



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 19 September 2018

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Corporate Director for Strategy and Resources

Governance Officer: Zena West **Direct Dial:** 0115 8764305

1 CHANGE OF MEMBERSHIP

To note that Councillor Rosemary Healy has left Planning Committee, and that the vacancy has been filled by Councillor Leslie Ayoola.

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

4 MINUTES

To agree the minutes of the meeting held 15 August 2018.

3 - 8

5 PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER

a 11 - 19 Station Street

9 - 38

b Plumb Centre, Waterway Street West

39 - 66

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 15 August 2018 from 2.30 pm - 3.51 pm

Membership

Present

Councillor Chris Gibson (Chair) (except item 28)
Councillor Brian Parbutt (Vice Chair)
Councillor Graham Chapman
Councillor Michael Edwards (as substitute)
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Andrew Rule
Councillor Mohammed Saghir
Councillor Malcolm Wood
Councillor Linda Woodings
Councillor Cate Woodward
Councillor Steve Young (except item 28)

Absent

Councillor Cheryl Barnard (sent substitute)
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Wendy Smith

Colleagues, partners and others in attendance:

Judith Irwin - Senior Solicitor
Martin Poole - Area Planning Manager
Paul Seddon - Director of Planning and Regeneration
Nigel Turpin - Team Leader, Planning Services
Zena West - Governance Officer

24 APOLOGIES FOR ABSENCE

Councillor Cheryl Barnard – leave
Councillor Azad Choudhry – leave
Councillor Josh Cook – leave
Councillor Wendy Smith – leave

25 DECLARATIONS OF INTEREST

Councillors Chris Gibson and Steve Young declared an interest in agenda item 4b: Site of Fairham House, Green Lane, in that they had publicly campaigned for and supported the original development (under planning reference 16/02648/PFUL3). When the original application had been considered by the Committee in March 2017, Councillor Gibson had addressed the Committee as Ward Councillor then immediately withdrew from the meeting, not participating in the discussion or voting. Councillor Young had been absent from the March 2017 meeting. For consistency, both Councillors left the room during discussion of this item, and did not vote on it.

Councillors Chris Gibson and Malcolm Wood declared an interest in agenda item 5: Nottingham Local List Adoption, as they are both members of the Heritage Panel. This interest did not preclude them from discussing, debating or voting on the item.

26 MINUTES

The minutes of the meeting held 18 July 2018 were agreed as a correct record and signed by the Chair.

27 11 - 19 STATION STREET

Paul Seddon, Director of Planning and Regeneration, introduced application 18/00916/PFUL3 by Franklin Ellis on behalf of Bildurn Properties Ltd for the demolition of existing buildings, and the erection of a five-storey office building with associated undercroft parking, external works, and roof plant area. The application was brought to Planning Committee because it relates to a major development on a prominent site where there are important design and heritage considerations.

Paul Seddon gave a presentation to Councillors showing a map and aerial views of the site, a plan showing the boundary of the proposed development along with land ownership, photos and context of the front and rear of the property, proposed plans, cross sections and elevations, views from Queen's Walk, and CGIs to give an idea of the proposed quality of finish. He highlighted the following points:

- (a) the proposal includes demolition of the existing building, which was originally a hotel but in the late 19th century. The existing building is handsome in parts, but has been much changed and is in a poor condition;
- (b) the site is a sensitive location, in a conservation area, and on one of the first streets visitors to Nottingham may encounter. There is a need for a high quality statement development of Grade A offices, to attract tenants, meet Council objectives, and do justice to the site;
- (c) the proposal involves five floors of office space with a reduced footprint and terrace on the fifth floor, and a lower ground floor which includes parking for 29 cars, cycle storage, and facilities for waste and recycling. The office floors are open plan and have simple access cores;
- (d) the design philosophy was for a strong ground floor featuring support columns which are typical of Nottingham architecture, then red brick to fit in with the conservation area. It involves a simple palette and a contemporary approach whilst managing its visual impact;
- (e) the proposed office block is part of a wider development of the surrounding area, including the previously approved student accommodation block at 25 Station Street, and the conversion of the Gresham Hotel into apartments.

There followed a number of questions and comments from the Committee, and some additional information was provided:

- (f) there were strong objections from the Civic Society, and serious concerns from Historic England, who stated that the Committee should be satisfied that there is no viable alternative use for the existing buildings, and a robust case was required. As the site is in a conservation area, any replacement building would need to enhance the area;
- (g) some Councillors felt that the proposed development did not enhance the conservation area, and that the replacement buildings would not do justice to those being lost. There was a general acceptance that it would be difficult to convert the old building to suitable Grade A modern office space, and Planning colleagues explained that “façading” (keeping the façade of an old building whilst replacing the structure behind it) would also not be suitable in this case due to the low ceiling height;
- (h) although the footprint of the building is in line with neighbouring properties, it has the effect of protruding into the street due to the recessed glass section on the lower floor and the glass section to one side. Some Councillors felt that the glass section to one side, the offset brick and glass sections from floor one to five, and the blue brick section to the rear of the building were not attractive;
- (i) the statement from Historic England is included within the report in full, and alludes to concern that the loss of the current building may threaten the status of this area as a conservation area. Planning colleagues did not feel this was an issue, and noted that the development is in line with the development brief for this site set in 2012;
- (j) it was noted that the rear of the site currently operates as a car park, with more than 29 spaces, so the proposed 29 spaces in the new development should not cause any parking issues;
- (k) some Councillors felt that the building would look more attractive if the front elevation facing Station Street emphasised more vertical elements and appeared to be split into smaller units. There was greater decoration to the elevation facing the canal and overall they felt the proposed design was not sufficiently attractive and in harmony with its surroundings for this prominent site;
- (l) some Councillors felt that the scale of the building did not relate well to its smaller neighbours;
- (m) There was concern as to how vehicle movements to and from the site would be managed, given that both Trent Street and Station Street have been pedestrianised;
- (n) there was recognition of the need to provide Grade A office space in this area, and an acceptance that conversion of the existing building would not be successful for a modern high quality office, however Councillors felt that the proposed replacement would not be suitable in its current design, and opted to defer this item pending changes to the architecture and materials.

RESOLVED to defer this item to a future meeting of Planning Committee.

28 SITE OF FAIRHAM HOUSE, GREEN LANE

Further to minute 25: Declarations of Interest, Councillors Chris Gibson and Steve Young left the room for the duration of this item. In the absence of Councillor Chris Gibson, Vice Chair Councillor Brian Parbutt chaired this item.

Martin Poole, Area Planning Manager, introduced application 18/01050/PFUL3 by WYG Planning Limited on behalf of Cedar House Investments Ltd for the change of use of one unit from retail (A1) to Tanning Salon (Sui-Generis). The application was brought to Planning Committee because it generated significant public interest that is contrary to the recommendations of Planning colleagues.

Martin Poole gave a presentation to Councillors showing maps, floorplans and photos of the unit. He highlighted the following points:

- (a) the retail units within the Fairham House site are now largely completed, this request relates to a smaller unit in the centre of a run on the western side of the site. The tanning salon would be the first occupiers, and a change of use would be required from class A1 (retail) to sui generis (no classification);
- (b) 87 representations have been received, 86 of which object to the proposed change of use. The main grounds for objection relate to the number of tanning salons already present in Clifton, the safety of tanning salons, and the aspirations for the retail park to provide shops for items such as shoes and clothing. The retail park is not within the centre of Clifton, and there are no related planning policy protections.

A statement was read from Councillor Josh Cook in his absence:

- (c) further to sending my apologies earlier I felt that it would be appropriate to express my views on the Fairham site which is on the agenda today. Whilst I regrettably cannot attend today I would like to voice my opposition to the tanning salon and for it to be recorded in the minutes of the meeting. This is because I would like to echo the residents statements there are already enough tanning salons in Clifton especially around the Southchurch Drive area, and that an alternative use would be preferable. I also believe that tanning salons are harmful to people's health in the long run and would like to voice that concern as well as I don't believe we should be encouraging this as a Committee if at all possible, and certainly not without adding any caveats or precautionary clauses or measures. For the Chair's information I am not seeking a response from officers.

There followed a number of questions and comments from the Committee, and some additional information was provided:

- (d) it was noted that the Committee cannot make a determination on health grounds, as that is not within their remit, nor are there legislative restrictions on tanning salons for health reasons;

- (e) it was also noted that any future change of use requests would be determined on a case-by-case basis, and if a change of use was granted it would not set a precedent for other retail units within the park;
- (f) In policy terms, the key question was whether the proposed use adversely affected viability or vitality of the town centre. Planning colleagues confirmed that it did not, by reason of its not being located within the town centre and the unit's modest size relative to the retail offer of the town centre.

RESOLVED to grant planning permission subject to the indicative conditions listed in the draft decision notice at the end of the report.

Councillor Malcolm Wood asked that his vote against this item be recorded.

Councillors Chris Gibson and Steve Young returned to the room, and Councillor Chris Gibson resumed his chairing duties.

29 NOTTINGHAM LOCAL LIST ADOPTION

Nigel Turpin, Planning Services Team Leader, presented a report to the Committee setting out a proposal for the adoption of a Local List of Heritage Assets in Nottingham, and a mechanism for due consideration of applications for demolition of some historic buildings on the list through Article 4 Directions. Nottingham City Council's constitution grants Planning Committee a consultative role in this process, before the executive function is referred to a meeting of Executive Board at a later date. The pilot project recently conducted in Basford was successful.

Councillors commented that the list was welcome and would be a great asset to call upon to ensure heritage issues are taken into account. The list will be available publicly on the Nomad GIS mapping system.

RESOLVED to:

- (1) recommend the adoption of a Local List to Executive Board, including the selection criteria and process as detailed within the report;**
- (2) recommend that Article 4 directions be considered in the circumstances indicated in appendix 3 to the report to necessitate planning permission to be required in the case of demolition.**

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WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
19th September 2018

REPORT OF THE DIRECTOR OF PLANNING AND REGENERATION

11 - 19 Station Street, Nottingham

1 SUMMARY

Application No: 18/00916/PFUL3 for planning permission

Application by: Franklin Ellis on behalf of Bildurn (Properties) Ltd

Proposal: Demolition of existing buildings. Proposed five-storey office building with associated undercroft parking, external works, and roof plant area

The application is brought to Committee because it relates to a major development on a prominent site where there are important design and heritage considerations. It was deferred at Planning Committee on the 15th August pending changes to the architecture and materials.

To meet the Council's Performance Targets this application should be determined by 23rd August 2018, but an extension of time has been agreed to the 28th September 2018.

2 RECOMMENDATIONS

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

Power to determine the final details of the conditions to be delegated to the Director of Planning and Regeneration.

3 BACKGROUND

- 3.1 This item was deferred at Planning Committee on 15th August 2018 pending changes to the architecture and materials. Concerns were raised that the scheme did not enhance the conservation area and that further work was required to the elevation facing Station Street, with further consideration of the rear as well, particularly concerning material colour. Concern was also raised as to how vehicle movements to and from the site would be managed. Revisions that have been made to the proposed development since then in response to the concerns raised are addressed in paragraphs 4.8, 7.9, 7.11 and 7.25.
- 3.2 The site is approximately 0.21ha in area and located to the north side of Station Street. It is currently occupied by 11-19 Station Street which are 3 to 4 storey Victorian buildings. To the western boundary is 3-9 Station Street which is occupied at ground floor by Tesco, whilst to the east is the Hopkinson Building which is a Vintage Antiques and Art Centre. To the rear of the site is a surface car park which

is accessed from between the Hopkinson Building and the former Employment Exchange building (this building has now been demolished). The Nottingham Beeston Canal, towpath and grass bank run along the northern boundary of the site. There is a change in levels of about 3m between Station Street and the towpath.

