

## **REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION**

### **Former Dunkirk Fire Station, Abbey Street**

#### **1 SUMMARY**

Application No: 13/01312/PFUL3 for planning permission

Application by: Define on behalf of The Nottingham University Academy Of Science & Technology

Proposal: Construction of a 3 storey building for education use (Use Class D1) and associated infrastructure and landscaping.

The application is brought to Planning Committee because this is a major development on a prominent site where there are significant design and transport considerations.

To meet the Council's Performance Targets this application should be determined by 27th August 2013.

#### **2 RECOMMENDATIONS**

Subject to the removal of the Highway Agency direction which requires that planning permission is not granted for a specified period, **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to the indicative conditions substantially in the form listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

#### **3 BACKGROUND**

- 3.1 The application site is located off Dunkirk Road and comprises the former Dunkirk Fire Station and a neighbouring site which contained some small industrial units. It lies immediately adjacent to A52 Clifton Boulevard, north of the flyover that crosses over its junction with Abbey Street. The boundary of the site on the south side, adjacent to the flyover, abuts a public footpath/cycle route which leads to an underpass under the A52. The site is bounded to the east and south east by school playing fields used by Dunkirk Primary School and by the PDSA Animal Hospital, beyond which is a residential street known as Waterside Gardens. To the west it is bounded, in part, by Dunkirk Road which has residential properties on the opposite side of the road, and in part, by Abbey Street. The Queen's Medical Centre campus is situated to the west of Abbey Street.

- 3.2 The site currently has a single vehicular entrance directly off Dunkirk Road, at the northernmost boundary of the site, but whilst the Fire Station was operational there was also an access directly on the Dunkirk roundabout.
- 3.3 All buildings within the site have been demolished and the site is currently used as a temporary car park for displaced parking from the University Medical School as a result of the works to provide the new tram route through the area.
- 3.4 Since the closure of the Fire Station the site has been considered for alternative uses over a number of years, including purpose built student accommodation, but no planning applications have been pursued.
- 3.5 A planning application (ref 13/01766/PFUL3) has recently been made for a multi-use games area (MUGA) on part of the school playing field to the south of the former fire station site. This would be for the use of both the academy and the Dunkirk Primary School.

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

- 4.1 The planning application seeks full planning permission for a specialist learning facility for up to 860 pupils aged between 14-19 years, to be known as the Nottingham University Academy of Science and Technology (NUAST). The application proposes the construction of a three storey building to house facilities including Science and Technology specialist workshops, an activity hall, dining facilities, IT specialist classrooms, a Learning Resource Centre and general teaching classrooms. In addition, the application seeks approval for landscape and infrastructure works.
- 4.2 The proposed building comprises a central hub with two wings where the bulk of the teaching accommodation would be provided. This enables the central area to include double and triple height spaces which are apparent from the external elevations.
- 4.3 The siting of the building will define the street frontage, aligning it towards Abbey Street and Clifton Boulevard, including a set back from Abbey Street to create an entrance plaza and generally improve pedestrian routes. The rear of the building will enclose an outdoor recreation / seating area proposed to be enhanced by hard and soft landscaping. One existing tree on the frontage to Abbey Street is shown to be retained and new tree planting is proposed to mitigate for the loss of some others.
- 4.4 The design and proposed materials of the elevations of the building differ to reflect the varying context. The southern elevation is predominantly profiled metal cladding with punched windows. The west elevation is proposed as thin horizontal metal panels with a more typical window arrangement. The courtyard elevation is predominantly render. The ground floor around the entire building is a brick plinth with windows and a lower glazed panel. An area of full height curtain wall glazing is proposed as part of the western elevation. The main entrance is in this area leads into the triple height space. Similarly, at the rear of the building is a further area of curtain wall glazing adjacent to a double height space. A large "picture window" is also incorporated into the south western elevation facing towards the A52 and the roundabout. It is intended to use yellow as a feature colour throughout the building. The profiled metal cladding on the southern elevation has the appearance of

“wrapping over” the northern block, creating a deep roof edge into which the accent colour is incorporated.

