

REPORT OF CHIEF PLANNER

The Christian Centre, 79-85 Talbot Street

1 SUMMARY

Application No: 17/01620/PFUL3 for planning permission

Application by: Franklin Ellis Architects on behalf of RedOak Project E.S.A.

Proposal: Demolition of former school and car showroom buildings.
Construction of student accommodation development (of up to 9 storeys) comprising cluster flats and accessible studios, with communal facilities and a landscaped central courtyard.

The application is brought to Committee because it is a major application on a prominent City Centre site where there are important design and heritage considerations.

To meet the Council's Performance Targets this application should have been determined by 23rd October 2017. An extension of time has been agreed until 19th January 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 contribution of £69,573.90 towards restoration and landscape improvement works at Highfields Park and;
 - (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 both of the conditions and the section 106 obligation to be delegated to the Chief Planner.
- 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 The application site is located towards the top/northern end of Talbot Street and Wollaton Street, having frontages to both streets. The site is currently occupied by a former garage/car showroom and a former schoolhouse. The garage/car showroom was constructed in the 1960's. Its Talbot Street elevation is predominantly single storey and is set back from the street behind an area of forecourt car parking. Its roof is also used for car parking. The showroom elevation to Wollaton Street is two storeys high and abuts the footway. The remainder of this frontage is a substantial stone retaining wall which distinguishes the significant difference in levels between Wollaton Street and Talbot Street. The former schoolhouse building dates from around 1850 and is constructed in red brick, with stone detailing and steeply pitched roofs. Also being set back from Talbot Street, it sits above the stone retaining wall on Wollaton Street.
- 3.2 Planning permission has been previously granted twice for the comprehensive redevelopment of the site and construction of a new Christian Centre/Conference Centre, the first in 2007 and then again in 2011 for a revised scheme. Both planning permissions allowed for the demolition of the existing buildings and construction of substantial auditorium buildings and have since expired without any development having commenced.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the demolition of former school and car showroom buildings and the redevelopment of the site with a student accommodation development (of up to 9 storeys as revised) with communal facilities and a landscaped central courtyard. The proposed accommodation would be in both cluster and studio flats with a total of 330 student bedrooms being provided. The primary entrance to the development would be off Talbot Street, with a large reception and café/communal space at ground floor. There would be a secondary alternative entrance off Wollaton Street at lower ground floor level, which also provides access to the bin and cycle stores at this lower ground floor level. There would be a central courtyard space providing communal access between these levels and to the stair and lift cores.
- 4.2 The plan of the proposed development illustrates a series of interconnected blocks with a central courtyard space and areas of semi-public open space onto Talbot Street. The proposed elevation to Talbot Street would be five storeys plus two set back upper storeys above the principal sweeping curved element. There is also a transitional step and set back element as the elevation approaches the adjacent villas on Talbot Street. The proposed elevation to Wollaton Street would range from seven storeys to nine storeys and would include the reconstruction of the existing Bulwell stone wall as the principal existing feature of this street scene. Tall arched openings would be formed in the reconstructed stone wall with accommodation behind. Above the plinth wall would be the new blocks of accommodation, arranged in a series of bays and with a physical break in the elevation to allow sunlight and daylight penetration in to the central courtyard.
- 4.3 The development is proposed to be constructed in a primary buff brick and a secondary dark brown/grey brick, with deep reveals to the fenestration openings and a dark grey framed curtain walling system.

- 4.4 The developer has indicated that they will work with the Council's Employment and Skills team in relation to the use of local labour for the construction phase of the development and is prepared to commit to this via the S106 agreement.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

A total of 40 neighbouring and surrounding properties have been individually notified of the application proposals, including those on Talbot Street, Wollaton Street, Derby Road, and within Imperial House and Regent Mews.

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

The following comments have been received:

Neighbour: Size will cause a significant overshadowing and loss of light for the residents at Regent Mews. Wollaton Street is already a dull, overshadowed area and to allow a building of more than double the height of those which surround it would have a detrimental effect on the area. Adding a large number of residences to the area as proposed, will bring with it the inevitable increase in traffic. The current student population in the area causes significant noise and disturbance, throughout the academic year. The further increase in student numbers would drastically aggravate this. There are already a plethora of residences and amenities for students in this area and in Nottingham as a whole, to the point where it is impossible for private individuals to find accommodation and make a home for themselves in the City Centre. Finally, the replacement of the current stone wall with the proposed building (which currently runs alongside Wollaton Street) would affect the landscaping of the street and the old school building adds a certain character to the area.

Neighbour: Would like to see old school building incorporated into the design

Neighbour: Need affordable housing not more student accommodation. Also systematically destroying our heritage to accommodate students and universities.

Additional consultation letters sent to:

Environmental Health: No objections subject to planning conditions requiring contamination remediation and verification; environmental noise assessment and sound insulation including any commercial plant and equipment; ventilation and fume extraction details; and air quality assessment and management.

