

REPORT OF CHIEF PLANNER

1 Brook Street, Nottingham

1 SUMMARY

Application No: 16/00429/PFUL3 for planning permission

Application by: Franklin Ellis Architects on behalf of Emma Property Management

Proposal: Change of use of existing building from office to residential, providing 101 apartments and including new cafe and crèche use. Extension to the second, third and fourth storeys within existing building footprint. Re-cladding of exterior facade and creation of internal courtyard.

The application is brought to Committee because it gives rise to complex or sensitive issues, being a major application on a prominent site where there are important land-use, design and heritage considerations and also as it is recommended for approval, but where planning obligations are proposed to be waived.

To meet the Council's Performance Targets this application should have been determined by 31 July 2016.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions 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 Chief Planner.

3 BACKGROUND

3.1 The application site is located at the east end of Bath Street, close to its junction with St. Ann's Well Road. The site is occupied by a deep floor plan building that occupies the entire site and ranges between four and seven storeys in height. It is faced in roughcast concrete cladding, ribbon glazing, and has a flat roof. The tall Bowman Telephone Exchange building is adjacent to the east on Bath Street. St. Mary's Rest Garden and Victoria Hall student accommodation is across Bath Street to the north. The tall Marco Island flats development is to the south across Brook Street. To the west across Cowan Street is a cleared site and vacant single storey building, 1A Brook Street.

3.2 The application building is substantially vacant with only part of the ground and lower ground floors being used by a car rental company (Hertz). The building has previously been used for a range of office and storage uses, including a link with Marco Island when this building was in use as a postal sorting office. Pedestrian

and vehicle access to the building is currently available from Bath Street and Brook Street.

- 3.3 The application site is adjacent to the boundary of the Sneinton Market Conservation Area, which runs along the opposite side of Bath Street and includes St Mary's Rest Garden and Victoria Park. The site falls within the Eastside Regeneration Zone.
- 3.4 The planning history of the site includes its proposed redevelopment with a 9-14 storey mixed use building comprising 244 apartments, with ground/first floor commercial and leisure uses (07/00019/PFUL3). A planning appeal against the non-determination of this application was allowed on 14 October 2008 upon the appellant's completion of a revised Section 106 unilateral undertaking submitted subsequent to the public inquiry held in February 2008. This permission has now expired.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the conversion, extension, and significant alteration of the building for use as 101 apartments, including cafe and crèche uses to the ground floor off Bath Street. The existing façade of the building is to be removed back to the structure, which is then to be re-clad in a bronze/buff metal cladding and a white metal cladding/white render systems in varying patterns on each elevation. Extension elements are added to the upper sections of the building, with a taller accent corner to Brook Street/Cowan Street. Recessed balconies are also to be formed within the elevations. The central section of the building is to be removed to allow sunlight and daylight to penetrate into the plan of the building as well as creating an open courtyard and communal space for residents. Deck walkways are formed around the edges of the courtyard atrium for resident circulation and access to apartments. Car parking for the building is to be retained at its existing level of 112 spaces. 20 spaces are to have a plug-in recharge facility for electric vehicles. 52 secure cycle lockers are also to be provided. Bin storage areas are divided into two locations in each corner of the building. The application states that the proposed development will have ten employees, and the applicant has offered to make provision for local employment and training opportunities during the construction and operation of the development, to be secured by a unilateral undertaking.

- 4.2 The proposed mix of apartments to be created is:

1-bed duplex:	2
2-bed duplex:	52
3-bed duplex:	17
4-bed duplex:	3
1-bed flat:	13
2-bed flat:	12
3-bed flat:	2
Total:	101

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Marco Island, Huntingdon Street – all apartments
Bowman Telephone Exchange Bath Street
Bath Place, Bath Street
1A Brook Street Nottingham
35, 37 Brook Street
Gala Club, St. Anns Well Road
Victoria Hall Two, St. Anns Well Road
201, 203 Huntingdon Street
William Booth Memorial Hall, King Edward Street
Flats 1-20 Bloomsbury Court, Beck Street

The application has also been advertised by press and site notices.

No neighbour responses have been received.

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions relating to noise assessment and sound insulation; air quality assessment; and ventilation and fume extraction details for any café/restaurant use.

Highways: No objection subject to conditions relating to construction method statement; implementation of off-street car parking spaces; and kerb re-instatement to existing vehicular accesses where these are made redundant.