- 3.3 The site is located within the Station Street Conservation Area, and shares its western boundary with the Canal Conservation Area. The site is also located within Flood Zone 3.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal is for a 5 storey building which would provide 5,832 square metres of Grade A office space.
- 4.2 The lower ground floor would provide undercroft car parking which would be accessed between the Hopkinson Building and the student accommodation proposed on the former Employment Exchange site. Plant, cycle stores, shower facilities and bin storage facilities are also proposed on the lower ground floor.
- 4.3 On the ground floor is proposed a reception area, which would be accessed off Station Street. The office building would extend to the grass bank which sits to the south of the canal towpath. Large windows are proposed to the canal side.
- 4.4 The layout of the first to third floors is the same and provides two stair cores, toilet facilities and open plan office space with windows along all four elevations. Within the primary stair core two lifts are proposed. The fourth floor has an outside terrace that overlooks Station Street.
- 4.5 The building would increase in height from south to north. The southern elevation facing onto Station Street would be 4 storeys high and have a maximum height of 17.6m; the rear part of the building would be 5 storeys. Taking into account the plant area to be enclosed and the lift core, the maximum height of the building would be approximately 23.6m (measured from Station Street level).
- 4.6 To the Station Street frontage the building would have curtain wall glazing where it abuts the Tesco building. This curtain wall glazing would extend from ground floor to the fourth floor. The main entrance to the building would be accessed through this glazing and would lead into the main reception area. To the east the Station Street frontage would be built of brick with stone bands between each floor. Floor to ceiling windows are proposed which would be set in an irregular but ordered fenestration pattern. The ground floor would be set back from the street edge and columns are proposed which give the impression of a colonnade. The ground floor beneath the brick element of the building would be largely glazed. Gates are proposed to the side of the Hopkinson Building.
- 4.7 The north elevation facing the canal has been designed to reflect the traditional canal side buildings. To this elevation the building has a simple grid like appearance, having a regular pattern of brick pillars between windows. The ground floor would have larger windows. The building would be provided with deep window reveals.
- 4.8 Further work is being undertaken to the Station Street frontage and associated

glazed link element. A different colour of brickwork is also now proposed for the rear element of the building. Images of the revised scheme will be presented at Committee.

- 4.9 Access to the undercroft car park would be via a shared vehicular access that jointly serves the proposed building, 23 (Hopkinson) and 11-19 Station Street which is to be located between the new student accommodation and 23 Station Street, where the existing vehicular access to the surface car park is located. A total of 29 car parking spaces would be provided for the building.
- 4.10 The development is also to be party to the delivery of public realm improvements adjacent to the site, principally incorporating part of the canal towpath and provision of a pedestrian link from Trent Street. This scheme is to be delivered jointly along with the student accommodation approved at 25 Station Street under planning application 18/00926/PFUL3, and the proposed apartment scheme at 109 Carrington Street, under planning application 18/01048/PFUL3. Delivery of these works is proposed to be secured by condition.
- 4.11 The applicants have agreed to work in partnership with the Council to provide local employment and training opportunities during construction.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

21 neighbouring properties along Station Street and Carrington Street have been notified in writing of the proposal. The application has also been publicised through press and site notices. As a result of this publicity, 1 letter of representation has been received.

Nottingham Civic Society: Nottingham Civic Society objects strongly to the demolition of Nos.11-19 Station Street, because of the merits of the buildings, recognised in the Council's own adopted Conservation Area Appraisal and Management Plan (2008) as 'unlisted buildings that make a positive contribution to the Station Conservation Area'. The buildings are also on the draft Local List in recognition of their townscape qualities. The applicant's Heritage Advisor has categorised these buildings only as 'Low Significance' seemingly as they are in such poor condition (they have been under the stewardship of the applicant for many years) and because they are smaller than buildings constructed later. The Civic Society considers their significance to be enhanced by the fact that they are older and of smaller scale than neighbouring buildings, representing an earlier phase in the history of the Station environs, as they faced the entrance to the nineteenth-century station which pre-dated the current Edwardian listed complex. There does not seem to have been any attempt to consider refurbishment of the front range of the existing buildings to retain and incorporate them into the new office development on the vacant land behind, which would have helped to mediate an appropriate scale for the new development, more in keeping with the scale of the historic fabric surrounding the site - Hopkinson shop in particular.

Additional consultation letters sent to:

City Ecology: No objection subject to conditions securing an updated bat survey should development not take place within 2 years, a working method statement to

ensure integrity of canal banks to protect water voles, a landscaping scheme which enhances biodiversity of the site, and an ecological sensitive lighting scheme.

Highway Authority: No objection subject to conditions relating to the provision of a construction management plan, implementation of the proposed car parking and cycle parking, and securing a travel plan.

Environmental Health and Safer Places: No objections but recommend that the following are secured by condition; a remediation strategy, a noise assessment/sound insulation scheme, and electric charging points. Conditions will also be required to verify that the agreed mitigation measures have been implemented. No heating and power assessment has been sought because the applicant has indicated that all heating and hot water will be supplied by electric infrastructure and not gas, so there is no requirement for an air quality assessment.

Environment Agency: No objections, subject to a condition requiring the development to be carried out in accordance with the flood risk assessment, the provision of a remediation strategy and details of any piling or other foundation designs that penetrate the ground. The Environment Agency note that there is an oil tank on site, which should be considered as part of any remediation strategy. The Environment Agency have no objection to surface water being discharged into the canal but have requested that a drainage strategy be secured by condition.

Historic England: Historic England note that the site lies in the Station Conservation Area and as such the Station Conservation Area Character Appraisal and Management Plan (2008) is a material consideration in the determination of this application.

Even though the Station Conservation Area centres on the land mark Grade II* Listed Building of the Midland Station, its character and appearance is enhanced by a number of other listed and unlisted buildings which exhibit a range of different architectural styles which create a high quality townscape with a dense urban grain. The area is characterised by buildings that range in height from 3 to 5 storeys.

The site is bounded by Station Street to the south and the canal to the north. To the north of the site is a surfaced car-parking area, 11-19 Station Street are located to the south of the site and front Station Street.

11-19 Station Street currently consists of two distinct buildings (11- 13 Station Street and 15-19). The buildings date from between 1869 and 1882 and are attributed to local architects Truman and Pratt. The buildings are three/four storeys in height, and constructed of brick with stone dressings. They are designed in the classical style. The principal facades include architectural detailing to the upper floors such as decorative corning and window surrounds. The rear of the buildings, are plainer in design, architectural features include a brick dentil course, stone window lintels and bay windows which appear to be later additions. The buildings are the earliest in the area and indicate how the area developed. Historic England consider the buildings to be non-designated heritage assets of architectural and historic merit, that have a strong visual presence in the street scene and are prominent buildings making a strong positive contribution to the conservation area. This view concurs with that contained in the Station Conservation Area Appraisal and Management Plan.

The location of the development means that there is the potential for the proposed

development to impact on important views of the Church of St Mary (Grade I Listed Building) and the Station Clock Tower from the surrounding area, such as the fine views from the tree lined avenue of Queens Walk which is an important route into the historic core of Nottingham.

There are a number of aspects relating to the proposal that should be considered - the impact of the proposed demolition of the 11-19 Station Street, the impact of the proposed new development on the character and appearance of the conservation area and the impact on the setting of the Midland Station and also St Mary's Church Tower.

The scheme proposes the total demolition of 11-19 Station Street. It is proposed to be replaced with a five-storey office building with under-croft parking.

Historic England consider that the total loss of 11-19 Station Street would be harmful to the character, appearance and significance of the conservation area.

Historic England are not convinced that the supporting information provides sufficient evidence that less harmful options can be secured for the long term future of 11-19 Station Street.

The justification for the proposed demolition of the buildings appears to be one of condition and viability. The condition survey which accompanies the application outlines the condition of the buildings and provides budget costs in Section 7. The report also refers to structural issues in relation to the buildings; however, no structural survey appears to support this application within the appendices.

It is unclear whether the buildings have been openly marketed or sustainable new uses have been explored to secure the buildings optimum viable use. The supporting Heritage Statement discusses optimum viable use and suggests that restoring the buildings back to a level where the buildings could be re-used would cost more than the site would be worth, however, no financial assessment appears to have been provided to support this conclusion. It also suggests that the options for re-use are limited, but no evidence has been provided.

Paragraph 131 of the National Planning Policy Framework highlights the requirement for local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation when determining planning applications. Nottingham City Council therefore needs to be fully satisfied that the information provided within the supporting information, robustly demonstrates that there is not an alternative viable use for these buildings which would secure their long term future and that their proposed demolition has been clearly and convincingly justified.

The proposed replacement building consists of a five-storey office block with under-croft parking (six storey in total). The proposed building is five- storeys in height where its fronts Station Street, the top storey is recessed and glazed. There is a further glazed link which connects to the adjacent building. The remainder of the building is five- storeys with an under-croft and rises to over 23 metres in height. Historic England are concerned by the scale, mass and design of the proposed building where it addresses the canal side. In their view, the current design lacks articulation and definition on the elevations seen from the canal side and Carrington Street Bridge. These elevations could be greatly improved by breaking down the

overall massing and incorporating a more varied and interesting fenestration.

No visualisations assessing the views from Queens Walk have been provided to show whether or not the development would be visually intrusive in the important views of the Church of St Mary and the Station Clock Tower. To accord with paragraph 128 of the NPPF 2012, Nottingham City Council needs to be satisfied that the application contains sufficient information enable assessment of these views.

Overall, Historic England's assessment is that the demolition of 11-19 Station Street would cause a high but less than substantial level of harm to the overall significance of the conservation area. In making its comments Historic England draws attention to the requirements of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and that the historic environment is recognised as one of the 12 core principles of sustainable development in the National Planning Policy Framework (NPPF). Historic England also advises that regard should be given to paragraphs 131, 132, 134, 137 and 138 and also Section 7 of the NPPF- Requiring good design- in particular paragraph 58 and 64 in its decision making.

Canal and River Trust: The application site lies to the south of the Nottingham and Beeston Canal and adjoins the canal towpath. The Canal and River Trust confirm that it is in the process of selling the land within the application site that is currently in their ownership.

The Trust have made comments with regards to the impact of construction and the building on the structural integrity of the canal, and has drawn attention to paragraphs 120-121 of the National Planning Policy Framework and the National Planning Policy Guidance (paragraph 006) in relation to planning and land stability. However they recognise that this matter can be addressed through a suitably worded condition to secure, prior to the commencement of development, a method statement detailing the design and means for creating foundations and any other proposed earthmoving and excavation works required in connection with its construction.

The Trust note that the canal is designated as a Local Wildlife Site and provides a valuable wildlife habitat in this urban location. It also advises that the strip of land on the northern site boundary, approximately 5- 6m deep which slopes down to the adjoining the towpath, contributes positively to the biodiversity value of the canal corridor and should be planted to complement the proposed redevelopment of the site adjacent to the east (which is the subject of a separate planning application). It is recommended that a detailed landscape scheme should be secured by condition, including arrangements for the long-term management and maintenance of this space. The use of native species should be utilised in any proposed landscaping scheme.

Concern has been expressed about the height of a proposed boundary wall. The boundary wall is shown to be constructed some 5- 6m back, at the top of the grassed slope. Although this wall does screen the undercroft car park from the canal and towpath, at around 2.5m in height (and already elevated above towpath level) it would create a hard boundary. It is suggested that a lower wall of no more than 2m in height would be equally effective but less imposing.

The Trust also suggest that there may be scope to provide direct access from the site onto the canal towpath which would encourage future employees at the site to use the towpath as part of their commute to and from work, or recreationally at lunch times etc. Although any new towpath access would require the prior consent of the Trust in the form of a commercial agreement, they would be willing to discuss the potential for including a new pedestrian access here.

It is noted by the Trust that surface water is proposed to discharge to existing sewers, as the applicants consider discharge to the adjacent canal to be problematic. The Trust would nonetheless be willing to discuss the practicalities of discharging to the canal .Any discharges to the canal will require the prior consent of the Trust in the form of a commercial agreement.