Highways: No objection subject to conditions. The proposal is a car free development, which is welcomed for this central location. Dedicated service bays being proposed are not able to be provided but an alternative TRO restriction may be possible provided that the existing level of on-street parking is maintained or compensation is provided for any lost. Recommend conditions requiring details of a Construction Traffic Management Plan, reinstatement of redundant vehicle accesses, and management of student arrival/departures.

Drainage: No objection. Satisfied with the applicant's proposed drainage strategy subject to implementation in accordance with this approach.

Biodiversity: No objection. The ecological appraisal and bat survey does not identify any constraints to development or recommends any further survey work.

English Heritage: This area is undergoing change and presents an opportunity for a high quality development which creatively transforms this site. However, do not support the demolition of the school and strongly encourage consideration of incorporation of this building as part of a wider redevelopment for this site.

The proposed building line is set proud of the villas on Talbot Street to create a 'focal point' which in our view will block and dominate the villas and views along the street. Recommend the building line is set back to align with the building line of the villas. We are concerned that this development, in overall massing will dominate the townscape, resulting in a loss of human scale along the streetscene. Current views along Talbot Street and towards Stanley House will be blocked. Overall we believe the development will create an overbearing and bulky development and the introduction of another large structure will exacerbate the dominance of such 21st century structures on the surrounding coherent historic townscape and appreciation of the designated heritage assets.

If this is considered to be an appropriate location for the proposed height, massing and scale, the proposal needs to set exemplary standards in design. We are not convinced by the quality and innovation of the design. Unfortunately it is neither remarkable nor exceptional and is not locally distinctive.

As there is clearly scope for development on this site, we believe the development needs to be reduced and contextual appraisals undertaken to establish a more appropriate scale, a revised building line, and breaking down the massing within each block to create a more interesting skyline and architectural form.

Nottingham Civic Society: Has reservations about the scale of the scheme within the Canning Circus Conservation Area. Proposed building seems much too large in some parts, dominating surrounding buildings, some of which contribute positively to the character of the conservation area. The new building should step down in mass from taller buildings at Canning Circus. This scheme would also visually coalesce with the taller elements of the Talbot House development.

The redevelopment would result in the demolition of the former characterful Victorian school building. Whilst the original Victorian church on the site is cited as a precedent for a focal building which would have dominated its immediate neighbours, the Civic Society does not feel that the current scheme has demonstrated why such a dominating building is justified in the case of student housing. The adjacent Victorian villas on their stone podium would be overwhelmed by this scheme.

There are however some design features of note, such as the curved reclaimed Bulwell stone podium fronting Wollaton Street to replicate the removal of the Bulwell stone retaining walls. This element of the design is supported, as is the predominant verticality in its elevations. Construction in Nottingham red bricks is preferred.

Nottingham Trent University: Consider that there is already an oversupply of student accommodation in the City Centre, which although to be reflected in the revised Local Plan, accept that this is not yet adopted. The oversupply is damaging the economy of NTU without assisting in the release of private housing. If further

accommodation is continued to be encouraged under present policy, then NTU expect schemes to be well designed and appealing to returning students, e.g. with appropriate ancillary services and cluster units of say 6 or fewer bedrooms per shared living space, and generous space standards and good natural light.

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, which are set out in the report, 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 and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken 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 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.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Paragraphs 126 to 141 of the NPPF set out the government's approach to conserving and enhancing the historic environment. Of particular relevance to this application, paragraph 131 requires authorities to take into account:
 - the desirability of sustaining and enhancing the significance of heritage assets (including conservation areas and listed buildings) and putting them to viable uses consistent with their conservation,
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.7 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):

BE12 - Development in Conservation Areas.

BE13 - Demolition in Conservation Areas.

H6 - Student Housing.

NE9 - Pollution.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 5 - Nottingham City Centre

Policy 10 - Design and Enhancing Local Identity.

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Demolition of existing buildings.
- (ii) Use for student accommodation and amenity of neighbouring occupiers.
- (iii) Scale and design of proposed development and impact on the character and appearance of the Canning Circus conservation area.
- (iv) Highways

Issue (i) Demolition of existing buildings (BE13)

- 7.1 The application site falls within the Canning Circus Conservation Area. Whilst the vacant garage/car showroom has no individual merit, the adjacent former schoolhouse is considered to make a positive contribution to the character and appearance of the Conservation Area. This building is particularly visible on Wollaton Street, being elevated from the street behind a high stone retaining wall.
- 7.2 The former schoolhouse building has been previously extended and altered. It also appears somewhat isolated within a context of much larger office block buildings. Whilst the combination of its individual form and elevated setting contributes to its presence within the street scene, it is the stone retaining wall onto Wollaton Street

that is considered significant to this effect. The demolition of the former schoolhouse building has been previously granted as part of the previous permissions for the redevelopment of the site as a Christian Centre/Conference Centre. The merits of the proposed development are discussed below, and the incorporation of a salvaged stone plinth detail to the Wollaton Street elevation of the scheme is noted. It is therefore considered that Policy BE13 is addressed in the context the assessment of the merits of the proposed development.