- 4.5 It is proposed that an array of south facing photovoltaics panels be installed on the roof of the building to address the requirement for a 10% carbon reduction through the use of renewable or low carbon energy sources. This would be exceeded by 3%. Energy reduction is also to be achieved through the use of heat recovery, high energy efficient heating plant, high efficiency lighting and energy saving lighting controls, thereby ensuring that the development would exceed Part L of the Building Regulations.
- 4.6 The primary pedestrian access route to the development will be directly from Abbey Street where a new pedestrian crossing is proposed. Pedestrian access from the underpass below Clifton Boulevard that connects to the main footpath and playing fields will be maintained. Vehicular access to the site will be from Dunkirk Road at the northwest corner of the site. Parking is provided for 28 cars around the northern edge of the site and cycle and moped parking also included. Service vehicles would have a dedicated servicing area and two disabled parking spaces are proposed on the forecourt to the academy, also accessed from Dunkirk Road.
- 4.7 The application is accompanied by a Travel Plan and a Transport Assessment which assess the highway implications of the proposal and the issues arising from the need for pupils to access the site by sustainable means of transport. The importance of NET Phase 2 in this respect is key as a new tram stop will be provided to the north of the site within the QMC campus.
- 4.8 Employment and training opportunities will arise from this development and the applicant has committed to working with the Council’s Employer Hub to deliver local construction employment opportunities

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

### **Adjoining occupiers consulted:**

The application has been advertised by site notice, a press advert and the following occupiers notified.

1 -10, 33, 35, 37, 39, PDSA Veterinary Centre, Dunkirk Road 4, 6, 8, 10 Warwick Street; 63 - 89A (odds) Abbey Street; 1, 1A, 2, 3, 5, 9 Cloister Street; 1 -18 Waterside Gardens; 1, 1A, 2, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 40 Warwick Street; University Hospitals NHS Trust, Queens Medical Centre, Derby Road; Dunkirk Primary And Nursery School, Marlborough Street,

The overall consultation period expired on 1st July 2013. In response three letters have been received from local residents expressing the following concerns:

- Need to ensure full consideration is given to road safety as school will be located at a very busy traffic island;
- Proposal likely to cause congestion on nearby streets;
- No dropping off points for parents are proposed and it is therefore likely that parents will use local streets which struggle with two way traffic;
- Existing cycle path is busy and confusing and care will be needed not to compromise the cycle path at the crossing;
- Query re suitability of Dunkirk Road for construction traffic and delivery vehicles;

- Concern about dropping off in Waterside Gardens and the PDSA; it would be preferable for construction traffic to access the site directly from the roundabout as Warwick Street and Dunkirk Road are used by families and young children;
- Should be restrictions on the delivery times of vehicles;
- Has research been done into how many pupils are prepared to leave their current school at the end of Year 8 to transfer to the academy;
- There is already capacity within the City secondary school system which the academy may magnify.

A resident of Waterside Gardens is concerned about the loss of sunlight to her garden and particularly about the proposed MUGA which if close to the boundary between the playing field and her house would result in loss of privacy and noise disturbance. Another resident of Waterside Gardens has also identified concerns about noise and light pollution from the MUGA.

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

**Noise and Pollution Control:** No objection. Recommend the inclusion of ground contamination and gaseous emissions conditions, lighting and noise conditions to ensure that nearby residents are not affected by the development, and a condition requiring the submission of an air quality assessment together with any necessary mitigation measures to ensure that exposure to poor air quality is minimised.

**Highways:** Interim comments only: Queries regarding the layout in relation to cycle, motorcycle and disabled parking; Travel Plan inadequate and this, in particular, needs to be given emphasis given the number of staff and students who would be expected to travel to the site sustainably; need further details about how construction traffic would access the site.

**Highways Agency:** Insufficient information has been submitted in support of the planning application to ensure that the development would minimise disruption on the A52 trunk road as a result of vehicles entering and exiting the application site. They have therefore issued a holding direction stipulating that planning permission cannot be granted for a six month period to enable the requested information to be submitted for their assessment. The main concerns relate to the consideration of whether a Transport Assessment would be a more suitable document to assess the impact of the development on the highway network; the trip generation and distribution for the academy; the need for a full assessment of the impact of the travel plan measures upon the trip generation and the potential impact of vehicles setting down and picking up students and staff.

**Environment Agency:** No objections but recommend that a condition is imposed requiring the submission of details of surface water drainage and any piling or other foundation designs which use penetrative methods.

**STWA:** No objection subject to the inclusion of a condition requiring the submission of details of the disposal of surface water and foul sewage.

