

NE10 – Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 – Car, Cycle and Servicing Parking.

E4 – Regeneration of previously-used Employment Sites and Employment Premises

### **Emerging LAPP (September 2019)**

Policy CC1: Sustainable Design and Construction

Policy CC2: Decentralised Energy and Heat Networks

Policy CC3: Water

Policy DE1: Building Design and Use

Policy EE3: Change of use to non-employment uses

Policy EN2: Open Space in New Development

Policy EN5: Development Adjacent to Waterways

Policy EN6: Biodiversity

Policy HO1: Housing Mix

Policy HO2: Protecting Dwellinghouses (use Class C3) Suitable for Family Occupation

Policy HO5: Locations for Purpose Built Student Accommodation

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy LS2: Supporting the Growth of Further and Higher Education Facilities

Policy RE1: Facilitation Regeneration

Policy TR1: Parking and Travel Planning

### **Other documents**

Nottingham Authority Monitoring Report (March 2019)

Strategic Flood Risk Assessment (SFRA) (2008)

Building Balanced Communities Supplementary Planning Document (March 2007)

Jubilee Campus Development Brief (2004)

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

- (i) Principle of Student Accommodation
- (ii) The Design and Appearance of the Development
- (iii) Impact on Amenity of Surrounding Residents
- (iv) Flooding and Drainage
- (v) Highway Considerations
- (vi) Other matters

- (i) **Principle of Student Accommodation** (Policies A and 8 of the Aligned Core Strategy, Policies ST1, CE8, E4, H2 and H6 of the Local Plan, Policies EE3, HO5 and HO6 of the emerging LAPP, the Building Balanced Communities SPD (BBCSPD) and the Jubilee Campus Development Brief).

- 7.1 Historically the site has been used as employment land as a timber yard and more recently for storage by the owner. The site is not identified as being part of a Major Business Park/Industrial Estate. Policy E4 of the Local Plan and Policy EE3 of the LAPP require applications for the regeneration of previously-used employment sites and employment premises outside of Major Business Parks/Industrial Estates or allocated sites to be assessed against certain criteria. These policies seek to ensure that there are sufficient supply of alternative employment land and premises, and factor in the regeneration benefits of a particular scheme. The use of the timber yard ceased some years ago and the buildings on the site are in a poor state of repair and of limited potential for alternative industrial use. The site is also heavily constrained (discussed later in the report) and within an area identified for the expansion of the Jubilee Campus, hence in this instance the move away from industrial use and the redevelopment of this long term disused brownfield site is accepted as a matter of principle. The proposed purpose-built student accommodation (PBSA) would result in a positive regeneration of the site and would create new full and part-time employment through the construction, management, security and maintenance of the scheme.
- 7.2 As student accommodation, the principle of the proposal needs to be considered against Policy 8 of the ACS, saved policies ST1, CE8 and H6 of the Nottingham Local Plan, the Building Balanced Communities Supplementary Planning Document (BBC SPD) and policies HO5 and HO6 of the emerging LAPP.
- 7.3 The BBCSPD expands on Policies ST1 and H6 (student housing) and sets out the City Council's approach to the imbalance caused by the over-concentration of student housing. It promotes the diversion of students from general housing into purpose built student accommodation in appropriate locations. Policy CE8 supports the provision of accommodation for students as one of the forms of development appropriate within the area safeguarded for the expansion of the Jubilee Campus and this policy consideration is reinforced by the recent appeal decision on Triumph Road covered in more detail within paragraph 7.7 below.
- 7.4 The Nottingham City Land and Planning Policies Document (LAPP) is not yet adopted but has undergone examination and the policies therein are considered to be NPPF compliant and show the Council's direction of travel in terms of planning policy. Policy HO5 (Locations for Purpose Built Student Accommodation) and HO6 (Houses in Multiple Occupation (HMO's) and Purpose Built Student Accommodation (PBSA)) are considered to be particularly relevant to this proposal. Policy HO5 states: *Purpose built student accommodation of an appropriate scale and design will be encouraged, subject to developers demonstrating that there is a need for additional student accommodation. Acceptable locations are detailed as being, amongst other locations, on University Campuses and on allocated sites where student accommodation use accords with site specific development principles.* Policy HO6 states that: *development will only be granted where it does not conflict with policies HO1 and HO2 and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities.*