The Trust have also requested that an external lighting scheme is secured via a planning condition to ensure that it is ecologically sensitive.

City Archaeologist: The site lies within the City Centre and Nottingham Canal Archaeological Constraint Area, which represents the historic core of the city and the concentration of medieval and post-medieval occupation.

The Heritage Statement accompanying the planning application concludes that Archaeology would be best served in this instance by instigating a watching brief during preparatory works on site. This conclusion is concurred with and as such an archaeological watching brief during groundworks is requested as a condition of planning permission.

Additionally the Heritage Statement demonstrates that the standing buildings have some heritage value which warrants a historic building record, to Historic England Level 2, prior to commencement of redevelopment.

The archaeological watching brief and the historic building recording should be undertaken by a suitably qualified and experienced archaeologist in these fields in accordance with the Standards and guidance of the Chartered Institute for Archaeologists, and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be issued by the City Archaeologist.

Design Review Panel Comments (February 2018)

The site of nos. 11-19 is considered by the Panel to be an ideal site for Grade A Offices. The Panel consider that there is a need for high quality office space within the city and anticipate that this development will help kick-start the market for other schemes. The Panel were pleased that a local architectural practice is delivering it.

The Panel were supportive of the proposal, commending its vision to deliver an impressive scheme that offers a high quality frontage onto Station Street. They did comment that the treatment of and relationship with the canal side should be given equal importance to make for successful developments.

With regards to the demolition of 11-19 Station Street, the Panel advised on the need to recognise the significance of these historic buildings and to justify their loss.

The Panel were comfortable with the proposed scale and massing, agreeing that

the brief for Station Street offers illustrative not prescribed heights. The design approach taken for the building with double height ground floors on Station Street, and the stepping up of the rear blocks so the bulk of the massing is concentrated on the canal elevation was welcomed as it ensures that the building will not appear over dominant in the street. Though it was recognised that the prominence of the Hopkinson building would be reduced.

The Panel commended the architectural style taken for the office development, with the Station Street frontage working well and showing considered architecture. The double height windows and deep reveals are welcomed. The Panel were split on the treatment of the link between the office building and nos.3-9 Station Street. Some panel members preferring the original bolder design and Historic England preferring the latest iteration presented, considering it to be more polite in respect to the historic building and also as the brickwork of the office building would be visible on the return.

The Panel noted that improving the quality of the canal side environment also relies on the incorporation of a successful landscaping strategy to enhance the setting of the canal edge and towpath. Given the strong urban edge along the canal, a hard landscaping scheme with tree planting is considered a more appropriate treatment which will add amenity value.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application.

Paragraph 80 requires that significant weight be placed on the need to support economic growth and productivity. Paragraph 85 requires that decisions support the role that town centres play at the heart of local communities. Paragraph 103 states that significant development should be focused on locations which are or can be made sustainable. Paragraph 118 requires that substantial weight be given to the value of using brownfield land and promoting the development of under-utilised land and buildings. Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraphs 193-202 relate to the consideration that is required regarding a proposed development's impact on the significance of a designated heritage asset, where great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Also of relevance is the duty set out at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be given to preserving or enhancing the character and appearance of conservation areas.

Aligned Core Strategy (September 2014):

Policy A – Presumption in Favour of Sustainable Development
Policy 1 – Climate Change
Policy 4 – Employment Provision and Economic Development
Policy 5 – Nottingham City Centre
Policy 7 – Regeneration
Policy 10 – Design and Enhancing Local Environment
Policy 11 – The Historic Environment
Policy 14 – Managing Travel Demand
Policy 17 – Biodiversity

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities
MU3 – Allocated site within the Southside Regeneration Zone (MU3.6 Station Street)
BE10 – Development affecting the setting of a Listed Building
BE12- Development in Conservation Areas
BE13 – Demolition in Conservation Areas
BE16 – Archaeology
NE2, NE3 and NE4 – Nature Conservation, Conservation of Species, Protection of Conservation Sites
NE9 – Pollution
NE10- Water Quality and Flood Protection
NE12 – Derelict and Contaminated Land
T3 – Car, Cycles and Serving Parking

Supplementary Planning Policy Documents

Southside Regeneration Supplementary Planning Guidance (2003)

Nottingham City Centre Urban Design Guide (2009)

Station Street Development Brief (November 2012)

Station Conservation Area Character Appraisal and Management (2008)

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Design Considerations (including Listed Building and Conservation Area Impact)
- (iii) Impact on Neighbouring Amenity
- (iv) Other Matters (Transport, Flooding, Contamination, Archaeology and Public Realm Improvements)

Issue (i) Principle of Development (Policies A, 4, 5, 7 of the ACS; Policies MU3.6 and ST1 of the Local Plan; and the Southside Regeneration Supplementary Planning Guidance 2003)

- 7.1 The application relates to an allocated site within the Southside Regeneration Zone (SRZ) and occupies a prominent location adjacent to Nottingham Station and the NET tramline. The policies relevant to the SRZ seek to encourage comprehensive, mixed use, sustainable developments that promote the Southside as a major location for inward investment, and ensure that new developments are integrated in a comprehensive way to maximise employment and regeneration benefits. Policy 7 of the ACS Identifies the SRZ as a mixed-use business district to be developed with offices, supported by residential development, new hotels and complimentary retail and leisure activity. The proposal meets these requirements and the aspiration of Policy 4 of the ACS to promote the SRZ for office use. The proposal also accords with Policy 5 which seeks the development of office development within the City Centre to support its vitality and viability.
- 7.2 The application site is located on the southern fringe of the City Centre and is ideally located for office development. It is in a highly accessible location opposite the station and with good pedestrian, cycle, bus and tram links to the City Centre.
- 7.3 It is concluded that the principle of the development is acceptable and the proposal accords with the Policies A, 4, 5, 7 of the Aligned Core Strategy, Policies ST1 and MU3.6 of the Local Plan, and the Southside Regeneration Supplementary Planning Guidance 2003.

Issue (ii) Design Considerations (including Listed Building and Conservation Area Impact) (Policies BE10, BE12 and BE13 of the Local Plan; Policies 10 and 11 of the ACS; the City Centre Urban Design Guide; Station Conservation Area Character Appraisal and Management Plan; the Station Street Development Brief)

- 7.4 The proposal involves the demolition of 11-19 Station Street, which are identified within the Station Conservation Area Appraisal and Management Plan as making a positive contribution to the area. The Plan does indicate that the demolition of such buildings can be permitted where justification is provided and the replacement buildings would enhance the character and appearance of the Conservation Area.
- 7.5 The Local Plan states that there is a general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of a Conservation Area. Policy BE13 requires that proposed demolition is considered against a number of criteria, namely the condition of the building and cost of its repair, the adequacy of efforts made to retain the building, and the merits of alternative proposals for the site.
- 7.6 Policy BE13 states that planning permission for development involving demolition or substantial demolition of unlisted buildings which make a positive contribution to the special character of Conservation areas will only be granted in special circumstances. The heritage statement submitted with the application advises that externally the buildings at 11-19 Station Street are much altered from their original form, having been subject to a variety of changes through time. The buildings have been structurally assessed as well. The condition survey undertaken in February 2018 confirmed that internally the buildings have been much altered and that little original detail has been left intact. It also indicates that load bearing walls have been removed. Overall the buildings are in poor condition and unsafe in areas. Dry and wet rot is present, there is cracking in brickwork and stone detailing has failed in areas. The submitted structural report indicates that considerable work is needed to ensure the stability of the building. The heritage statement also considers a number of alternative uses and options for the building, but concludes that

redevelopment for office use, which is supported by other policies of the development plan, is the most optimum viable use. It is recognised that the viability of refurbishing these buildings would be challenging; the heritage assessment concludes that restoration to a level where the buildings could be reused in a beneficial manner would cost more than the value of the site. It is also a plausible proposition that the buildings are not capable of being converted and extended to offer the scale and quality of grade A offices that this application proposes, the merits of which are acknowledged elsewhere in this report. The merits of the proposed replacement development in terms of its design and impact on other heritage assets are considered below.

- 7.7 As indicated above, the Conservation Appraisal and Management Plan indicates that demolition of unlisted buildings in the area can be permitted where the replacement building would enhance their character and appearance. Therefore, there exist special circumstances to consider this application favourably.
- 7.8 The height of the building and its impact on the Hopkinson Building has been raised as a concern by the Civic Society. The Conservation Appraisal and Management Plan suggests that new buildings within the area should be 4-5 storeys in height, but that near the station higher buildings may be acceptable. The proposed building has been designed with a lower element to the Station Street frontage, stepping upwards further back into the site. Its maximum height of 5 storeys would be in line with Conservation Plan and City Centre Urban Design Guide, although it is taller than that indicated in the Station Street Development Brief. The height of the proposed building together with the design approach to scale are considered to be acceptable having regard to the site specific context. It is acknowledged that the scale of the building on the Station Street frontage is noticeably greater than the Hopkinson building, yet the proposed development is also seeking to balance this against the height of the adjacent building occupied by Tescos. Hopkinson is a detached building with sizeable gaps to both sides which are to be retained with both this proposal and the student scheme to the east, planning application (18/00926 /PFUL3). These gaps help to mitigate the step up in scale and allow sufficient breathing space for the Hopkinson building to be read in its own right.
- 7.9 Since the application was deferred at Planning Committee on 15th August, changes have been made to the Station Street elevation. The revisions are felt to be an appropriate and considered response to the concerns raised by Councillors at the last meeting. Images of the previous and revised schemes will be presented at Committee.
- 7.10 The Station Street elevation treatment still enables the building to sit comfortably next to the Tesco building and the fenestration pattern, whilst irregular is ordered in its composition, has the proportions that generally reflect the buildings to the west and the Hopkinson building to the east. It is noted that individual buildings on Station Street vary in scale and proportion and the proposal does likewise. The building would still have its own distinct character, yet would sit comfortably within the general character of the Station Street frontage. Overall the development is considered to offer a strong intervention at street level and would significantly enhance the character and appearance of the Station Conservation Area and setting of Nottingham Train Station.
- 7.11 Although Historic England have raised concerns about the scale, mass and design of the elevation to the canal side, it is felt that this reflects the warehouse scale and aesthetic of traditional canal side buildings. It is considered that the height and

architectural style of the northern elevation would complement the large warehouse buildings that are found in the Station and Canal Conservation Areas, which include the British Waterways Warehouse Building further to the west. In response to a concern raised at last Committee, a change is proposed to the colour of the brickwork proposed for the rear element of the building, changing from a dark to a lighter colour.

- 7.12 The improvements proposed to the canal directly behind the building would significantly enhance its setting as a non-designated heritage asset that lies within the Station Conservation Area and the adjacent Canal Conservation Area.
- 7.13 Given the location of the building and its relationship with the immediate townscape, its impact on the setting of other listed buildings in the locality (the Railway Station and Goods Offices, Bentinck Hotel, 111 Carrington Street and the British Waterways Building) would be minimal and would be seen only in their periphery, in the context of existing taller buildings such as Loxley House.
- 7.14 Historic England have raised concerns about the potential impact of this proposal on views of the Station dome and St Mary's Church tower when viewed from Queens Walk. Further work has been carried out to determine the impact; the new building at 11-19 Station Street would just be seen above the Station from Queens Walk but would not interfere with the view of the dome or St Mary's Church tower. Both features remain clear of the development and maintain their legibility and prominence. Looking towards the Station area from other vantage points the building would be seen in the context of the other buildings which line the north western side of Station Street, and would not adversely affect the setting of the Station building.
- 7.15 The information submitted with the application is considered to be sufficient to meet the requirements of paragraphs 189-202 of the NPPF and has considered the significance of the heritage assets and the impact that the development would have on them.
- 7.16 In conclusion, the proposal is considered to make a positive contribution to the streetscape and has been designed taking into account the requirements of policies 10 and 11 of the ACS, policies BE10, BE12 and BE13 of the Local Plan and the NPPF. The impact on heritage assets and non-designated heritage assets is considered to be of less than substantial harm required by paragraph 193 of the NPPF and the benefits of bringing a high quality office scheme forward at this site would outweigh any residual concerns about its impact. The proposal also accords with the duty set out at Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as the proposal would enhance the appearance and character of the Conservation Area.