Biodiversity Officer: No objection. Satisfied with the ecology report which hasn't found any evidence of bats. The inclusion of a green roof/ garden area within the new scope of the building is very positive. This will provide a valuable area for birds and invertebrates, as well as a space for new residents to enjoy. Given the proximity to Victoria Park, a green roof will add to the ecological networks within the City. Recommend a condition to secure the implementation of these features.

Drainage Team: No objection. Reference to rainwater harvesting and a green roof are welcomed. Advise that there is a high risk from surface water flooding that could impact upon lower ground and basement floors. Recommend conditions in relation to site drainage and details on how instances of surface water flooding will be managed without impact upon future residents of the development.

Nottingham Civic Society: Support. No objection to the ingenious re-modelling of the former commercial building to create apartments, or to the increase in the building's height, which should not impact upon the amenity of the neighbouring Rest Garden within the Sneinton Market Conservation Area, or impinge upon long views of the city centre identified in the City Centre Urban Design Guide from Bellevue Reservoir in the north towards the Council House Dome and cutting across this site. However, many of the apartments may suffer from poor levels of daylight and sunlight because of the proximity of large buildings nearby. Those on the north elevation however will benefit from views over the Rest Garden which will enhance community safety generally.

The idea of ground floor commercial uses benefiting from the courtyard garden is attractive, although careful management of privacy for ground level apartments would be necessary. The levels of noise in the internal courtyard - particularly from the spill-out from the crèche, might also represent an unwelcome consequence in the enclosed setting with noise-reflective surfaces all around. However, the scheme represents an interesting mixed use development which has the potential to improve the appearance of a large derelict building and provide footfall and casual surveillance for the Conservation Area.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.6 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.7 Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles including that if significant harm cannot be avoided, mitigated or as a last resort compensated, then permission should be refused.
- 6.8 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

BE12 - Development in Conservation Areas

H2 - Density.

H5 - Affordable Housing.

NE9 - Pollution.

NE10 - Water Quality and Flood Protection.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategies (September 2014)

Policy 1 - Climate Change

Policy 7 - Regeneration

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Eastside Regeneration Area Interim Planning Guidance (June 2004)

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The development will provide for the appropriate regeneration of the area.
- (ii) The overall density and layout of development is appropriate to its location and provides a satisfactory living environment for future occupants.
- (iii) The scale and design of the building is appropriate to the area, including the adjacent Sneinton Market Conservation Area.

- (iv) The S106 planning obligations which would normally be required should be waived or reduced

Issue (i) Regeneration (Policy ST1 and Policy 7)

- 7.1 The application site falls within the Eastside Regeneration Zone and, whilst not being an allocated site for redevelopment, has been the subject of redevelopment proposals in the recent past (07/00019/PFUL3). It has also long been viewed as building that is in need of transformation.
- 7.2 Policy 7 of the Aligned Core Strategy states that the Eastside Regeneration Zone will be a focus for major residential and employment led mixed use regeneration and redevelopment across a number of key sites.
- 7.3 The Nottingham City Centre Urban Design Guide considers the site to form part of the 'Zone of Reinvention' where a new urban form is to be encouraged.
- 7.4 The Eastside Regeneration Area Interim Planning Guidance seeks to establish a high quality, urban environment that is safe for all by promoting mixed use and good, sustainable architecture complemented by well-designed and appropriately managed open spaces.
- 7.5 It is considered that the proposed development is consistent with the objectives of the regeneration policies and provides the opportunity for a much needed stimulus and significant improvement of this prominent site. The principle of an apartments based redevelopment of the site has been previously agreed and it is considered that the format of the proposed development, which includes a mix of substantially duplex apartment units in a range of sizes, would be appropriate to the area. It is therefore considered that the proposed development accords with Policies ST1 and Policy 7.

Issue (ii) Density and Layout (Policies H2, T3 and Policy 8)

- 7.6 The proposed overall density of the development would be 324 dwellings per hectare. Policy H2 notes that the focus for development at higher densities will be in and around the city centre, and the Eastside Regeneration Zone is also recognised in the Nottingham City Centre Urban Design Guide as an area of the city where higher density and taller buildings are likely to be successfully located. Where such higher densities are proposed there is a requirement for particularly high standards of design and layouts that are to be attractive to occupiers. It is considered that the proposed development will meet these high standards, albeit within the constraints of the relationship of the building to its taller neighbouring buildings at Marco Island and the Bowman Telephone Exchange. Highways are satisfied with the access and level of car parking provision that is being retained within the building. It is, therefore, considered that the proposed development accords with Policies H2, T3 and Policy 8.