**Tree Officer:** Initially concerned that the submitted tree survey was inaccurate and in particular did not include the best of the trees along the Dunkirk frontage. Recommended an adjustment to the layout which would enable the retention of a further tree on the Dunkirk Road frontage and the planting of replacement trees in the same area, as the present collective value is quite significant, particularly in the

context of the harsh environment of the flyover and other highway infrastructure. New tree planting would help to create a stronger green frontage and provide environmental benefits.

**Greenspace and Biodiversity Officer:** No objection. Initially requested the undertaking of a further bat survey which has subsequently been undertaken and there are no further issues in respect of bats. A condition should be included regarding bat and bird boxes. Recommends that the landscaping scheme incorporate as much biodiversity as possible and it would be beneficial if new tree planting were to be large specimens to compensate for the loss of semi-mature trees. Requires the ecological assessment to make direct reference to reptile mitigation, including the site clearance work methodology as well as what to do if any are found, such as any necessary translocations etc.

**Nottinghamshire Wildlife Trust:** No objection. Highlight the need to stop work and follow the correct procedures in the unlikely event that bats are found and advise that if it proves necessary to commence work during the bird nesting season, a survey should be undertaken by a suitably experienced ecologist.

**Urban Design:** The south eastern elevation (facing the A52) appears robust, with punched windows, creating a “protective shell” against the busy road. This is in contrast to the main north westerly entrance which is dominated by a welcoming and spectacular light weight triple glazed entrance. The combination and contrast of elevations work well together, responding to the external environment and internal uses of the building. Between the two elevations is a two and half storey picture window offering glimpses into the building creating interest and relief against the more solid materials facing the ring road. The proposed colour and lighting which highlight the buildings features will be striking but subtle enough to contribute to the buildings overall quality. The courtyard enclosure helps protect the users from the harsh environment surrounding the building and creates a focus at the end of the central atrium.

Overall, a very well thought out building which will dramatically improve a high profile, neglected site, on a busy route into the city.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework**

The primary emphasis of the NPPF is that all Local Plans and decisions on planning applications should reflect a ‘presumption in favour of sustainable development’. In this respect the NPPF sets out a number of core planning principles (paragraph 17), the most relevant to the proposed development are set out below:

- to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk, and encourage the reuse of existing resources and encourage the use of renewable resources;
- contribute to conserving and enhancing the natural environment and reducing pollution;

- encourage the effective use of land by reusing land;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- deliver sufficient community and cultural facilities and services to meet local needs.

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

ST1 - Sustainable communities - complies

CE1 - Community Facilities – complies

BE2 -Layout and Community Safety -complies

BE3 - Building Design – complies

BE4 - Sustainable Design – complies

BE5 - Landscape Design – complies

NE3 - Conservation of Species – complies

NE5 – Trees – complies

NE9 – Pollution – complies

NE12 – Derelict and contaminated land -Complies

NE10 - Water Quality and Flood Protection – complies

T3 - Car, Cycle and Servicing Parking – complies

**7. APPRAISAL OF PROPOSED DEVELOPMENT**

**Main Issues**

- (i) Principle of development;
- (ii) Layout and design considerations;
- (iii) Impact on residential amenity;
- (iv) Transport related issues

**(i) Principle of development (Policies ST1 and CE1)**

- 7.1 The proposed academy is intended to become a centre for educational excellence, specialising particularly in engineering, science and information technology. It is expected it would have a wide catchment area extending well beyond the city boundary and the choice of the Dunkirk fire station site has in part been informed by the proximity to the University of Nottingham, who are one of the main sponsors and with which the academy will have close links.
- 7.2 Locationally, the site also benefits from close proximity to local sporting facilities, a major teaching hospital and the Nottingham Science Park. It is also in close proximity to the ring road and public transport links, particularly to the NET Phase 2 extension which is currently under construction and will include a tram stop within

the hospital site. In terms of the City Council's priorities the development of the academy is welcomed and will help to deliver key strategic objectives set out under the headings of Family Nottingham, Work in Nottingham and World Class Nottingham which are aimed at improving levels of educational attainment and skills and therefore employment opportunities for young people and also enhancing the reputation of the City internationally as a centre for science and technology related businesses and educational facilities. The establishment of the academy would therefore satisfy Policy ST1.