Issue (iii) Impact on neighbouring amenity (Policy NE9 of the Local Plan and Policy 10 of the ACS)

- 7.17 The commercial mix of uses in the immediate vicinity of the site are considered to be compatible with the proposed scale of the development. The siting of the proposed building and its relationship with neighbouring properties results in it having little or no impact on the amenity of the occupants.
- 7.18 The conditions suggested by Environmental Health and Safer Places would assist in ensuring that the scheme raises no issues in relation to neighbouring properties

during its construction and operation.

- 7.19 The Canal and River Trust have raised concerns about the impact of the rear boundary wall on users of the canal towpath. Given the presence and size of the intervening grass slope it is felt that this would be sufficient to offset the impact of the boundary enclosure and its height (even taking into account the difference in ground level between the building and towpath), and is considered to be acceptable. It is understood that the applicant has given consideration to providing access from the building to the towpath, but has decided to not pursue this. In this instance such an access is not considered imperative and its absence would ensure that the grass slope is not diminished in size.
- 7.20 The scheme therefore complies with policy NE9 of the Local Plan and policy 10 of the ACS.

Issue (iv) Other Matters

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

- 7.21 The proposal is located within a highly sustainable location, being opposite the Train Station, Station tram stop and within walking distance of a large number of bus stops. The servicing arrangements are considered to be acceptable and Highway colleagues have raised no objections, subject to a number of conditions.
- 7.22 The undercroft parking would have a total of 29 parking spaces consisting of 25 standard bays, 2 disabled bays and 2 reserved spaces, which is a net reduction in spaces currently available on the site. This equates to one parking space per 178sqm of office space, compared to the maximum parking standard of one space per 100sqm. Parking is severely restricted on surrounding streets, with no parking available on Station Street adjacent to the site or Carrington Street. However, the site is in a highly sustainable location and parking is also available in nearby multi-storey car parks.
- 7.23 Highways advise that the applicant would need to ensure that vehicles using the undercroft parking have the required access rights to use Station Street and the service road.
- 7.24 A total of 76 cycle parking spaces would be provided within a cycle store as part of the undercroft area, along with shower/changing facilities. This is considered good practice and would be secured by condition.
- 7.25 At the last Planning Committee concerns were raised in relation to how vehicle movements would be managed to and from the site. The rear of the site is already utilised as a car park, so the situation with regards to vehicles accessing and leaving the site would be similar. The proposed level of parking provision is also low, thereby suited to the restricted access via Station Street. However, to reduce potential pedestrian and vehicle conflicts an additional condition is proposed requiring a vehicle management plan, in addition to a travel plan to be submitted and approved.
- 7.26 The Car Parking Management Plan submitted with the application details the requirements of the Work Place Parking levy and highlights the need for permits that would be required for vehicles accessing the undercroft car park. The Framework Travel Plan provides an overview of the existing transport options for

individuals accessing the site, as well as a draft action plan of the measures proposed for the site. Both are considered to be acceptable.

- 7.27 In this highly sustainable location, with restrictions on car parking on surrounding streets, the travel plan condition suggested by Highways colleagues is not considered to be appropriate in this instance.
- 7.28 Overall the proposal complies with policy T3 of the Local Plan and Policy 14 of the ACS.

Flooding (Policy NE10 of the Local Plan)

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

Contamination (Policy NE12 of the Local Plan)

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

Land Stability and Surface Water Drainage (Paragraphs 120-121 of the National Planning Policy Framework, the National Planning Policy Guidance (paragraph 006) and Policy NE10 of the Local Plan)

- 7.31 The conditions suggested by the Canal River Trust are considered to be appropriate and would ensure that the development accords with paragraphs 120-121 of the National Planning Policy Framework, the National Planning Policy Guidance (paragraph 006) and policy NE10 of the Local Plan.

Archaeology (Policy BE16 of the Local Plan)

- 7.32 The site has potential for archaeological remains so a watching brief is proposed to be secured by condition. The proposal therefore complies with Policy BE16.

Public Realm Improvements (Policy 10 of the ACS)

- 7.33 The development will hold a large number of occupants, thereby adding considerably to the pedestrian activity surrounding the site and the use of the public realm that includes Station Street and the canal towpath immediately to the north of the site. There is an aspiration for the latter to be enhanced and a link provided to it from Trent Street, thereby increasing its attractiveness and accessibility. The applicant has been in negotiation with the Canal and River Trust in order to facilitate these works, particularly the link from Trent Street. They are therefore proposing to deliver this scheme of public realm improvements jointly with the student accommodation approved at 25 Station Street under planning application 18/00926/PFUL3, which they have a land interest in, and the proposed apartment scheme at 109 Carrington Street, under planning application 18/01048/PFUL3, for which they are also the applicants.
- 7.34 These public realm enhancements are welcomed in accordance with policy 10 of

the ACS and are proposed to be secured by condition.

8 SUSTAINABILITY / BIODIVERSITY (Policies NE2, NE3 and NE4 of the Local Plan, and Policies 1 and 17 of the ACS)

8.1 The energy statement submitted with the application demonstrates that the proposal would meet Part L2A 2013 of the Building Regulation and that the building has been designed in line with the energy hierarchy, ensuring the building is energy efficient and that its demand for resources are reduced. The biodiversity of the site can be enhanced through the landscaping proposals and mitigation measures relating to protected species are addressed by condition. Through conditions the development is therefore capable of complying with policies NE2, NE3 and NE4 of the Local Plan, and policies 1 and 17 of the ACS.

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

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

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

1. Application No: 18/00916/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P810QOLYGLL00>

16 Published documents referred to in compiling this report

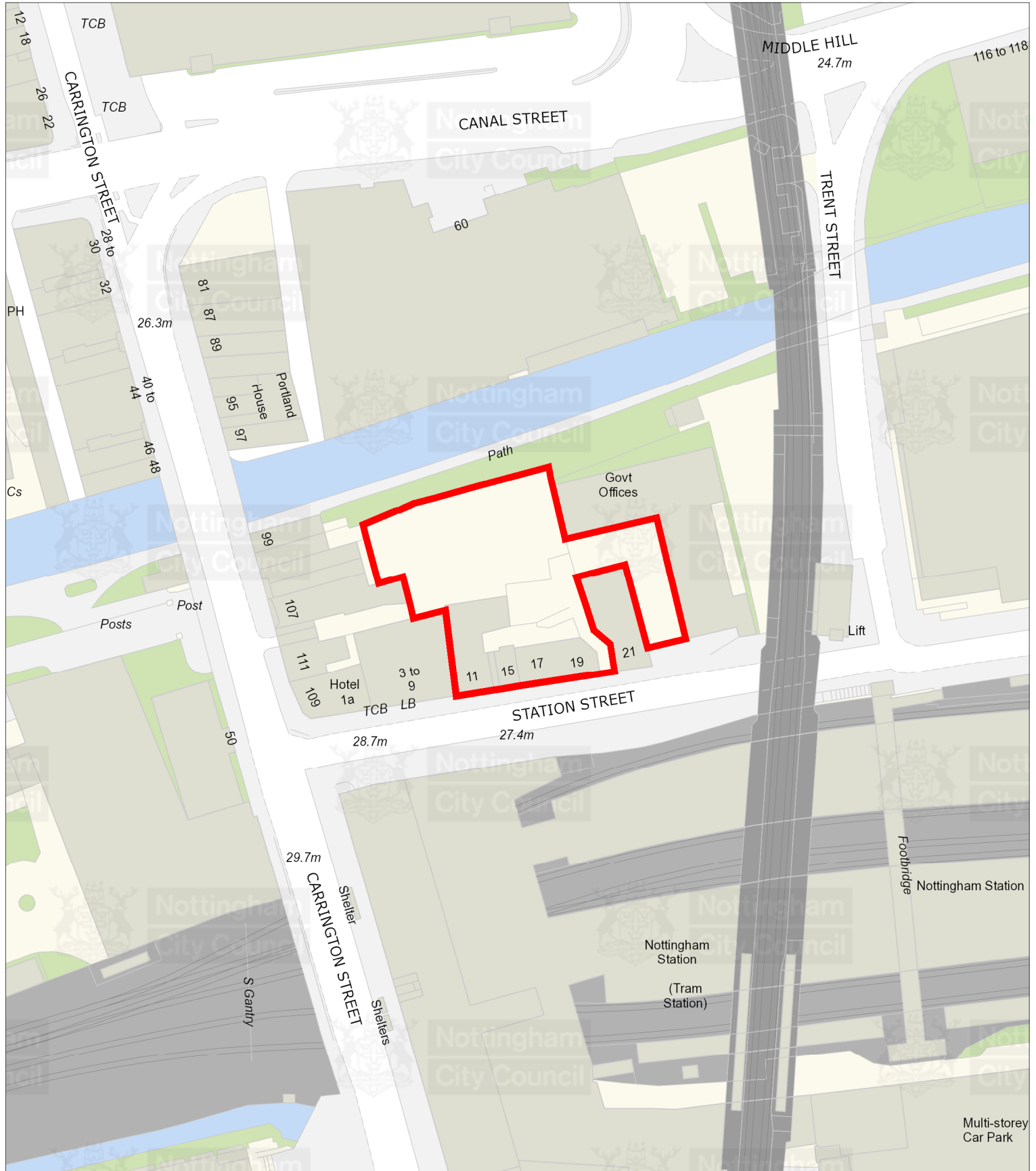
National Planning Policy Framework (March 2012)
Aligned Core Strategies (September 2014)
Nottingham Local Plan (November 2005)
Southside Regeneration Supplementary Planning Guidance (2003)
Nottingham City Centre Urban Design Guide (2009)
Station Street Development Brief (November 2012)
Station Conservation Area Character Appraisal and Management (2008)

Contact Officer:

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NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/00916/PFUL3 (PP-06961061)
Your Ref:
Contact: Mrs Jennifer Curry
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Franklin Ellis
FAO: Ben Dudley
The Old Pumphouse
5 The Ropewalk
Nottingham
NG1 5DU

Date of decision:

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

Application No: 18/00916/PFUL3 (PP-06961061)
Application by: Bildurn (Properties) Ltd
Location: 11 - 19 Station Street, Nottingham, NG2 3AJ
Proposal: Demolition of existing buildings. Proposed five-storey office building with associated undercroft parking, external works, and roof plant area

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

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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Not for issue

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Continued...

2. Prior to the commencement of the development (excluding demolition), a Remediation Strategy that has regard to the Pre-Demolition Phase 2 Investigation Report by Geodyne dated 27/09/2017 (ref 37064) and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A supplementary post-demolition site investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A Remediation Plan as required, based on a) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - c) A Verification Plan as required, providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

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

3. Development involving the breaking of any ground shall not be commenced unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:
- a) Excavation of areas to be affected by development and the implementation of a watching brief during the course of groundworks for service installation;
 - b) Preservation, in situ, of any remains which, upon archaeological investigation, are found to significantly contribute towards understanding of the historic Nottingham City Centre;
 - c) Arrangements for the recording of archaeological remains and finds during the investigation and for the preparation of a final report;
 - d) Arrangements for the deposition of the material and documentary archive in a registered museum;
 - e) Arrangements of the publication of a summary of the final report in an appropriate journal

The archaeological investigation and works approved under this condition shall be carried out in accordance with the approved programme.'

The archaeological work should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be issued by the City Archaeologist.

Reason: To ensure that any archaeological remains at the site are appropriately preserved and to accord with policy BE16 of the Local Plan.