- 7.5 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). Policy HO6 states that in assessing the development's impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard will be given to the existing proportion of HMO's and/or other student households and whether the proportion of existing and proposed development amounts to a significant concentration. It goes on to qualify that this excludes PBSA within areas identified in Policy HO5 where such development will be encouraged.
- 7.6 The Jubilee Campus Development Brief (2004) identifies the site as being within the extended campus boundary and within Quarter 4, which is designated for 'mixed use'. The brief states that uses within this area must be compatible with the objective of creating a high quality centre of learning and employment, with the anticipation of provision of student accommodation at the eastern edge of the zone. As the proposal achieves this it would accord with this document.
- 7.7 In a recent appeal decision at 3 Triumph Road (18/01498/POUT) for the erection of student accommodation elsewhere within the area designated for the expansion of the Jubilee Campus, the inspector determined that whilst the proposed development was within Quarter 2 (zoned for academic expansion), it would not undermine the overall objectives of the Development Brief and furthermore, would accord with development plan policies that have been adopted since then, namely the adopted Local Plan and emerging LAPP.
- 7.8 At a more strategic level it is recognised that the number of students within the city continues to grow and this is a trend that has been the case for at least the last four years. The Annual Monitoring Report (published in March 2019) received responses from over 95% of the known 22,000 PBSA bed spaces within the city. Vacancy rates for the 2018-19 academic year are detailed at 0.3% in spite of a further 1,000 PBSA spaces being made available in comparison to the year before. The vacancy rate seen this year is a reduction from the 1.2% identified in 2016-17 and 0.5% in 2017-18.
- 7.9 The scheme submitted is the second project by the developer who also provided the Graystacks development on Castle Boulevard, which is highly regarded concerning the promotion of social cohesion for its residents. The developer has stated that the development has been specifically designed to attract students who would normally move into HMO's after their first year in PBSA. The developer considers that some of the reasons students choose to leave PBSA is that the scheme they initially reside in typically would have:
- Small rooms with single beds
  - Limited social space for groups to interact and meet
  - Small windows with poor ventilation and
  - Limited communal space within the building
- 7.10 The rooms proposed within this development are detailed as being approximately 25% larger than other typical PBSA and all rooms are provided with double beds. Shared space for the cluster flats is detailed as being approximately 20% larger than other comparable developments offering both kitchen, dining and separate lounge area, allowing groups greater opportunity to interact. The proposed building is heavily glazed to the general benefit of the residents living conditions and

includes an additional 330m<sup>2</sup> of communal space accessible to all occupiers across all floor, referred to as the 'winter garden'. The developer states that the accommodation is designed to appeal to the HMO market by providing accommodation that matches the typical group size (4, 5 or 6 people), with enhanced private, social and communal space that would attract students that would otherwise occupy HMO's in Lenton and Dunkirk.

- 7.11 The proposed site on the edge of the extended Jubilee Campus is considered to be an acceptable location for further PBSA provision. The building would respond to the evidenced need for further student residences and provide a high standard of accommodation within close proximity to the existing Jubilee Campus that would seek to reduce the demand for HMO's in the Lenton/Dunkirk area, to the benefit of the local community. It is not considered that the development would be in conflict with the Jubilee Campus development brief and would accord with policies contained within the adopted Aligned Core Strategies, saved policies within the Local Plan and emerging policies HO5 and HO6 of the LAPP. The principle of student accommodation is therefore considered acceptable subject to the below considerations.