- 7.3 Policy CE1 requires that new community facilities, including educational establishments, be assessed against a number of criteria, most of which relate to the detailed local impacts that are considered in the following sections. However, this policy also includes the need to ensure that a proposal is well located close to the community it serves, is within, or near to central areas and, is easily accessible by a choice of means of transport. The application site is not within a town or district centre but given the nature of the educational provision and the good accessibility by public transport to the city centre, and from there a wider geographic area the site is considered to be acceptable in accessibility terms. Furthermore, the application site is a prominent brownfield site which is clearly in need of redevelopment following the closure and demolition of the fire station and the small industrial units. The proposal would therefore comply with Policies CE1(a) and (b).

**(ii) Layout and design considerations (Policies BE2, BE3 and BE5)**

- 7.4 The site is in a prominent location on the Dunkirk roundabout and adjacent to the flyover. The approach to the design and layout of the site has been informed by the specific site context, in particular the proximity to the quite harsh urban environment to the west and south of the site, created by the flyover and the roundabout.
- 7.5 The layout of the site and the siting of the building have both taken into account this site context and it is considered that a design solution has been reached which successfully addresses the site's constraints and opportunities. The building will relate well to the street on both Dunkirk Road and Abbey Street, introducing activity and casual surveillance as well as significantly enhancing the public realm by creating a plaza to the main entrance achieved by setting the building back. The siting and design of the building also enables the creation of a quiet outside space to the rear protected from the flyover and roundabout.
- 7.6 Consideration has also been given to improving the environment of the footpath which runs along the southeast side of the site and leads to the underpass under the A52. This currently has poor levels of surveillance and the scheme for the academy has looked at ways of enhancing this. Physical works such as the inclusion of an access point to the academy have not proved to be possible due to a significant change in levels but the building will introduce casual surveillance of this route, and it is intended that the fencing along this boundary will be open.
- 7.7 The scale of the building at three storeys is considered to be in keeping with the area but sufficient to produce a striking modern building appropriate to this prominent site. The south western elevation which faces the A52 appears robust with punched windows, creating a protective shell against the busy road. This is in contrast to the main entrance which is dominated by a welcoming and spectacular lightweight triple height glazed entrance. The combination and contrast of elevations work well together, responding to the external environment and internal uses of the building. The proposal to include a large feature "showcase" window will

add interest and vitality to the building and creates a dramatic contrast to the more solid elevation facing the flyover.

7.8 The proposed materials are derived from the philosophy of a simple and robust structure which is sympathetic to the context but has its own identity. The proposed materials will primarily be a combination of architectural masonry, metal panels, render and curtain walling. It is considered that these are of a quality that is suited to the architecture of the scheme, which will be highlighted by the accent colour and in the hours of darkness by the proposed lighting scheme. The full details of the materials will be secured by condition.

7.9 Overall, it is therefore considered that the proposals will satisfy Policies BE2, BE3 and BE5.

**(iii) Impact on residential amenity (Policies BE3 and NE9)**

7.10 The residential properties nearest the site are located on Abbey Street and the rear of these face the application site. The applicants have undertaken consultation with local residents prior to the submission of the application in the form of a public exhibition and drop-in session. Consultation on the planning application has produced few responses. It is acknowledged that the introduction of the academy into this area will be a significant change in terms of the activity and it is noteworthy that this proposal has not generated a significant level of local interest. The physical relationship between the building and the nearby properties is considered to be acceptable and will not result in any undue loss of residential amenity. Conditions are recommended requiring the submission of a noise survey and an external lighting assessment to ensure that this does not cause undue nuisance to local residents.

7.11 The issues raised by local residents regarding the construction phase are noted and it is intended to impose a condition requiring the submission of a Construction Management Plan which will provide a degree of control over this. With reference to the query regarding access to the site during construction, it has been confirmed by Highways that construction vehicles will have to use Dunkirk Road as there are highway safety issues associated with directly accessing the site from the roundabout.

7.12 The issues the residents have raised regarding the MUGA will be addressed as part of the process of considering the recently submitted planning application for this particular proposal.