4. Development shall not be commenced, including the breaking of any ground or demolition of the buildings, unless a programme for the historic recording of the buildings has first been submitted to and approved in writing by the Local Planning Authority. The programme of historic recording shall include:
- a) Arrangements for the recording of the building and finds during the investigation and for the preparation of a final report;
 - b) Arrangements for the deposition of the material and documentary archive in a registered museum;
 - c) Arrangements of the publication of a summary of the final report in an appropriate journal

The historic recording programme approved under this condition shall be carried out in accordance with the approved details.

The historic recording shall be should be undertaken by a suitably qualified and experienced contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI), and to Historic England Level 2 standard in to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be issued by the City Archaeologist.

Reason: To ensure that the historic recording of the buildings is undertaken prior to their demolition to comply with policy BE13 of the Local Plan.

5. Demolition of 11-19 Station Street shall not take place until a timescale for the demolition and redevelopment of the site has been submitted to and agreed in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved timescales.

Reason: To ensure that an appropriate timetable for redevelopment of the site following demolition of the buildings is agreed to avoid/minimise a period during which the site remains undeveloped which would create a gap site within the conservation area affecting its appearance and character and to comply with Policy BE13 of the Local Plan.

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

Reason: The site is adjacent to the Canal which may provide foraging area for waterside wildlife, like water voles, to ensure that there are no adverse impacts on local wildlife details of canal and bank protection measures are required to accord with policy 17 ACS and to ensure land stability in regards to the canal bank to accord with paragraphs 120 to 121 of the National Planning Policy Framework and policy NE12 of the Local Plan.

7. Prior to the commencement of development a construction management plan to cover the demolition phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to reduce noise and disturbance to neighbouring properties; proposed hours of working; the type, size and frequency of vehicles to/from the site; haul routes (if any); staff parking provision; site security; traffic management plans; to enable the safe operation of the NET Tram network; wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the demolition shall take place in accordance with the approved construction management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the demolition of the building has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.

8. Prior to the commencement of development (excluding demolition), a construction management plan to cover the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to reduce noise and disturbance to neighbouring properties; proposed hours of working; the type, size and frequency of vehicles to/from the site; haul routes (if any); staff parking provision; site security; traffic management plans; to enable the safe operation of the NET Tram network; wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the building shall be constructed in accordance with the approved construction management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the construction of the building has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.

9. Prior to the commencement of development (excluding demolition), a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water runoff from the site has no undue impact on the Canal water levels or water quality to comply with Policy NE10 of the Local Plan.

10. Prior to the commencement of development (excluding demolition), details of any piling, or of any other foundation designs using penetrative methods, shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall demonstrate that there would be no unacceptable risk to ground water. No further piling, or any other foundation designs using penetrative methods shall be utilized unless prior agreed in writing by the Local Planning Authority.

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

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

11. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development including the construction of a sample panel on site, shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

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

12. Prior to the commencement of above ground development, large scale sections of at least 1:20 shall be submitted to show the placement and position of windows, and the depth of proposed reveals to windows and doorways. The development shall be completed in accordance with the approved details.

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

13. 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).

Reason: To ensure that the operation of the building causes no adverse noise and disturbance impacts on neighbouring uses or future users of the building to accord with policy NE9 of the Local Plan.

14. 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.

The scheme shall provide for electric vehicle charging points within 5% of parking spaces (to a maximum of 10 electric vehicle charging points). (In accordance with the informative this provision may be phased with 2.5% provision initially and a further 2.5% by agreement). The scheme shall also make provision for anticipated future demand through enabling appropriate cable provision to be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

Reason: To promote sustainable forms of travel to comply with policies A, 1 and 14 of the ACS and paragraph 35 of the National Planning Policy Framework.

Pre-occupation conditions

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

15. The development shall not be occupied until such time that a Travel Plan has been submitted and approved in writing by the Local Planning Authority. The Travel Plan shall be Implemented in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

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

Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS.

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

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

18. Prior to the development being first occupied a scheme of public realm improvements to include the land between the building proposed at 25 Station Street/the adjacent sub-station and the canal, shall be implemented in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a new pedestrian/cycle way from Trent Street to the canal towpath and associated former railway arch.

Reason: To secure details of public realm improvements to accord with Policies BE7 and R2 of the Local Plan and Policy 10 of the Aligned Core Strategy.

19. Prior to the development being first occupied a landscaping scheme for the area of land that forms a slope to the canal, including details to enhance biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the type, height, species and location of the proposed trees and shrubs, along with arrangements for the management and maintenance of this area.

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

20. Prior to the development being first occupied the following shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

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

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

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

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

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

Regulatory/ongoing conditions
 (Conditions relating to the subsequent use of the development and other regulatory matters)

23. Should the building hereby approved heating and power requirements be met through any other means other than electricity, then the building shall not be brought into use until an alternative heating and power system has been installed and verified as operating in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

The details to be submitted include an assessment of the heating and power generating proposals for the development, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- (i) Air quality impact assessment
- (ii) Stack height calculation
- (iii) Abatement techniques and mitigation of potential impacts

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.

24. Servicing arrangements (including waste collection and the permitted servicing hours) shall only be undertaken in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the development.

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

25. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Elliott Wood Partnership Ltd (Ref: 2160181 - Revision: P2) dated May 2018 and the following mitigation measures detailed within the FRA:

(i) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

(ii) Finished floor levels (FFL) for the ground floor office space to be set no lower than 27.50m AOD as stipulated within sections 6.4 and 8.1 of the FRA.

(iii) Lower ground floor to comprise only 'less vulnerable' uses (car parking, cycle store, refuse store, WCs, showers and associated lifts and stairwells) as stipulated within section 8.2 of the FRA.

(iv) Flood resilient design measures to be incorporated where possible in to the final construction as stipulated within section 8.2 and 8.3 of the FRA.

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

Reason: To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future users to accord with policy NE10 of the Local Plan.

26. If, during development contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. Any remediation strategy approved as a result of any unidentified contamination being found shall be implemented as approved.

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

27. Any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the ACS.

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



details to a timetable that has been prior agreed.

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

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 24 May 2018.

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.

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.

Construction and Dust Management Plan

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

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

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

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

Contaminated Land, Ground Gas and Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

i) Cut and fill operations on site

- ii) How trees retained on site will be dealt with
- iii) How gas precautions including any radon gas precautions will be validated
- iv) Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

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

Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Noise Management Plan

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

Contamination

Waste on Site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

The Position statement on the Definition of Waste: Development Industry Code of Practice and;
The Environmental regulations page on GOV.UK

Flooding

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

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

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

iii: The applicant is advised that the site is adjacent to the NET tram line.. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method during construction. To get authorisation the applicant must request a NET Work Request Form which can be obtained from NET by telephoning 0115 942 7777, or by writing to: Infrastructure Manager NET Depot Wilkinson Street Nottingham NG7 7NW.

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.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 18/00916/PFUL3 (PP-06961061)

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.

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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WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE
19 September 2018**

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Plumb Centre, Waterway Street West

1 SUMMARY

Application No: 18/00819/PFUL3 for planning permission

Application by: RPS on behalf of Southern Grove Traffic Street Ltd

Proposal: Demolition of existing building and erection of a part 5, part 6, part 10 and part 12 storey building comprising 118 student apartments along with associated access, communal space, landscaping, cycle parking and two Class A1 retail units.

The application is brought to Committee because it is a major application on a prominent city centre site where there are important design considerations and there has been significant public interest. It was deferred at Planning Committee on the 18th July to allow further design revisions.

To meet the Council's Performance Targets this application should have been determined by 26th July 2018

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

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

- (i) a Public Open Space financial contribution of £97,403.46 towards improvements at the Queens Walk recreation ground and Victoria Embankment.
- (ii) a student management plan, to include restrictions on car use.

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

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 obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

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

3 BACKGROUND

- 3.1 Planning Committee (18th July 2018) deferred this application to allow further design work to take place on the tower element and entrance to the building at the base of the tower. Revisions have been made to the proposed development since then and these are referred to in paragraphs 7.13 -15. The comments of Councillor Heaton have also been added to the representations received. The three additional conditions proposed in July's update sheet have also been included in the draft decision notice at the end of this report (numbered at conditions 10, 24 and 26. Lastly, information about bin storage and recycling arrangements which was contained in July's update sheet is set out at paragraph 7.36
- 3.2 The application site is located at the western corner of the Southside Regeneration Zone (SRZ) on the southern edge of the City Centre. It is located at the junction of Wilford Road, Queens Drive, Waterway Street West and Traffic Street and is bound by all four streets. The site is largely rectangular in shape and measures approximately 2.77 ha in area. It is currently split into two uses with the northern part a cleared site which has been used for temporary parking and the southern part which is occupied by the Plumb Centre trade/retail unit, with access from Traffic Street. The site slope upwards from east to west.
- 3.3 The site lies within a mixed commercial environment currently comprising industrial, warehouse and office uses. To the east of the site is a large cleared site, which sits between Traffic and Waterway Street. The City Council's Karlsruhe House is an office located at the eastern end of Traffic Street.
- 3.4 On the northern side of Traffic Street is a cleared and vacant site which has previously had permission for a 10 storey office development (approved 2012). Adjacent to this in an easterly direction is an Enterprise car rental unit, a further cleared site with planning permission for an apartment development, and the Castle Rock Brewery and its associated buildings.
- 3.5 To the south the site is bounded by the southern ring road and tram line. Beyond this transport infrastructure and the associated acoustic screening are the dwellings of the Meadows
- 3.6 The site has been the subject of various small scale planning permissions which have no bearing on the consideration of this application. Of greater relevance are two planning permissions for major development on the northern side of Traffic Street, referred to above, which are as follows:
- 3 Wilford Road, on the opposite side of Traffic Street to the north (planning ref. 11/01251/PFUL3). Planning permission granted in 2008 and subsequently renewed in 2012 for the erection of new office/retail development with associated basement parking. The development took the form of an 9/10 storey building

- Former Hindle and Caliba Site, east of Enterprise car rental (planning ref. 15/03198/PFUL3). Planning permission granted in 2016 for 62 apartments in a four storey building

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the demolition all existing buildings on the site and the erection of a part 5, 6, 10 and 12 storey building to be used as student accommodation. It would comprise of 118 student apartments (462 bedrooms) organised into a range of 49 cluster and 69 studio apartments. Ancillary communal accommodation is to be provided on the lower ground, ground and 9th floors comprising reception/entrance areas, student hubs, sports and games areas, laundry/cycle facilities, study rooms/zones, ancillary offices and a possible small retail space.
- 4.2 The proposed building is largely rectangular in shape and occupies all of the site. It has frontages onto Queens Drive, Wilford Road, Traffic Street and Wilford Road West. A stepped tower of 10 and 12 storeys in height (taken from ground level) has been positioned at the western corner of the building fronting Queens Drive/Wilford Street/Traffic Street. It has been designed to create a prominent corner feature as you enter the City Centre from the south west along Queens Drive. The main entrance to the building is located at the base of the tower. The remaining part of the building ranges from 5 to 6 storeys in height (including lower ground level), stepping down to 5 storeys at its eastern end as it wraps around Traffic Street. A secondary access to the building is provided from the eastern end of the building on Traffic Street. The lower ground floor level would be visible at the eastern end of the building but as the site rises to the west would sit below ground level.
- 4.3 In terms of its design the elevations of the building has been broken down using different architectural treatments and varying external materials to create what appears as a collection of smaller buildings. The palette of materials is predominantly brick with a combination of a smooth red 'Nottingham' brick for the main trapezoidal element of the tower and eastern end of the building, a dark grey/black brick for 6 storey elements and a smooth pale grey brick to the courtyard elevations. The taller tower element is finished in an anodised aluminium cladding system, pale bronze in colour. The same cladding system is used for the returns at the eastern end of the building and incorporates perforated panels in a matching anodised finish. Deep window reveals are incorporated throughout.
- 4.4 The building is configured around a central courtyard space above the lower ground level which is predominantly hard paved but with specimen tree planting in planters, together with a good quality lighting scheme. A combination of green and brown roofs are incorporated on the flat roofed elements to provide some biodiversity and rainwater attenuation.
- 4.5 There are no on-site parking spaces but a total of 220 secure cycle spaces are provided at the eastern end of the building at lower ground level.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

18 Neighbouring properties on the following streets have been notified of the proposal:

Kinglake Place
Castlefields
Traffic Street
Castle Park

The application has also been publicised through the display of a site notice and the publishing of a press notice.