**(ii) The design and Appearance of the Development (Aligned Core Strategy Policy 10 and emerging LAPP policy DE1 and guidance contained within the NPPF)**

- 7.12 The application site is long and narrow and the proposed development has also been influenced by a number of constraints, including a large gas pipeline easement and flood risk. The existing site level is approximately 1.4m lower than the surrounding land and given concerns relating to flooding it is necessary to raise the level accordingly.
- 7.13 Design references for the development have been taken from the Graystacks PBSA scheme on Castle Boulevard. The building would be of contemporary design with materials predominantly being brick with cladding panels, finished with a flat roof. The building would be six storeys in height with the top floor recessed and finished in materials to match the plinth, creating a defined top, middle and bottom to the building. Openings are arranged in a grid pattern with a centrally located, highly glazed 'winter garden'. An arrival plaza is proposed to the front of the building which when combined with the proposed landscaping scheme would connect to the existing footbridge providing linkage to the Jubilee Campus. To the front of the building is the single storey energy centre which also incorporates the bin store area in a light weight pergola style building.
- 7.14 The overall scale of the building would sit comfortably with the neighbouring Unite building to the south and when viewed within the context of neighbouring buildings situated to the west on the Jubilee Campus. The transition in scale from the existing low rise buildings to the east of the railway line, when viewed from Faraday Road, is more noticeable. However, the railway line presents a very strong and definite break in the townscape at this point and the building would be viewed in the context of the neighbouring Unite development and against the backdrop of the Jubilee Campus, and would therefore not appear out of character with the wider area. The proposed material palette of largely brickwork, as shown on the submitted CGI's, is considered to sit well with neighbouring buildings, with precise details to be secured by condition.

- 7.15 The site would incorporate areas of green space to the front and side as illustrated on the submitted plans and within the landscape masterplan which would be beneficial to the overall character of the area and provide a significant enhancement in comparison to the semi-derelict state of the former wood yard. Precise details in relation to planting would be secured via condition. Given the nature of the open space being provided on the site, it would offer limited accessibility to the general public. It has therefore in discussion with the applicant been agreed that an off-site contribution be made towards enhancement of public open space in the surrounding area, which would be secured via the s106 agreement.
- 7.16 Subject to precise materials and landscaping details being secured via condition it is considered that the development would be a positive addition to the site and wider townscape and would accord with Aligned Core Strategy Policy 10, emerging LAPP policy DE1 and guidance contained within the NPPF.

**(iii) Impact on Amenity of Surrounding Residents** (Aligned Core Strategy Policy 10 and Local Plan Policies H2, NE9, NE10, NE12 and policy DE1 and IN2 of the emerging LAPP)

- 7.17 The proposed building is relatively well removed from existing residential properties with the closest dwellings 101-109 Faraday Road approximately 20m to the east of the site, on the other side of the railway line. These properties do not have any windows in their rear elevation given the proximity of the railway line and therefore window to window overlooking would not occur. These properties are town houses with no garden areas and as such no overlooking of private amenity space would occur. Other properties situated on the western side of Faraday Road are industrial premises and further to the north, a children's nursery. Additional residential properties are situated on the other side of Faraday Road, on Kittiwake Mews and Heron Drive, with the separation to these properties approximately 40-50m. At the time of writing this report no letters of representation have been received from any third parties.
- 7.18 The application is supported by a Shadow Analysis contained within the Design & Access Statement. The analysis demonstrates that the building would result in a degree of overshadowing during afternoon periods. The overshadowing would largely affect the closest properties to the east of the site; notably 101 – 109 Faraday Road. As detailed above these properties have no windows orientated towards the site and no functional garden areas. The overshadowing proposed is not considered to be so significant as to warrant a resistance to the proposal on this basis.
- 7.19 Given the location of the building within close proximity to the Jubilee Campus and neighbouring student accommodation buildings there is a need for robust management arrangements. Accordingly, a student management plan necessary to negate issues regarding parking, waste management and anti-social behaviour within the locality. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation. The management plan would be secured through a s106 obligation.
- 7.20 Environmental Health colleagues have reviewed the submitted details and raised no objection but have recommended noise assessment/sound insulation conditions

to protect existing and future residents, including potential noise disturbance arising from external plant. In addition, further information is required in relation to an air quality assessment and piling design. All relevant information can be secured via condition. The submitted CGI's show the inclusion of a roof terrace area on the north western corner of the building. This has been discussed with the applicant who has stated that they are still unsure if a roof terrace would be provided or who it would be accessible to. This has been discussed with Environmental Health who have raised concern regarding its potential for noise disturbance. It is therefore recommended that details and management of any potential roof terrace be secured via condition.