**(iv) Transport related (Policies BE2 and T3)**

7.13 The information contained within the both the Transport Statement and Travel Plan have proved to be inadequate in providing the required assurances that the transport issues associated with the proposal have been adequately addressed. This has resulted in a holding direction from the Highways Agency and as yet Highways have been unable to provide detailed comments and recommendations on the scheme. The applicants have been liaising with both the Highways Agency and the Council's Highway Management team and it is anticipated that the outstanding issues will be resolved prior to the Planning Committee meeting. An update sheet will be provided at that time.



## **Other matters (Policies NE3, NE9, NE10 and NE12)**

- 7.14 The Environment Agency has considered the Flood Risk Assessment submitted with the application and has raised no objections to the development on the grounds of flood risk. As recommended, details of surface water drainage are proposed to be conditioned.
- 7.15 Noise and Pollution Control, whilst not objecting to the development, have raised a number of issues and it is considered these can be satisfactorily dealt with by conditions. It is therefore recommended that conditions be imposed relating to ground contamination and gaseous emissions, noise and lighting. Based upon the location of the development on the boundary of an Air Quality Management Area it is also recommended that an air quality assessment be required by condition to ensure that exposure to poor air quality by the occupiers of the building is minimised.

## **8. SUSTAINABILITY / BIODIVERSITY (Policies BE4, NE5 and NE3)**

- 8.1 An energy statement has been submitted with the application which states that photovoltaic cells are to be used to achieve 13.14% saving on carbon emissions. As such the proposal would comply with Policy BE4.
- 8.2 The proposal would result in the loss of ten trees on the site but it is proposed to plant an equal number of replacement trees as part of the development, nine of which are proposed to be located around the main external area to be provided to the rear of the building. Further tree and native hedge planting is proposed to break up the parking area and a key existing tree is to be retained on the site frontage, close to the junction of Abbey Street and Dunkirk Road. Conditions relating to landscaping and tree protection measures will be imposed. Overall, the proposals satisfy Policy NE5.
- 8.3 The Preliminary Ecology Appraisal report and a subsequent bat emergence survey have not identified any significant issues. It is recommended that the mitigation and enhancement measures set out in the report relating to the provision of bird and bat boxes be secured by condition.

## **9 FINANCIAL IMPLICATIONS**

None.

## **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 building would be fully accessible.

## **12 RISK MANAGEMENT ISSUES**

None.

**13 STRATEGIC PRIORITIES**

Family Nottingham, Work in Nottingham and World Class Nottingham. The proposal would a high quality educational facility that will create and opportunities for young people regionally and the local community.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None

**15 VALUE FOR MONEY**

None.