Issue (iii) Scale and Appearance (Policy BE12 and Policy 10)

- 7.7 The scale of the building is substantially unchanged as a result of the proposed development. Whilst sections of it are to be removed to allow sunlight and daylight penetration into the plan of the building and to improve the relationship between some apartments and the Bowman Telephone Exchange, other sections are to be added to the Cowan Street elevation and a set-back top storey, which will develop

the building to a consistent height and will help to unify its form. It is, therefore, considered that the proposed scale is appropriate to the area.

- 7.8 The appearance of the building would be completely transformed. In addition to the comprehensive recladding and fenestration of the elevations, depth, interest and texture is provided through the introduction of recessed balcony openings and louvered screens. This is the case on all elevations, with each being individually designed but being controlled under a common architectural style. The three street elevations to Bath Street, Cowan Street, and Brook Street are each given imaginative treatments, with the primary Bath Street elevation onto St. Mary's Rest Garden having a more ordered and refined appearance in bronze/buff cladding that is appropriate to this setting and to the Sneinton Market Conservation Area.
- 7.9 There is particular emphasis on the use of large expanses of glazing, which will allow as much sunlight and daylight as possible to penetrate into the deep plan of the building, being one of the most significant challenges in converting this building to residential use. This challenge is partly addressed through the removal of the central section of the building to create a central open courtyard a communal space for residents. The concept for this courtyard is envisaged as a "lush green space" with the use of ground and climbing plants to create a "hidden landscape" for residents to enjoy. The detailed design of this space will be particularly important and will require a skilled landscape designer to achieve the desired result.
- 7.10 The support of Nottingham Civic Society is noted and welcomed. It is, therefore, considered that the scale and appearance of the proposed development is appropriate to the area and, subject to conditions relating to design details and materials, accords with Policies BE12 and 10.

Issue (iv) S106 Planning Obligations: (Policies ST1, H5, R2 and Policy 8)

- 7.11 The applicant has submitted a viability appraisal in support of their assertion that the proposed development would not be viable based upon the provision of the full range of planning obligations that the scheme would otherwise require. The planning obligations in the form of commuted sum payments have been calculated as (i) Affordable housing - £626,500, (ii) Open space – 98,793, (iii) Education - £94,801. The total commuted sum contribution would be £820,094.
- 7.12 The viability appraisal has been independently reviewed by the District Valuer. The District Valuer has advised that a developer's reasonable target return for a scheme of this nature is 18%. At this level of return it is advised that the project could deliver a reduced level of S106 contributions amounting to £313,623. However, on recent planning applications for other sites within the regeneration areas Committee has accepted that, in the interests of stimulating the regeneration of these sites and areas, a higher level of developer return of 20% would be appropriate before any S106 contributions would be expected. At a 20% developer return the proposed development would technically not be viable, with the tipping point being at 19.16%. The application building has remained substantially vacant over a number years and a previous planning permission for its redevelopment has expired without being implemented. It is therefore considered appropriate that the proposed development should be encouraged through the acceptance of a higher level of developer return of 20% and that a sufficient case has been made to waive S106 in this particular instance.

Other Material Considerations

Pollution and Contamination (Policy NE9)

- 7.13 Pollution Control has no objection to the proposed development subject to conditions relating to noise assessment and sound insulation, air quality assessment, and need for any ventilation and fume extraction. Subject to the conditions included in the draft decision notice appended to this report, it is therefore considered that the proposed development accords with Policy NE9.

Flood Risk and Drainage (Policy NE10, Policy 1)

- 7.14 Whilst the site is not located within a flood risk zone, the comments of the Drainage Team in relation to surface water flooding in the area are noted. Accordingly, it is recommended that conditions are attached to a planning permission to require further details of site drainage measures and surface water flooding management. Subject to these conditions it is considered that the proposed development accords with Policy NE10.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

The building is to be stripped back and upgraded to meet modern insulation standards, reducing the energy usage of the building and providing a comfortable environment for residents. The application proposals also indicate that other sustainable features are aimed to be incorporated, including photovoltaic panels to power lighting and communal areas; green roofs to encourage wildlife habitats and reduce surface water runoff; and rainwater collection. Subject to conditions requiring further information and implementation of these features it is considered that the proposed development accords with Policies 1 and 17.