7.21 In consideration of the amenity for future occupiers, room sizes are considered to be acceptable and the generously proportioned communal spaces, including the centrally located winter garden, are welcomed. This would be further supported by the landscaped areas to the front of the building, providing an attractive external space for the residents' use. A landscape masterplan has been submitted in support of the scheme, however precise details would be secured via condition.

7.22 On this basis, the design of the scheme and relationship with surrounding properties would ensure that the proposal would not result in an unacceptable level of harm to existing residents, or result in the types of issues identified in the Building Balanced Communities document such as noise and disturbance, poorly maintained properties and inappropriate management of waste disposal. The proposal therefore complies with the requirements of Policy 10 of the Aligned Core Strategy, Policies H2, H6 and NE9 of the Local Plan and the Building Balanced Communities SPD.

**(iv) Flooding/Drainage** (Aligned Core Strategy Policy 1, Local Plan Policy NE10 and policy CC3 of the emerging LAPP)

7.23 The site is designated as being within Flood Zones 2 and 3b (functional flood plain) in accordance with Environment Agency mapping. In the latter there is a general presumption against new build development. The application has been supported by a detailed Flood Risk Assessment (FRA) and discussions are currently on-going with the Environment Agency (EA) regarding this. The applicant's FRA states that notwithstanding the sites classification as functional flood plain, given the nature of the site as a former wood yard it is therefore deemed as brownfield land and should be treated as Flood Zone 3a (high probability of flooding). The classification of the land as 3a does not negate residential development, subject to compliance with the necessary sequential and exceptions tests and the provision of satisfactory mitigation to ensure the development is safe for its lifetime from flooding, and would not result in increased flooding elsewhere.

7.24 The development proposes to set floor levels 600mm above the 1 in 100 annual probability of flooding, plus an additional allowance for climate change which in this instance is +50%. The site currently sits approximately 1.4m lower than the footpath to the front of the site which provides access to the Jubilee Campus footbridge. To achieve the proposed finished floor levels the building is proposed to be raised above existing ground levels with open voids under the building for flood storage. The increase in land level would be graded from Radmarsh Road and as demonstrated within the CGI's, the change in level would not be particularly apparent from the public realm.

- 7.25 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. An 800m search zone surrounding the site was established in the FRA considered in the 2011 application, which is understood to have been accepted by the EA. The sequential test fails to identify any available sequentially preferable sites at a lower risk of flooding within the search area and it is therefore concluded that the sequential test is passed.
- 7.26 In relation to the exception test it is necessary for the applicant to demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development would be safe from flooding for its lifetime. Flood attenuation is proposed as part of the overall scheme with dry swales incorporated as landscape features and flood storage provided under the building, that would prevent flows continuing along Radmarsh Road and flooding further properties, including residential properties to the south in Old Lenton. The proposal is therefore considered to pass the Exception Test.
- 7.27 The EA have also identified a scheme of strategic flood mitigation works along the river Leen corridor, particularly around Midland Way to the north of the site, that would not only improve the flood profile for this development but other development sites in the vicinity, taking them out of flood zone 3b. The works could also safeguard up to 300 existing residential properties within the local area. Discussions relating to a contribution from the applicant towards these flood mitigation works are on-going, but this is agreed in principle by the applicant and would be secured through the S106 agreement.
- 7.28 Subject to the detail contained within the supporting FRA and on-going discussions with the EA, it is considered that the development would be safe for its lifetime from flooding, would not increase flood risk elsewhere and through wider flood mitigation works, would positively contribute to improving the flood profile of the surrounding area. The proposal has also been reviewed by drainage colleagues acting as the Lead Local Flood Authority. No objection has been raised to the proposed development subject to further details being supplied relating to long term maintenance of flood mitigation measures, which shall be secured via condition. Subject to condition and s106 contribution, the proposal therefore accords with Aligned Core Strategy Policy 1, Local Plan Policy NE10 and policy CC3 of the emerging LAPP.