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

1. Application No: 13/01312/PFUL3 - link to online case file:

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=13/01312/PFUL3>

Letter from STWA dated 28.06.13

Emails from Tree Officer dated 07.06.13

Email from Noise and Pollution Control dated 10.07.13

Email from Greenspace and Biodiversity Officer dated 26.06.13 and 30.06.13

Letter from Notts Wildlife Trust dated 19.06.13

Email from local resident dated 26.06.2013

Letter from resident of Waterside Gardens dated 26.06.2013

Email from resident of Waterside Gardens dated 12.06.2013

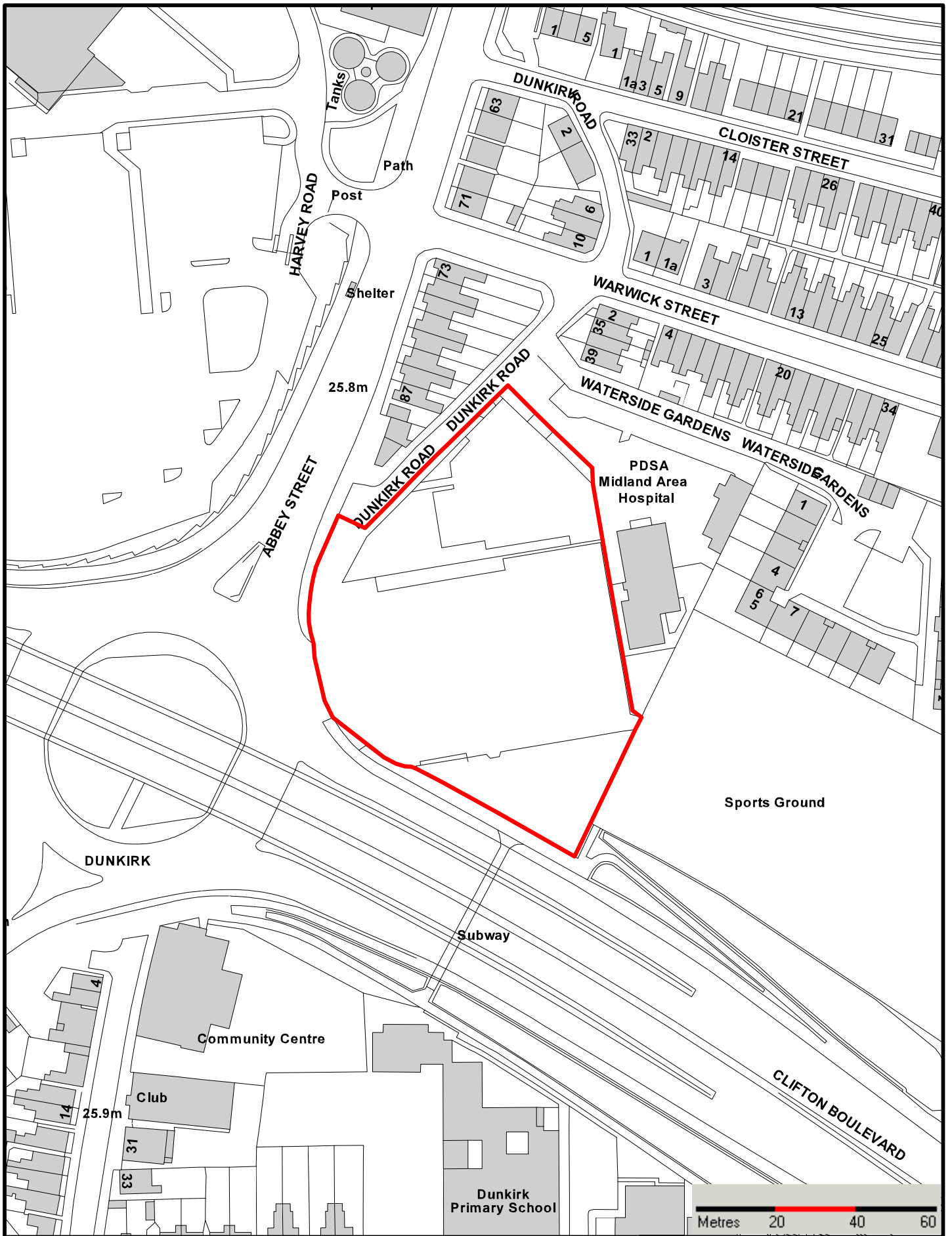
**17 Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

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**13/01312/PFUL3**  
**Former Dunkirk Fire Station, Abbey Street**



**Nottingham**  
**City Council**

**My Ref:** 13/01312/PFUL3 (PP-02658815)  
**Your Ref:**  
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Date of decision:

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

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Application No: 13/01312/PFUL3 (PP-02658815)  
Application by: The Nottingham University Academy Of Science & Technology  
Location: Former Dunkirk Fire Station, Abbey Street, Nottingham  
Proposal: Construction of a 3 storey building for education use (Use Class D1) and associated infrastructure and landscaping.

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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)



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**Not for issue**

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2. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- (i) Vehicular access to the site;
  - (ii) The parking of vehicles of site operatives and visitors;
  - (iii) Loading and unloading of plant and materials;
  - (iv) Storage of plant and materials used in constructing the development;
  - (v) Wheel washing facilities;
  - (vi) Measures to control the emission of dust and dirt during construction.

The Construction Method Statement shall be implemented in accordance with the approved details.

*Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policies BE3 and T3 of the Local Plan*

3. The development shall not be commenced until a detailed scheme to deal with contamination of the site has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to Report on a Ground Investigation for Nottingham UTC by Soil Engineering dated 28/02/2013 (ref TA7022) and shall include an investigation and assessment to identify the nature and extent of contamination and the measures to be taken to avoid any risk to health and safety when the site is developed. In particular the scheme shall include:

(i) details of how the site investigation and the analysis of chemical contaminants are proposed to be carried out, prior to implementation;

(ii) details of the results of the site investigation including the results of all sampling/site testing, and an assessment of the conditions found;

(iii) proposals (including timescales for implementation) for dealing with any conditions or contamination which might be present on the site, and details of the proof testing regimes to be used to ensure that the remedial measures are effective;

(iv) a contingency plan for dealing with any contamination, not previously identified in the site investigation, encountered during the development.