14 letters of objection have been received which are summarised below.

- This is a quiet residential area with a mix of residents where background noise levels are quite low at night time and the weekend. They consider that the development would likely result in significant increases in evening and weekend noise and antisocial behaviour (ASB). The clash of lifestyle between current residents and the proposed student population is likely to result in a situation similar to that currently experienced in the Lenton Triangle, including an increase in the levels of nuisance. They feel that there would also be similar problems of dealing with any reported nuisance, as the students are a transient population, and each year new students would cause similar problems. They highlight the City Council's difficulty in ascertaining the potential noise disturbance to an individual room in response to noise complaints. The issue of increased noise and disturbance from students returning late at night is of concern.
- Concerns regarding the scale of the student accommodation and its close relationship with the small houses located opposite the site on Kinglake Place and Castlefields. They question the height of the building at the corner with Queens Drive and Wilford Road and consider that the building at 12 storeys in height would tower above everything. They consider that it would not form an appropriate gateway building into the city centre.
- They consider that there are other locations in the area that would be more suitable for this type of development, sites where there could be more separation planned in between the existing residential and the student apartments, or with a less sensitive use to separate the two housing types. However if this proposal is likely to move forward serious consideration should be given to a reduction in the size of the development, and therefore the number of students, to reduce the impact of the development on the peace and amenity of residents.
- The design includes a bar and roof terrace on the 9th Floor that faces the existing residential houses across the road and they consider that its use is likely to result in noise nuisance and associate antisocial behaviour. This element should be removed from the design.
- They are concerned that the 10-12 storey block would remove views of the Castle, the top of the Council House and Waterways building, currently enjoyed by the properties of Castlefields and Kinglake Place. It will also reduce the amount of visible skyline from rear windows. They are of the belief that that this, in conjunction with the 5-6 storey main block, would reduce the amount of visible sky line by more than the 20% reported in the document submitted with the Planning Application. In their opinion it is, more likely to be 50%.

- Concern regarding the initial consultation exercise initiated by the developer and documented as part of their Statement of Community Involvement. A further residents meeting has now taken place but there still remain concerns that the level of consultation has not been as inclusive as suggested.
- The height of the development is not considered to be in keeping with the other existing buildings in the area, especially the 10-12 storey block proposed for the Waterway Street/Queen's Drive corner. The planning permission given for residential apartments on the former Hindle House on Traffic Street is considered to be more sympathetic to the residential area on the opposite side of the road.
- The 5-6 storey main development and the 10-12 storey block would reduce the security and privacy of the residential gardens and first floor bedrooms.
- There is also the concern that this is one of two currently proposed student developments in the area. The other is the application to convert the Tax Office on Wilford Road into student accommodation. They consider that these developments, and any further permissions for student accommodation in this area, would result in a cumulative impact of a large number of students and the clash of lifestyles this brings with it. This will include noise from the accommodation premises, late night noise on the streets and increased 'studentification' of the bars and entertainment on the Canal. There is also concern that other leisure activities will be built in this area to cater for the students' leisure needs that will bring with them increased noise nuisance and ASB.
- The effect of noise from plant and air handling units shown on the roof areas of the development on existing residents has not been addressed in the information submitted with the Planning Application.
- The effect of noise from activities in the lower ground communal space of the development on existing residents has not been addressed in the information submitted with the Planning Application.
- The Management Plan for the building does put forward some measures for mitigating noise and nuisance from its residents. However, it states that complaints need to be made in writing and gives no time frame for resolution of the complaint or for first contact with the person being affected by the issue from the development. If this development is given permission, there should be a 24hr number that residents can ring so any nuisance behaviour can be dealt with as it happens and the culprits are identified. This is especially important if the problem is noise at night that should be stopped immediately once the building management have been informed. They should also include mitigation measures for dealing with noise associated with the students returning in the evening/late at night.
- The impact of the demolition of the Plumb Centre and the building of the new complex on existing residents has not been addressed in the information submitted in the Planning Application. This includes the effect on the structure of the existing residences, unacceptable levels of noise, dust, loss of privacy and security; and the escape of vermin – as experienced by the residents of Arkwright Walk during the new development there. This needs to be addressed and existing residents reassured if the development goes ahead.
- Errors in the submission concerning the 9th Floor terrace, bar and sports facilities.
- They acknowledge that the developer did recently meet with a group of residents to allow issues regarding visual impact, possible noise and loss of light to be raised. Whilst the developer did try to respond to the concerns raised, those about overlooking remain.

Local Ward Councillor Nicola Heaton, of the Bridge Ward, conveyed her opinions via the Committee Chair at the 18th July meeting. She was concerned about the height of the building, the unacceptable impact on views of the Castle from properties in the Meadows, and that the management plan for the building would need a robust complaints procedure.

Nottingham Civic Society - Nottingham Civic Society objects to the development as it is far too tall and bulky, greatly exceeding and in some places doubling the Council's adopted building height guidance for this area. In their opinion the development would result in a 'lumpen' building in a prominent location. They are of the opinion that its proportions seemed to have been designed to maximise floorspace at the expense of sustainability, its relationship to its city context or concern for its overall appearance.

Whilst some attempt has been made to model the building's Queen's Drive/Wilford Road short elevation with contrasting forms to break up some of the building's bulk, from Waterway Street West, from the tram route, from the Meadows and from the south and south-west viewpoints, the building reads from ground level as massive, assertive, unrelieved building blocks, compressed into the site. They consider that the scale of this building would overwhelm some of the attractive early 20th-century industrial buildings in Traffic Street and would probably interfere with some of the longer views of the city centre focal points from the south.

They are concerned that due to the building's height and layout, the student accommodation facing into the small 'lightwell' would be gloomy in the extreme. Any redevelopment on the north side of Traffic Street would also be seriously over-shadowed. The design also fails to address Traffic Street with any active ground floor uses, its frontage is occupied with refuse/service functions, to the detriment of community safety and the streetscene generally. The development is so densely packed onto the site; there is insufficient room for any meaningful planting.

The Civic Society consider the height and massing of this development should be completely reconsidered as this development is wholly unsustainable and contrary to adopted Council policy.

Additional consultation letters sent to:

Environmental Health and Safer Places (EHSP): No objections. Conditions relating to a contamination remediation strategy, noise insulation and ventilation scheme, and noise assessment in relation to mechanical services plant and extraction systems, are recommended.

The impact of the use of communal spaces on the 9th floor needs to be considered both on future residents and in terms of potential noise breakout affecting existing residents. The submitted plans show a licensed bar and open roof terrace, which would be accessible to students. EHSP consider that the operating hours of any roof terrace would need to be restricted.

This is a large residential development which is close to existing low level housing (the development is approximately 27m from the nearest residential boundary on Kingslake Place). As well as illumination from the individual rooms, there may also be building illumination. While it is not anticipated that there would be significant direct illumination of the habitable rooms of existing residential properties it is

anticipated that there would be significant general illumination in the evenings & at night, which may affect existing residents. In addition, lighting for the development should be designed to minimise glare and spillage, and direct or reflected illumination of the sky; the effect known as 'skyglow'. Details of lighting are requested by condition.

Highways: No objections subject to conditions. The current footways surrounding the site fall below the recommended footway width of 2m. Footway widths are proposed to be increased, it is however noted that Waterway Street West is a busy traffic route, and the proposed student/retail use will increase footfall at this point. It is recommended that the width of the footway along Waterway Street West be a minimum width of 3m. Amended plans have been received to show this.

The lower ground floor level of the building is below the level of the highway for a section of both Waterway Street and Traffic Street. Retaining walls will be required to support the highway, although no structural details have been provided at this stage. A planning condition will be required requesting full details of the retaining walls adjoining the highway to be submitted for approval, In addition, Highways will require a detailed method statement outlining how the road is to be supported during the construction of these retaining walls.

The level of cycle storage proposed is considered acceptable.

Further details will need to be provided on potential landscape improvements proposed to the western end of Traffic Street and for the treatment to the hammer head at the western end of Traffic Street. These should be agreed in principle prior to planning permission being granted.

Conditions relating to the submission of a Construction Management Plan, closure of all redundant crossovers and the submission of a Student Traffic Management Plan for the drop off/pick of students, are also recommended.

Environment Agency: No objections subject to conditions relating to the submission of a remediation strategy to deal with the risks with contamination of the site and details of piling or other foundation designs using penetrative methods.

Biodiversity Officer: No objections subject to conditions. The submitted Ecological Appraisal is considered to be sufficient to inform the application. The site has minimal existing ecological value and there is not anticipated to be an adverse impact on designated sites as a result of the proposals. However, there is scope for the site to support nesting birds and for construction impacts on foraging bats from artificial lighting to be addressed. There is scope to improve the biodiversity of the site as part of the development (as is required under NPPF), which should be secured by condition.

Tree Officer: The trees on site are of no practical significance and should not constrain development. We should take this opportunity however to obtain a number of street trees in an area that is low in tree cover and will benefit from new planting. Street planting will form part of a highways agreement but can also be part of a landscaping condition.

Drainage: The development should be carried out in accordance with the revised Flood Risk Assessment. Details of the surface water drainage strategy should be conditioned.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018):

The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay.

There are a number of sections of the NPPF that are relevant to this application.

Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes, where it is needed, that groups with specific housing requirements (including students) are met and that land with permission is developed without delay. Paragraph 80 requires that significant weight be placed on the need to support economic growth and productivity. Paragraph 85 requires that decisions support the role that town centres play at the heart of local communities. Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles. Paragraph 103 states that significant development should be focused on locations which are or can be made sustainable. Paragraph 118 requires that substantial weight be given to the value of using brownfield land and promoting the development of under-utilised land and buildings. Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places.

Aligned Core Strategy:

Policy A - Presumption in Favour of Sustainable Development.

Policy 1 - Climate Change.

Policy 5 - Nottingham City Centre.

Policy 7 – Regeneration.

Policy 8 - Housing Size, Mix and Choice.

Policy 10 - Design and Enhancing Local Identity.

Policy 14 - Managing Travel Demand.

Policy 17 – Biodiversity.

Policy 19 – Developers Contributions.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

MU3.7 – Southside Regeneration Zone - Mixed Use Sites.

H2 - Density.

H6 - Student Housing.

BE8 – City Skyline and Tall Buildings.

R2 - Open Space in New Development.

NE9 - Pollution.

NE10 – Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 – Car, Cycle and Servicing Parking.

Supplementary Planning Policy Documents

Southside Regeneration Supplementary Planning Guidance 2003

Building Balanced Communities SPD (BBC SPD)

Nottingham City Centre Urban Design Guide

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development within the Southside Regeneration Zone
- ii) The scale, layout and design of the proposed development
- iii) Impact on residential amenity
- iv) Highway considerations
- v) Planning Obligations
- vi) Other matters

i) Principle of the development within the Southside Regeneration Zone (Policies A, 5, 7 and 8 of the Aligned Core Strategy; Policies ST1, MU3.7, H2 and H6 of the Local Plan; the Southside Regeneration Supplementary Planning Guidance 2003; and the Building Balanced Communities SPD (BBC SPD))

- 7.1 The application site falls within the Southside Regeneration Zone (SRZ) and occupies a prominent corner site on one of the main approaches into the City Centre. The policies relevant to the SRZ seek to encourage comprehensive, mixed use, sustainable developments that promote the Southside as a major location for inward investment, and ensure that new developments are integrated in a comprehensive way to maximise employment and regeneration benefits. Policy 7 of the ACS Identifies the SRZ as a mixed-use business district with a predominance of offices supported by residential development, new hotels and complimentary retail leisure activity. The site is also specifically designated as being a key site in the SRZ, which could provide a large scale building to create a focal point at this gateway into the City Centre.