**(v) Highway Considerations** (Aligned Core Strategies Policy 10 & 14, Local Plan Policy T3 and policy TR1 of the emerging LAPP)

- 7.29 The application is supported by a detailed Transport Statement which has been reviewed by Highways colleagues. Policy T3 seeks to preclude development that would be detrimental to highway safety. There is no student parking provision for this development and there would be a restriction within the student management plan to prevent residents from bringing vehicles to the development and surrounding area. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that the proposed development should not pose a risk to highway safety on his basis. The scheme incorporates secure cycle storage with 50 bike spaces proposed. The site is very close to the Jubilee Campus with a direct footbridge link, thereby encouraging the majority of occupiers to walk to the University. The site also benefits from close proximity to Derby Road as a main arterial bus route to/from the city centre. Precise details relating to pick up and drop off would be secured via the student management scheme as part of the s106 agreement. Limited parking is proposed on the site with one space for

building maintenance and two disabled spaces. In the interests of continued sustainability details relating to the provision of electric vehicle changing would be secured via condition. Subject to condition the development is considered to accord with policies 10 and 14 of the ACS, policy T3 of the Local Plan and policy TR1 of the emerging LAPP.

**(vi) Other Matters**

**Planning Obligations** (Aligned Core Strategy Policy 19, policy H5 of the Local Plan and policy IN4 of the emerging LAPP)

7.30 In order to comply with development plan policy and the requirements of the relevant Supplementary Planning Guidance, planning obligations are necessary to make the development acceptable in planning terms, which are directly related to the development and fairly and reasonably related in scale and kind to the development. They would be secured within a s106 agreement and secure the following:

- A student management scheme, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management
- A financial contribution towards Environment Agency flood alleviation works along the River Leen corridor associated with the site and wider area (as appraised above) ;and
- A financial contribution towards off-site Public Open Space - £46,804.26 in lieu of on-site provision.

The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. This would be directed towards improvements in the vicinity of the site.

7.31 Such obligations are considered to meet the requirements of Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that the planning obligations sought are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

**Biodiversity** (Policy 17 of the Aligned Core Strategies, Policy NE3 of the Local Plan and Policy EN6 of the emerging LAPP)

7.32 The application has been supported with an ecological appraisal and arboricultural assessment. The information submitted has been reviewed by the Biodiversity Officer who has raised no objection to the proposal subject to a number of conditions relating to provision of hedgehog friendly fencing, bird and bat boxes within the fabric of the building, development occurring outside bird breeding season, and the development being undertaken in accordance with recommendations contained within the ecology report. A recommendation for the provision of a green wall for the side elevation of the bin storage area has been made to enhance the proposed green space on the site, which can be secured via condition. Subject to these conditions it is considered that the development would accord with Policy 17 of the Aligned Core Strategies, Policy NE3 of the Local Plan and Policy EN6 of the emerging LAPP.

**Archaeology (Policy BE16 of the Local Plan and policy HE2 of the emerging LAPP)**

- 7.33 The site is partially located within an Archaeological Constraint Zone as identified within the proposals map of the Local Plan/LAPP. A desk top archaeological assessment has been undertaken and reviewed by the City Archaeologist. It is considered that the potential for archaeological remains on the site is low and no further detail is required. The proposal accords with Policy BE16 of the Local Plan and policy HE2 of the emerging LAPP in this regard.