*Reason: In the interests of the health and safety of the occupiers of the development and to ensure that the principal aquifer underlying the site is protected in accordance with Policy NE12 of the Nottingham Local Plan.*



4. The development shall not be commenced until a detailed scheme for dealing with the gaseous emissions on the site and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall have regard to the Report on a Ground Investigation for Nottingham UTC by Soil Engineering dated 28/02/2013 (ref TA7022) and shall include:-
- (i) details of an investigation and assessment of the gaseous emissions on the site;
  - (ii) proposals for ensuring the safe removal of gas;
  - (iii) proposals for preventing the lateral migration of gas; and
  - (iv) any other remedial measures shown in the assessment to be necessary.

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

5. The development shall not be commenced until an air quality assessment has been submitted to and approved in writing by the Local Planning Authority.

The assessment shall assess the effect of existing air quality (in particular the 1 hour mean for nitrogen dioxide and particulate matter) on future receptors within the proposed development and shall also take into account proposed on-site sources such as gas boilers. The assessment shall demonstrate that when appropriate measures for mitigation of poor air quality have been implemented eg whole building ventilation, the exposure of future occupants to poor air quality shall be reduced as low as is reasonably practicable. The assessment shall be carried out using atmospheric dispersion modelling.

Prior to the occupation of the development the approved mitigation measures shall be implemented and operational.

Thereafter the approved mitigation measures shall be maintained, serviced and operated at all times while the development continues to be occupied. Only gas boiler plant for which an air quality assessment has been supplied and approved in writing by the Local Planning Authority shall be installed and operated on site.

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Nottingham Local Plan.*

6. The development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures, have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Local Plan.*

7. The development shall not be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure a high quality development in accordance with Policy BE3 of the Local Plan.*



8. The development shall not be commenced until details of any piling or any other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority, demonstrating that there is no resultant unacceptable risk to groundwater.

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

*Reason: To ensure that the principal aquifer underlying the site is protected in accordance with Policies NE10 and NE12 of the Local Plan.*

9. The development shall not be commenced until details of the materials for the hard surfaced areas of the site based upon a sustainable approach to site drainage have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To reduce the risk of flooding and to improve and in the interests of the appearance of the development in accordance with Policies BE3 and NE10 of the Local Plan.*

10. The development shall not be commenced until details for enclosing the site, including the curved walls on the site frontage, have been submitted to and approved in writing with the Local Planning Authority.

The means of enclosure shall be installed in accordance with the approved details prior to the occupation of the academy.

*Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Local Plan.*

11. The development shall not be commenced until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- (i) Ensure that direct illumination of 'habitable rooms' (living rooms/bedrooms) does not occur and that surrounding residents are not subjected to glare.
- (ii) Include details of the use, design and configuration of the external lighting and a prediction of light levels at the nearest residential properties (isolux plots), with and without mitigation measures in place. The applicant shall ensure that, as far as reasonably practical, there is no increase in existing light levels attributable to the development, at the boundary of the nearest residential properties.

The external lighting scheme shall only be operated in accordance with the approved scheme.

*Reason: In the interests of community safety and to safeguard the amenities of adjoining occupiers in accordance with Policy BE3 of the Local Plan.*

12. The development hereby permitted shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

13. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development hereby permitted, and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

**Pre-occupation conditions**

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

14. The development shall not be occupied until a detailed scheme to deal with noise generated by the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) serving the scheme shall be designed so as not to exceed a level 10dB(A) below the existing LA90 background noise, at a point 1 metre from the window of any nearby noise sensitive residential dwelling at any time during the relevant operational period of the development.

Any item of plant that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise level at a point 1 metre from the window of any nearby noise sensitive residential dwelling from that piece of plant shall be 15dB(A) below the existing LA90 background noise level.

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

*Reason: To safeguard the amenities of adjoining occupiers in accordance with Policy BE3 of the Local Plan.*

15. No part of the development shall be occupied until it has been demonstrated that any air quality mitigation measures have been implemented and are operational in accordance with the details approved under Condition 5.

Any approved mitigation measures shall be maintained, serviced and operated at all times while the development continues to be occupied.