- 7.2 The application site is located on the southern fringe of the City Centre which in general terms is an appropriate location for purpose built and managed student accommodation, in accordance with the BBC SPD and Local Plan Policy H6. The latest Nottingham Authority Monitoring Report (March 2017) recognises that there is still a need for purpose built accommodation and the demand for student accommodation remains high. It is considered that the provision of further good quality purpose-built accommodation would attract students that would otherwise occupy houses of multiple occupation outside of the City Centre. The location of the site is distant from the main areas of high student concentration (largely) to the west, rather being situated in a mixed-use commercial environment at the periphery of the City Centre. It is also set away from the nearest residential area, the Meadows, from which it is separated by the southern ring road and tramline.
- 7.3 The proposed accommodation is of an appropriate size internally with cluster bedrooms averaging 12sqm and benefitting from associated communal kitchen/living areas commensurate to the size of the cluster flat, and studios ranging from 18-25sqm. It is in a highly accessible location with good pedestrian, cycle and tram links to the City Centre and both University campuses.
- 7.4 It is concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Policies A, 5, 7 and 8 of the Aligned Core Strategy, Policies ST1, MU3.7, H2 and H6 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Building Balanced Communities SPD.

ii) The scale, layout and design of the proposed development (Policy 10 of the Aligned Core Strategy, Policy BE8 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Nottingham City Centre Urban Design Guide)

- 7.5 This prominent site has been identified, in the SRZ, as being capable of accommodating a large building, designed to create a focal point on this approach into the City Centre. The City Centre Urban Design Guide has also identified the application site as falling within a 'Zone of Reinvention' where it is expected that a new urban form would emerge, through the introduction of high quality gateway buildings, whilst respecting the wider historic context, and in particular views to/from the Castle. The application includes images illustrating the impact of the development from a number of key viewpoints, including from the Castle and longer distant views from the south.
- 7.6 The development has been the subject of significant design amendment in terms of its scale, massing and architectural treatment, including the use of City Centre wide contextual 3D modelling and guidance from the Design Review Panel. Great weight has been given to its relationship with the Castle, its relationship with existing and future development along traffic Street, views of the western corner from Queens Drive and its impact upon Meadows.
- 7.7 An important consideration has been the maintenance of views to and from the Castle. It has been demonstrated that whilst the building and in particular its 10/12 storey element would clearly be visible from the Castle, it would not break the skyline. Furthermore, long views of the Castle from the Embankment would not be interrupted. The Design Review Panel were comfortable with the scale of the building and in particular the creation of greater height at its western end to create a gateway development and important marker for the regeneration of this area.

Further work was required to break down the perceived massing at this corner. In response a stepped approach has been adopted. An angled 10 storey trapezoidal tower element would form a key view of the site when travelling into the City Centre along Queens Drive. This would then step up to a 12 storey bronze clad rectangular block on the corner of Wilford Road and Traffic Street. In line with comments from the Design Review Panel, the principal entrance to the building has been moved to the more prominent western elevation and it is proposed to create an area of public realm in front of this, to further accentuate the entrance to the building.

- 7.8 It is noted that the planning permission was granted in 2011 for a 9/10 storey building on the site of 3 Wilford Road, to the northern side of Traffic Street. Indicative massing for this neighbouring site was included in the 3D modelling to explore the relationship of the current scheme with future adjacent developments.
- 7.9 It is acknowledged that the scale of the building, particularly the taller element, would result in the loss of northward views from the closest residential properties in the Meadows, including views of the Castle. However, private views are not a material planning consideration and a view of the Castle from this group of residential properties is not identified as a key view in the City Centre Urban Design Guide. Indeed, the site is part of the SRZ, which is designated for larger scale regeneration projects that is intended to expand the City Centre southwards. Furthermore, the public benefits of this regeneration scheme are considered to outweigh any concerns in this regard and would not be sufficient to warrant refusal of the application.
- 7.10 The predominant part of the building would be 5-6 storeys in height. Although this represents a significant amount of development in massing terms, Waterways Street is a main transport corridor around the City Centre and given its status in the highway hierarchy, it is considered that 5-6 storey development would be commensurate with the character and function of this route.
- 7.11 Considerable effort has also been made to break down the length and massing of the long frontages of the building along Traffic Street and Waterways West by incorporating changes in the building plane, to the roof form, to the fenestration pattern and in the use of differing external materials. The result has been to create the appearance of a series of smaller, adjoining buildings. Since the submission of the application, further revisions have been made to the scheme which are summarised as follows:
- the removal of the sixth floor at the eastern end of the building and introduction of a simplified roof form on this part of the building
 - further stepping in the massing to respond to the gently sloping topography, along with amendments to the roof form, including the introduction of additional 'sawtooth' elements that reference the industrial heritage of the area
 - introduction of deeper recesses for the main glazed elements, to help break down the massing into a series of architectural forms
 - amendments to the fenestration pattern with deep reveals and additional brick detailing to add variety
 - rationalising the uses/window openings at lower ground floor level to maximise the opportunity for active frontages

- re-working of the elevation at the eastern end of the building as it wraps around Traffic Street, introducing projecting oriel windows at top floor level
 - introduction of decoration to the trapezoidal element, introducing perforated, patterned elements where there are opening vents in light bronze aluminium
- 7.13 The applicant has stated that two bin stores, each with an area of 71sqm, would be located on the lower ground floor level. The bin stores have been designed to accommodate both general and recycling bins. The applicant has stated that their cleaning strategy would involve the provision of recycling bins in each kitchen. Their strategy includes the cleaning of kitchens and for the disposal of waste to ensure that the correct bins are used.
- 7.14 Below is a summary of the main design changes that have been made since the deferral in July:
- Changes to the massing, including (a) taking a floor off the trapezoidal element and (b) removing the southern part of rectangular tower, including a reduction in parapet height
 - Rationalising the cladding and fenestration pattern in the rectangular tower, to more closely relate to the fenestration pattern of the trapezoidal element
 - Expressing the top two floors of the rectangular tower in curtain walling with a combination of clear/obscure glass and incorporating a vent/spandrel panels with projecting fins aligned to follow the fenestration pattern below, and a stepped capping detail. All to be finished in a light bronze anodised aluminium
 - Amending the trapezoidal element by introducing a full height vertical glazed curtain walling element, to reduce the perceived width of the built form
 - Re-working of the main entrance which is being re-positioned to the base of the rectangular tower to create a clear 'front door' to the scheme and a stronger sense of arrival. Alterations include full height glazing to maximise views into the reception area, together with a 'floating' entrance canopy and bold signage / graphic treatments
 - Infilling the base of the trapezoidal element / previous undercroft entrance area, with full height glazing which will now house an enlarge common room
 - Introducing full height glazing where the trapezoidal element meets the tower
 - Enhancements to the public realm at the Southern end of Traffic Street, the current turning head, incorporating a 'shared surface' zone adjacent the main entrance, new street furniture, new lighting and hard / soft landscaping treatments
- 7.15 The above revisions are felt to be an appropriate and considered response to the concerns raised by Councillors in relation to design issues at the last meeting. Images of the previous and revised schemes will be presented at Committee.
- 7.16 In conclusion, it has been established that the scale is appropriate in this location and having regard to key vistas and longer views. It is also considered that the design satisfactorily mitigates concerns regarding the massing of the development. The proposal would deliver a high quality development that would enhance the existing townscape in compliance with Policy 10 of the Aligned Core Strategy, Policy BE8 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Nottingham City Centre Urban Design Guide.

iii) Impact on amenity of surrounding residents (Policy 10 of the Aligned Core Strategy, Policies H2, H6 and NE9 of the Local Plan the Building Balanced

Communities SPD)

- 7.17 A number of residents of Kinglake Place and Castlefields have responded to the consultation process and expressed concern about the impact of the development on their properties, in terms of loss of privacy, view, outlook, light and potential noise and disturbance.
- 7.18 A group of up to 20 residential properties on Kinglake Place and Castlefields have rear elevations and gardens facing north, or their blank side elevations facing towards the site. The rear gardens of these properties immediately adjoin Meadow Way, which has been adapted to accommodate the tramline. A 2m wide footpath and 1.8m fence sit between Meadow Way to and Waterway Street West, which takes the form of a dual carriageway at this point.
- 7.19 Given the concerns of neighbouring residents, a daylight/sunlight assessment has been carried out for the proposed development by the applicants. It states that the adjacent properties remain compliant with the Building Research Establishment's (BRE) recommended targets for the Vertical Sky Component test and that no material change in daylight levels would result. The survey concludes that the effects of the proposal would adhere to the BRE guidelines in terms of daylight. The report also confirms that the proposed development would not result in any additional overshadowing of neighbouring gardens.
- 7.20 A distance ranging between 36-46 m (dependent on the location of the property) would be maintained between the Waterway Street West elevation of the proposed development and the rear elevations of existing residential properties which face towards the site. A distance of 29-32m would exist between the boundary of properties rear gardens. Given this distance, it is not considered that the proposal would result in a loss of privacy sufficient to warrant refusal of the application.
- 7.21 It should be noted that the loss of a view and property value are not material planning considerations in the determination of a planning application. The impact of views of the Castle has been discussed in a previous section of this report.
- 7.22 The applicant's recognise that there is a need for strong management arrangements with purpose built student accommodation. Accordingly, a management plan is proposed as part of the S106 to negate issues regarding waste management and anti-social behaviour issues 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.
- 7.23 In response to residents' concerns, the applicants have revised the communal area on the 9th Floor so that it will not include a bar and the open terrace has now been enclosed to remove any concern about potential noise and disturbance.
- 7.24 Environmental Health have also recommended noise assessment/sound insulation conditions to protect future residents of the scheme and to address potential noise disturbance arising from the building and external mechanical plant.
- 7.25 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) Highways considerations (Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.26 There is no parking provision for this development and there would be a restriction within the Section 106 Obligation to prevent students from keeping vehicles within the City. 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. In addition, the scheme incorporates generous cycle parking provision for 220 cycles in a secure and easily accessible facility at lower ground level. In light of these factors, the development is considered to accord with Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.
- 7.27 The requirement for a construction management plan together with other matters requested by Highways can be addressed by condition.

(v) Planning obligations (Policy A and 19 of the Aligned Core Strategy and Policies ST1 and R2 of the Local Plan)

- 7.28 In order to comply with the requirements of the Supplementary Planning Guidance, the developer is required to enter into a section 106 obligation to secure the following financial contributions and obligations:
- A financial contribution towards off-site Public Open Space – £97,403.46
 - A student management scheme (see paragraph 7.22), which shall include a restriction on car usage
- 7.29 The Public Open Space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. This would be directed towards the improvement of play facilities at the Queens Walk recreation ground and Victoria Embankment, which are both areas of public open space readily accessible to the residents of this development.
- 7.30 It is confirmed that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.
- 7.31 It is also confirmed that the Section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

(vi) Other issues

Flood Risk (Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan):

- 7.32 The NPPF states that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Authorities should apply a sequential, risk-based

approach to the location of development. The site has previously been sequentially tested and is considered acceptable for residential development with appropriate flood mitigation measures.

- 7.33 The site lies within Flood Zone 2. The main source of potential flood is seen to be from the River Trent and as such, the application has been accompanied by a Flood Risk assessment (FRA). The Environment Agency (EA) have assessed this document and raised no objections to the proposal in terms of flood risk.
- 7.34 A revised FRA was submitted to clarify the principles of the surface water drainage strategy for the site, which includes sustainable drainage measures. The Council's Drainage team are now satisfied with the principle of the scheme subject to details of drainage being submitted, by condition.
- 7.35 The proposal therefore accords with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

Contamination and Noise (Policies NE9 and NE12 of the Local Plan)

- 7.36 The requirements for a remediation strategy to deal with ground contamination and a noise assessment/sound insulation scheme to protect neighbouring residents and future occupiers of the development would be secured by condition. The proposals are therefore in accordance with Policy NE9 and NE12 of the Local Plan.