**8. SUSTAINABILITY/BIODIVERSITY**

- 8.1 The application has been supported by an Energy Statement and a further update has been provided during the lifetime of the application. The building has been designed to follow the energy hierarchy; Be Lean, Be Clean and Be Green to reduce the building's carbon footprint. The building proposes a fabric first approach and would have U-Values and air tightness which surpass Building Regulation standards. The building would be totally heated by Air Source Heat Pumps, which have a high co-efficient of performance allowing 3 times the amount of energy to be generated than is Imputed. There will also be a small back up provision of gas boilers provided. The use of Water Source Heat Pumps have been considered given the proximity of the river, however the varying temperature of the river is considered to result in instability and less efficient performance.
- 8.2 In addition discussions have been had with the applicant following initial comments received. It has been agreed that the wall of the energy centre fronting the river would be a living wall and the roof of the building would be a green roof. Precise details would be secured via the landscaping condition.

**9 FINANCIAL IMPLICATIONS**

As detailed above a section 106 agreement would secure:

- A financial contribution towards off-site Public Open Space - £46,804.26 in lieu of on-site provision
- A financial contribution towards flood risk mitigation and
- A student management plan to include restrictions on car use

**10 LEGAL IMPLICATIONS**

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

**11 EQUALITY AND DIVERSITY IMPLICATIONS**

The proposed development has been designed to be compliant with current building regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

**12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Neighbourhood Nottingham: Redevelopment of a partially cleared brownfield site with a quality sustainable residential development. Providing on campus PBSA in order to develop a more sustainable community within the local area.

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

**14 CRIME AND DISORDER ACT IMPLICATIONS**

The development 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: 19/02325/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZIFGGLYJ6N00>

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

Nottingham Local Plan (November 2005)  
Aligned Core Strategy (September 2014)  
Emerging LAPP (September 2019)  
NPPF (2019)  
Nottingham Authority Monitoring Report (March 2019)  
Strategic Flood Risk Assessment (SFRA) (2008)  
Building Balanced Communities Supplementary Planning Document (March 2007)  
Jubilee Campus Development Brief (2004)  
Open Space SPG (2011)

**Contact Officer:**

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# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided

**My Ref:** 19/02325/PFUL3 (PP-08215132)  
**Your Ref:**  
**Contact:** Mr James Mountain  
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**Nottingham  
City Council**

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20 Victoria St  
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Date of decision:

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

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Application No: 19/02325/PFUL3 (PP-08215132)  
Application by: Omni Developments  
Location: Units 1 2 3 4 7 And 9, Radmarsh Road, Nottingham  
Proposal: Erection of six storey co-living student accommodation block to provide 222 bed spaces, with associated ancillary accommodation & structures

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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 agreed in writing with the Local Planning Authority. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, offloading, within the site during the construction period. Vehicles delivering to the site cannot be permitted to wait/park on the highway. The Construction Traffic Management Plan shall also include a construction traffic routing agreement.

*Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan*



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3. 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 the 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.

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

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

For Anticipated Future Demand:

To prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

The development shall not be occupied until the agreed charging scheme has been installed and it shall thereafter be retained for the lifetime of the development.

*Reason: In the interests of sustainable transport and to accord with policy T3 of the Local Plan*

5. Prior to the commencement of 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 that builds on the report submitted with the application ('Noise and Vibration Survey Report' by SRL dated 14th Aug 2019 (report No.15065/T02b)).

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 L<sub>Amax</sub>(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation 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 affect by noise and to accord with policy NE9 of the Local Plan.*



6. Prior to the commencement of 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).

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 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 development, a Remediation Strategy that 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 Site Investigation, based on 'Phase 1 Desk Study Report for Graystacks Radmarsh Road' by Geodyne No Date (poss ref: 39134 Phase I Desk Study Report) and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in 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.*

8. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers.

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

*Reason: 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.*

9. Prior to the commencement of above ground development, an assessment of the overall air



quality impact of the development which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- A full air quality impact assessment of the heating and power generating proposals and the concentrations of pollutants of concern at sensitive receptors
- A stack height calculation (where appropriate)
- Details of an abatement techniques and mitigation of potential impacts

The 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.*

### **Pre-occupation conditions**

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

10. Prior to the development first being occupied a landscaping scheme (hard and soft landscaping including surfacing and means of enclosure), in addition to details to enhance biodiversity including a management strategy relating to the provision of green walls and/or green roofs 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 proposed trees, shrubs, green walls and roofs.

Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development; 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; and

No part of the site included in the landscaping scheme shall be used for any other purpose without the prior written consent of the Local Planning Authority.

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

11. No building on site shall be occupied until details of bird and bat boxes and or bricks have been submitted to and approved in writing by the Local Planning Authority. The nest boxes/bricks shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of enhancing biodiversity and to accord with policy EN6 of the emerging LAPP.*

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

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.*



13. Prior to first occupation of the development, verification that the approved external lighting scheme namely 'External Lighting Strategy' by Future Serv dated 23rd Aug (doc ref:P6653/17.0/Reports) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority. If there are changes to the aforementioned report then a new assessment must be undertaken and submitted for approval to the Local Authority.

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

14. Prior to first occupation of the development, 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.*

15. 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: In the interests of the amenity of residents and to accord with policy NE9 of the Local Plan*

16. The residential units shall not be occupied until bin storage facilities and collection arrangements have been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority. The approved details shall thereafter be retained for the lifetime of the development.

*Reason: To ensure that appropriate bin storage facilities have been provided in order to comply with policy 10 of the ACS.*

17. Prior to first occupation of the development, verification that the measures in the approved Energy Statement by Futureserv dated September 2019 (Ref: P6653/17/1) have been implemented and are fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

*Reason: In the interests of promoting a sustainable form of development and to accord with policy CC2 of the emerging LAPP.*



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 in relation to the proposed fifth floor roof terrace.

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 set out the measures for controlling noise associated with the use of the roof terrace.

*Reason: To ensure that noise associated with the occupation of the building and the use of the roof 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. No part of the development hereby permitted shall be brought into use until such time that 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 has been submitted to the Local Planning Authority for approval. 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 avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with policy T3 of the Local Plan.*

#### **Regulatory/ongoing conditions**

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

20. The building shall not be occupied unless it has been carried out in accordance with the submitted flood risk assessment (September 2019, Peter Brett Associates) and the mitigation measures detailed therein. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development, with management and maintenance arrangements to be submitted to and agreed in writing by the Local Planning Authority within 3 months of the first occupation of the building.

*Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in accordance with Policy 10 of the Local Plan and Policy 1 of the ACS*

21. A full residential Travel Plan with supporting measures for residents must be submitted for approval by the Local Planning Authority no later than 3 months after initial occupation. The Travel Plan will use survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

*Reason: In the interests of promoting sustainable travel and to accord with policy T3 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 forms, drawings and other documents comprising the application as validated by the council on 17 October 2019.

*Reason: To determine the scope of this permission.*

### Informatives

1. 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.

Verification that the approved sound insulation scheme has been implemented shall include;

The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme

example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)

photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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.

2. 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:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures



within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

3. The development is located within 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.

4. The approved external lighting scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

5. Vehicles delivering to the site cannot be permitted to wait/park on the highway, in accordance with details to be submitted to and agreed in writing after consultation with the city council highway authority and planning authority. A Construction Traffic Management Plan will be required and this will also include a construction traffic routing agreement. This is in the interests of highway safety.

6. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway. If the development works will have any impact on the public highway, please contact Network Management 0115 8765238.

7. Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer.

8. The applicant is to ensure that bin storage suitable in size to accommodate all residents is placed adjacent to the adopted highway and to an access. This is to ensure refuse collection is from an adopted highway.

9. To progress cycle parking details contact John Bann 0115 8764014

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

11. To discuss electric vehicle charging points please contact Rasita Chudasama on 0115 8763938.

12. A Travel Plan statement is to be provided by the applicant alongside a plan for student pick up and drop off at the start and end of each term. To obtain further information on expectations please contact Transport Strategy 0115 8763093.

13. Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period

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.



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## **RIGHTS OF APPEAL**

Application No: 19/02325/PFUL3 (PP-08215132)

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



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