*Reason: In the interests of the health and safety of the occupiers of the development in accordance with Policy NE12 of the Local Plan.*

16. No part of the development shall be occupied until the remedial or precautionary measures required to deal with ground contamination have been completed, the approved regime of proof testing has been implemented to demonstrate the effectiveness of the remediation work, and the results have been submitted to and approved by the Local Planning Authority.

*Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Local Plan.*





17. No building(s), drainage or sewerage facilities, nor any areas surfaced with materials impermeable to gas, shall be used unless the approved remedial, preventive or precautionary measures for removing the gaseous emissions on the site have been implemented. Thereafter the system for dealing with the gaseous emissions shall be monitored and maintained in an efficient condition.

*Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Local Plan.*

18. The approved sustainable design measures set out in the Design and Access Statement shall be implemented before the development is first brought into use.

*Reason: In the interests of the sustainable development of the site and in accordance with Policy BE4 of the Local Plan.*

19. The development shall not be occupied until bat and bird boxes have been incorporated into the building in accordance with details that have first submitted to and approved in writing by the Local Planning Authority:

*Reason: In the interests of conserving protected species and the ecology of the development in accordance with Policies BE5 and NE3 of the Local Plan.*

20. No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas have been provided in accordance with the approved drawings. Thereafter, the parking/turning/servicing areas shall only be used for the purposes approved.

*Reason: In the interests of highway safety in accordance with Policy T3 of the Local Plan.*

21. No part of the development hereby permitted shall be brought into use until the cycle parking facilities as indicated on the approved drawings have been provided.

*Reason: To encourage use of the development by means of transport other than the car in accordance with Policy T3 of the Local Plan.*

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

*Reason: In the interests of ensuring the finished quality of the approved development, the visual amenity of neighbouring properties, and the wider area in accordance with Policies BE3 and BE5 of the Local Plan.*

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

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

23. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars. Paragraphs (a) and (b) below shall have effect until the expiry of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the

prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority. If any retained tree is topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority, then remedial pruning or replacement planting as appropriate shall be undertaken as specified in writing by the Local Planning Authority.

*Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.*

#### **Standard condition- scope of permission**

S1. 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 28 May 2013.

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

#### **Informatives**

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. The Environment Agency recommend that finished floor levels are raised higher above the breach level than currently proposed in order to mitigate against a potential breach.

4. The air quality assessment shall include a prediction of the nitrogen dioxide and particulate pollutant concentrations likely to arise at the site. The assessment shall take account of a range of meteorological conditions including when adverse meteorological conditions. The reference point for pollutant concentration limits is the Air Quality Strategy for England, Scotland, Wales and Northern Ireland Vol. 1 July 2007 and the Air Quality Objectives stated therein i.e.

NO<sub>2</sub> - annual mean no greater than 40  $\mu\text{g}/\text{m}^3$

NO<sub>2</sub> - 1 hour mean 200  $\mu\text{g}/\text{m}^3$  not to be exceeded more than 18 times a year

Particles, PM<sub>10</sub> - annual mean no greater than 40  $\mu\text{g}/\text{m}^3$

Particles, PM<sub>10</sub> -24 Hour mean 50  $\mu\text{g}/\text{m}^3$  not to be exceeded more than 35 times a year.

5. 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 strongly recommended 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 will be expected to provide at his own expense such evidence as is required to indicate clearly that the problem has been addressed satisfactorily.

# DRAFT <sup>7</sup> ONLY

## Not for issue

Continued...



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6. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

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

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9156410; Fax 0115 9156020).

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

#### Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

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

Flexible plastic sheeting  
Water sprays/damping down of spoil and demolition waste  
Wheel washing  
Periodic road cleaning

7. If your building/construction works will have any effect on the footway, road or paved area next to your site you must contact the Council's Highways Team before you start. You can contact the Highways Hotline on 0115 915 2161 (Answerphone outside office hours) or Fax on 0115 915 2103 (anytime)

8. The Arboricultural Method Statement to be submitted shall be prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations'. It may include the following elements as appropriate:

- Protective fencing for retained trees
- Schedule of tree work
- Method of working within identified root protection areas
- Installation of service and utility runs
- Arboricultural monitoring and record keeping
- Pre-commencement site meeting
- Method of working for landscape operations

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: 13/01312/PFUL3 (PP-02658815)

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/pes](http://www.planningportal.gov.uk/pes).

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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