Waste (Policy 10 of the Aligned Core Strategy)

- 7.37 The applicant has stated that two bin stores, each with an area of 71sqm, would be located on the lower ground floor level. The bin stores have been designed to accommodate both general and recycling bins. The applicant has stated that their cleaning strategy would involve the provision of recycling bins in each kitchen. Their strategy includes the cleaning of kitchens and for the disposal of waste to ensure that the correct bins are used.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the Aligned Core Strategy and Policy NE 2 of the Local Plan)

- 8.1 The building is proposed to exceed current Building Regulations requirements. This is mainly achieved by a 'fabric first approach' involving appropriately insulated walls, floors and roofs to provide a high 'u' value. Photovoltaic panels are proposed at roof level. Energy efficient lighting and reduced consumption water fittings are also proposed.
- 8.2 The Biodiversity Officer is satisfied with the contents of the submitted ecological assessment and that there are no constraints from European Protected Species. Conditions can be used to secure enhancements to the ecological interest of the site, which should include the provision of bird and bat boxes. The incorporation of green and brown roofs is welcomed.

9 FINANCIAL IMPLICATIONS

A financial contribution of £97,403.46 has been negotiated in accordance with the Open Space SPG.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/00819/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P7SIPELYFKW00>

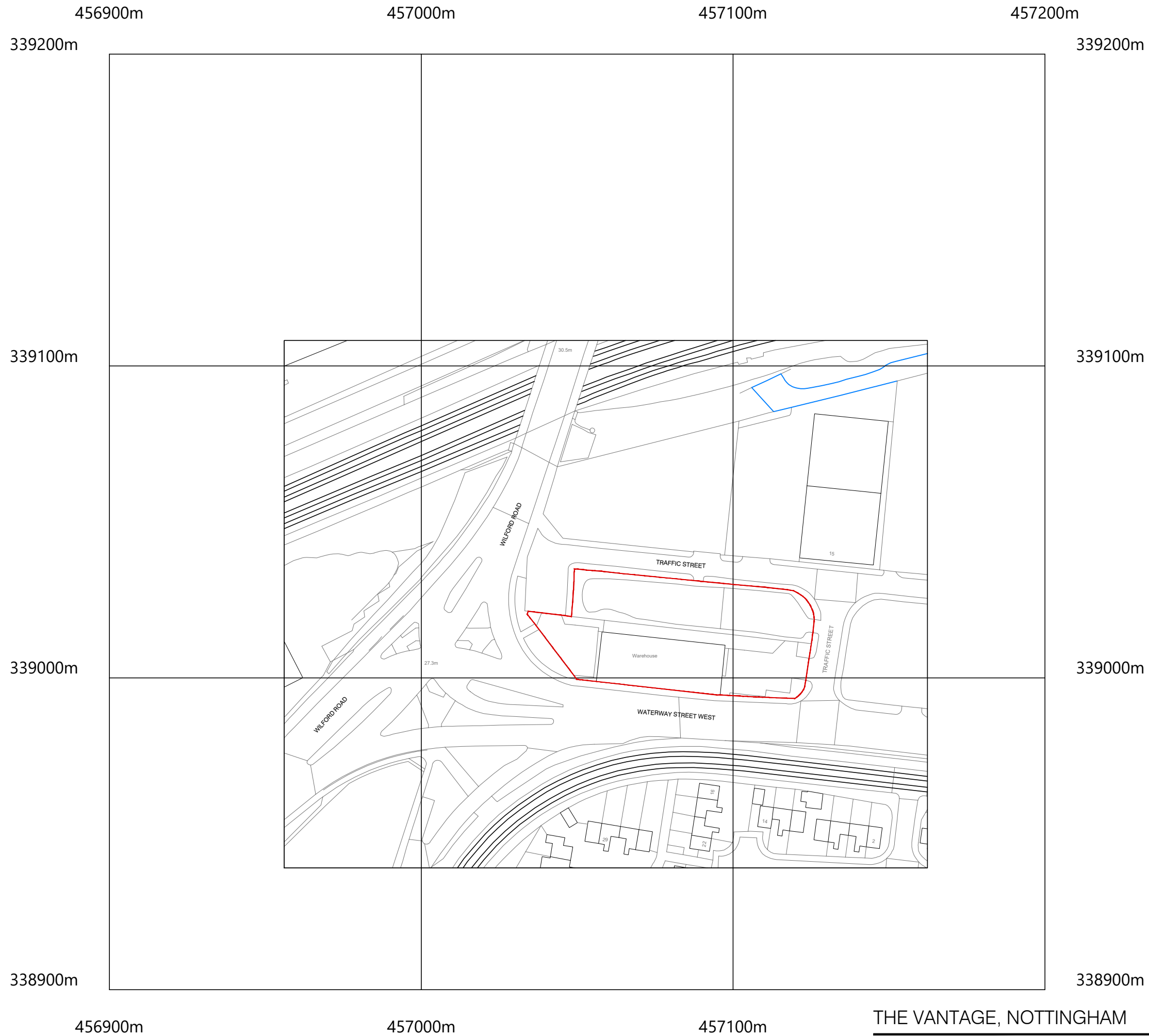
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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THE VANTAGE, NOTTINGHAM
PROPOSED LOCATION PLAN

TALBOT CHAMBERS 2-6 NORTH CHURCH STREET SHEFFIELD S1 2DH
TEL 0114 2490944 FAX 0114 2490966 www.axis-architecture.com
SCALE 1:1250

27231_A(00)01
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My Ref: 18/00819/PFUL3 (PP-06912932)
Your Ref:
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RPS
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EC2Y 5DN

Date of decision:

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

Application No: 18/00819/PFUL3 (PP-06912932)
Application by: Southern Grove Traffic Street Ltd
Location: Plumb Centre, Waterway Street West, Nottingham
Proposal: Demolition of existing buildings and erection of a part 5, part 6, part 10 and part 12 storey building comprising 118 student apartments along with associated access, communal space, landscaping, cycle parking and two Class A1 retail units.

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. The development shall not be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of delivery vehicles to/from the site, haul routes (if any), site security, traffic management plans, measures to prevent the deposit of debris on the highway, working times and a timetable for its implementation.

Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies NE9 and T3 of the Local Plan.



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A city we're all proud of

DRAFT ONLY

Not for issue

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Continued...

3. The development shall not be commenced until details of the design and specification for the basement walls, including details of any necessary temporary works to the highway, have been submitted to and approved in writing by the Local Planning Authority.

The works shall thereafter be constructed in full accordance with the approved details prior to the commencement of the development on site.

Reason: To ensure the stability of the highways and avoid prejudice to traffic conditions within the vicinity of the site in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

4. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 Desk Study by Idom Merebrook Ltd dated April 2018 and includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation above, 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.

To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.



5. Prior to the commencement of above ground development, a sound insulation scheme which has regard to the Planning Noise Assessment and the finalised Ventilation and Air Quality Statement both by Waterman Infrastructure & Environment Ltd (dated April 2018), shall be submitted to and be approved in writing by the Local Planning Authority.

The sound insulation scheme shall:

- a) include predicted internal noise levels for any plant and equipment which will form part of the development and address issues of transmission of noise through the structure.
- b) address the sound insulation requirements for the proposed 9th floor bar and terrace area and other indoor communal spaces within the development including the transmission of noise through the structure.
- c) 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 LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
 - iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

6. Prior to the commencement of above ground development, an environmental noise assessment and sound insulation scheme shall related to plant and mechanical services 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.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

7. 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. Details shall demonstrate that industry best practice is being used to minimise the effects of noise and vibration on surrounding occupiers.

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

To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

8. The development shall not be commenced until a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials including details of the windows/doors, means of enclosure and hard surfaced areas of the site shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the Aligned Core Strategy.

9. Prior to the commencement of above ground development large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements for each architectural variation to the building's elevations shall be submitted to and approved in writing by the Local Planning Authority:

a) Elevations: including glazing systems, louvers, reveals, window panels and entrances;

b) Roofs: including edges, parapets, and oriel windows;

c) Plant: including lift enclosure, external ventilation systems, and other similar elements that are integral to the fabric of the building.

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014.

10. Prior to the commencement of above ground development and notwithstanding the approved drawings, large scale elevation and section drawings (e.g. at a scale of 1:20) of the ground floor entrance area of the building, relating to both tower elements, shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014.

11. Prior to the commencement of above ground development details of the proposed green/blue roofs shall be submitted to and agreed in writing with the Local Planning Authority and shall include plant specification (native species where possible), an agreed timescale for the implementation and maintenance arrangements.

The green/blue roofs shall be installed in accordance with the approved details and maintained for the life of the development.

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

12. Notwithstanding the submitted Flood Risk Assessment, the development shall not be commenced until drainage plans for the disposal of surface water, to include the use of

sustainable urban drainage measures and additional source control features, 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 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

Pre-occupation conditions

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

13. 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.

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy NE9 of the Nottingham Local Plan.

14. 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, has been implemented prior to occupation of any part of the development.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

15. 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.

To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

16. The development shall not occupied until details of a Traffic Management Plan 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 and agreed in writing with the Local Planning Authority.

The Traffic Management Plan shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

17. The development shall not be occupied until secure cycle and bin storage has been provided in accordance with the approved details.

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

18. The development shall not be occupied until a scheme of works for the new areas of public realm, to include details of the pedestrian and environmental works to Traffic Street, Waterway Street West and Wilford Road, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard surfacing, street furniture, the type, height, species and location of the proposed street trees (along with details of the tree pits/trenches and aeration pipes) and future maintenance arrangements.

No part of the development shall be occupied until the approved scheme of works has been completed.

Reason: In the interests of the appearance of the development and to avoid prejudice to traffic conditions within the vicinity of the site in accordance with Policy 10 of the Aligned Core Strategy.

19. The development shall not be occupied until a scheme of landscaping and works to the retained trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees 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: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

20. Prior to the installation of the lighting scheme an external & internal lighting assessment for the development shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

21. The development shall not be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance details which have first been submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategy.

22. The development shall not be occupied until bin storage has been provided within the site in accordance with the approved details.

Reason: In the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategy.



23. No part of the development shall be occupied until a scheme for the inclusion of bird and bat boxes within the development has been implemented in accordance with details that shall first have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the location, type, number and position of the bird and bat boxes, using where possible boxes integrated into the fabric of the building and positioned to avoid artificial lighting.

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

24. The development shall not be occupied until details of the refuse facilities to serve the proposed Class A1 retail units has been submitted to and agreed in writing with the Local Planning Authority.

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

Reason: In the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority.

The remediation strategy shall be implemented as approved.

To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

26. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development", the ground floor ancillary commercial space ; shall not be used for any purpose other than Class A1 retail; without the prior express permission of the Local Planning Authority.

Reason: To protect the amenities of future occupiers and neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham 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 26 April 2018.

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 officer's delegated 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. Highways:

a) Planning consent is not consent to work on or from 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.

b) We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please contact Highways Network Management on 0115 8765293

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

d) It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

4. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- '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 validated
- 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.

5. Environmental Noise Assessment

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

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

6. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

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).

7. Piling can result in risks to groundwater quality from, for example, mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by



Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

8. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

oexcavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
otreated materials can be transferred between sites as part of a hub and cluster project
osome naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:
othe Position statement on the Definition of Waste: Development Industry Code of Practice and;
oThe Environmental regulations page on GOV.UK

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.

RIGHTS OF APPEAL

Application No: 18/00819/PFUL3 (PP-06912932)

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.

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.



DRAFT ONLY

Not for issue