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

Ensuring Nottingham's workforce is skilled.

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: 16/00429/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O35FWDLYCB000>

2. Biodiversity Officer, 15.3.16

3. Drainage Team, 23.3.16

4. Highways, 24.3.16

5. Nottingham Civic Society, 26.3.16

6. Pollution Control, 4.4.16

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

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

Nottingham City Centre Urban Design Guide (May 2009)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.



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Key

-  City Boundary
-  Planning Application Polygons

Description

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My Ref: 16/00429/PFUL3 (PP-04856122)
Your Ref:
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Date of decision:

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

Application No: 16/00429/PFUL3 (PP-04856122)
Application by: Emma Property Management
Location: 1 Brook Street, Nottingham, NG1 1DY
Proposal: Change of use of existing building from office to residential, providing 101 apartments and including new cafe and creche use. Extension to the Second, Third and Fourth storeys within existing building footprint. Re-cladding of exterior facade and creation of internal courtyard.

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

Time limit

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

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

Pre-commencement conditions

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



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Continued...

2. The development shall not be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- The type, size and frequency of delivery to/from the site;
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Wheel washing facilities;
 - Measures to control the emissions of dust and dirt during construction;
 - Routing agreements.

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

Reason: In the interests of highway safety and the amenity of surrounding occupants.

3. Prior to the commencement of the 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 take into account the impact of road traffic noise and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels:

- Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- 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,
- Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00.

Reason: To ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

4. Prior to the commencement of the development, an air quality management scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include design techniques including a whole building ventilation scheme and/or other physical measures which reduce the exposure of future residents to poor air quality.

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

Reason: The application site falls within an Air Quality Management Area for nitrogen dioxide declared by Order. Therefore, in order to ensure that the occupants of the approved development are not exposed to elevated levels of nitrogen dioxide in accordance with Policy NE9 of the Nottingham Local Plan.



5. No development shall commence until large-scale elevation and section drawings to show the detailed design of each part of the building (e.g. scale 1:50 and/or 1:20) has been submitted to and approved in writing by the Local Planning Authority. The submissions shall incorporate details of:

a) Elevations: including cladding and glazing systems; window types, reveals, soffits, entrances, doors, glazed balustrades and handrails;

b) Roofs: including edges, parapets, rooflights and solar panels;

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.

6. No development shall commence until a large scale sample panel of all proposed external materials to be used in the construction of the approved development has been submitted to and approved the Local Planning Authority. Development shall thereafter be carried out 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.

7. The approved development shall not be commenced until details of how the site will be drained, including a target 30% percentage reduction in peak surface water run-off rate relative to existing, have been submitted to and approved by the Local Planning Authority.

In the interests of minimising the risk of surface water flooding events affecting occupants of the development in accordance with Policy NE10 of the Nottingham Local Plan.

8. Details of measures to minimise the risk of flooding to the below ground floors of the development shall be submitted to and approved by the Local Planning Authority before development commences.

In the interests of minimising any impact of surface water flooding events affecting occupants of the development in accordance with Policy NE10 of the Nottingham Local Plan.

9. Prior to the commencement of the development, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the approved cafe/Class A3 element of the approved development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from the cafe/Class A3 use.

Reason: In the interests of the amenity of neighbouring properties and in accordance with Policy S7 of the Nottingham Local Plan.

Pre-occupation conditions

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



10. 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 ensure that the residential occupiers of the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

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

Reason: The application site falls within an Air Quality Management Area for nitrogen dioxide declared by Order. Therefore, in order to ensure that the occupants of the approved development are not exposed to elevated levels of nitrogen dioxide in accordance with Policy NE9 of the Nottingham Local Plan.

12. The approved development shall not be occupied until details of the green roof system to be used across the roof of the Bath Street section of the building (Drawing Ref. 15054 Rev. A) have been submitted to and approved by the Local Planning Authority. The approved details shall also be implemented before the development is first occupied.

Reason: In the interests of ensuring that the development makes a positive contribution to the ecological networks within the City and in accordance with Policy 17 of the Aligned Core Strategies.

13. The approved drainage details (Condition 6) shall be implemented before the development is first occupied.

Reason: In the interests of minimising the risk of surface water flooding events affecting occupants of the development in accordance with Policy NE10 of the Nottingham Local Plan.

14. The approved measures to minimise the risk of surface water flooding to the below ground floors of the development (Condition 7) shall be implemented before the development is first occupied.

In the interests of minimising any impact of surface water flooding events affecting occupants of the development in accordance with Policy NE10 of the Nottingham Local Plan.

15. Prior to first use of the cafe/Class A3 element of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance from this use has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties and in accordance with Policy S7 of the Nottingham Local Plan.

16. No part of the development shall be occupied until such time that redundant vehicular access on Bath Street has been reinstated as footway with a full height kerb to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of occupants of the development.



17. No part of the development shall be occupied until the car parking spaces within the basement and lower ground floor levels of the building have been made available for use in association with the occupation of individual apartments and commercial premises within the building.

Reason: In order to ensure that car parking spaces are provided in accordance with the approved ratio in order to meet the residential needs of the approved development and in accordance with Policy T3 of the Nottingham Local Plan 2005.

18. A detailed landscaping scheme for the courtyard communal space of the development indicating the type, height, species and location of proposed planting, shall be submitted to and approved by the Local Planning Authority before the development is first brought into use. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any plants which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the courtyard communal space of the development provides a satisfactory level of amenity for residents of the approved development 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)

19. The car parking spaces within the basement and lower ground floor levels shall only be used for car parking in association with the occupation of individual apartments and commercial premises within the building within the approved development and for no other purpose including public or lease car parking.

Reason: In order to ensure that car parking spaces are provided in accordance with the approved ratio in order to meet the residential needs of the approved development and in accordance with Policy T3 of the Nottingham Local Plan 2005.

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 29 February 2016.

Reason: To determine the scope of this permission.

Informatives

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

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

3. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place.

4. The development makes it necessary to re-instate an existing vehicular crossing over a footway of the Public Highway on Bath Street. These works shall be constructed to the satisfaction of the Highway Authority and approval will take the form of a Section 278 Agreement. You are therefore required to contact Highways Network Management on 0115 8765293 to arrange for these works to be carried out. 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.

5. The proposed access re-instatement on Bath Street provides an opportunity to amend existing on-street parking which may be beneficial to the development. As such, Nottingham City Council's Traffic Management Team will be able to undertake a Traffic Regulation order on behalf of the Applicant. This is a separate legal process and the Applicant can contact Scott Harrison on 0115 87665245 to make arrangements. All costs to be borne by the Applicant.

6. It is an offence under S148 and S151 of the Highways Act 1980 (as amended) to deposit mud on the Public Highway and as such you should undertake every effort to prevent it occurring.

7. Air Quality

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

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

While no air quality assessment is required in this situation, an air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish which floors of a multi-storey building do not require an appropriate ventilation scheme.

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

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

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

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

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

8. Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. 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.

9. Control of Odour

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

It is recommended that the ventilation system is designed, installed and maintained by a competent person and includes the following:-

- i. A canopy of adequate size, sited over the cooking appliances,
- ii. Washable or disposable grease filters. Additional odour-reducing filters will be needed in some circumstances.
- iii. A fan of adequate capacity capable of achieving a minimum of 40 air changes per hour in the kitchen area, connected to a variable fan speed control switch is provided
- iv. Ducting to convey cooking fumes and steam to a suitable point for adequate dispersal into the atmosphere. A cap and or cowl at the point of discharge should therefore not be provided.
- v. Permanent make up air facilities which are fitted with back-draught shutters, are insect proof and are sited to ensure efficient circulation of air into the kitchen
- vi. Regular cleaning or changing of any filters and sufficient access points to enable periodic cleaning of the system are provided.



The onus for ensuring that the system does not cause odour nuisance rests with the operator. If the system is found to be causing an odour nuisance at any point, then suitable modification works will be required to be carried out and an abatement notice may be served.

10. Drainage

References to "rainwater harvesting" and "green roofs" within the application documents are supported in relation to a reduction in surface water run-off and should be included within the range of proposed measures to be used.

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

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



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Continued...

RIGHTS OF APPEAL

Application No: 16/00429/PFUL3 (PP-04856122)

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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