Issue (ii) Use for student accommodation and amenities of neighbouring occupiers (Policy H6, Policy 10 and Building Balanced Communities Supplementary Planning Document)

- 7.3 The application site has remained underused for many years and, despite planning permission for its redevelopment for a Christian Centre/Conference Centre having been granted, its significant potential has remained unrealised.
- 7.4 The concept of a 'student quarter' being developed on Talbot Street is now well established, with a number purpose built/conversion student accommodation developments having been completed in recent years, the most recent being the redevelopment of Talbot House (Nova) which was completed and opened this year. The application site is conveniently located within a short walking distance of Nottingham Trent University campus and city centre amenities. It is considered that the provision of further good quality purpose-built accommodation on this street will attract students that would otherwise occupy houses of multiple occupation outside of the city centre. Accordingly, it is considered that the proposed student accommodation use complies with the Building Balanced Communities Supplementary Planning Document and Policy H6 regarding the location of student accommodation development.
- 7.5 As NTU note, emerging policy HO5 of the emerging Land and Planning Policies Development Plan Document (LAPP) is seeking to introduce a requirement for developers to evidence the need for student accommodation as part of their application. However, this policy has received a number of representations that have yet to be considered, and so little or no weight can be given to it in the determination of this application. Furthermore, whilst NTU's views about the oversupply of student accommodation are noted, it is considered that this is not borne out by recent vacancy surveys that show low levels (<2%) of vacancy within purpose-built student accommodation (PBSA). The LAPP notes that at the time of publication (September 2017), just under half of students' accommodation needs are met by the general housing stock. It is considered that this supports the view that there is currently a need for additional PBSA in the city, if the council's aspirations to reduce student numbers in general housing stock are to be met.
- 7.6 There are no private residential properties on this section of Talbot Street, with neighbouring properties being in student accommodation use (Talbot Studios, Talbot Point, Mansion Studios and Nova), HMO use (adjacent villa properties at 87-93 Talbot Street), offices (Chaddesden House, Lambert House), and church use (Christian Centre). The response from the residential neighbour at Regent Mews on Wollaton Street is acknowledged. The main entrance to the proposed development is to be off Talbot Street and the majority of pedestrian movements between the accommodation and university are expected to be along this street. A secondary entrance is provided on Wollaton Street and is expected to benefit student circulation as well as providing necessary access to the proposed bin and cycle stores. Whilst a student management scheme is required under the provisions of the

S106, the existing potential for noise and disturbance along Wollaton Street as a primary vehicular and pedestrian route into and out of the City Centre is also recognised. Therefore, on balance it is considered that the proposed development will not significantly impact upon the amenity of neighbouring occupiers in accordance with Policy H6, Policy 10 and the Building Balanced Communities Supplementary Planning Document.

Issue (iii) Scale and design of proposed development and impact on the character and appearance of the Canning Circus conservation area (Policy BE12 and Policy 10)

- 7.7 The application site occupies significant lengths of frontage on both Talbot Street and Wollaton Street and the topography and transition between Talbot Street and Wollaton Street gives the site a dramatic visual appearance, including views from Canning Circus. With the exception of the noted character of the former schoolhouse building and stone retaining wall onto Wollaton Street, the site is considered to be generally poor in its appearance and it is considered that there is an opportunity to redefine these streets with a high quality new development.
- 7.8 The City Centre Urban Design Guide identifies the application site as falling within the 'Zone of Repair' where it is expected that new development will respect and repair the historic character of the area. Although the historic character of Talbot Street and Wollaton Street had been significantly eroded by 1970's developments that had little or no regard to this character, recent developments between both streets have begun to repair the urban form of the area, reinstating the building line with a scale of development that has helped to redefine these streets as a distinctive 'student quarter'. Accordingly, the scale of development between Talbot Street and Wollaton Street has been justified as being taller than the norm for the area where the extent of erosion of its character has been significant. Nevertheless, the scale and design of proposed development has also been reduced and revised during the course of the assessment of the application in response to officer advice and consultee responses.

Talbot Street

- 7.9 The amended scale of the proposed development on Talbot Street is now considered to be consistent with other recently constructed developments on this street. Whilst providing a definitive building line to the street, the proposed elevation has also now been set sufficiently far back from the street edge to maintain the good height to street width ratio that characterises the street at this point as well as maintaining the important view down Talbot Street towards the landmark clock tower of Stanley House. The scale relationship of the proposed development to the adjacent villas has also improved as a result of the amended siting and provision of a curved glazed corner that visually eases the transition between the buildings.
- 7.10 Initially proposed as a tower element which was intended to reflect the historic precedent of the church tower that occupied the site, the main entrance element of the proposed development has also been significantly modified. This element is now presented as sweeping curved brick elevation that will have a significant presence in views up Talbot Street whilst being more sensitive to its context with its two curtain wall glazed upper floors being set sufficiently back from the parapet edge of the brick elevation to visually reduce the scale of the building when viewed from lower down Talbot Street. The elevation to Talbot Street also includes a

transitional step and set back upper floor to break its length and to reduce the scale of development in relation to the adjacent villas.

- 7.11 The elevations are presented with a hierarchy of openings, with vertical emphasis and modelling being provided through the use of recessed panels of curtain walling. Section and axonometric drawings of the elevations have been provided to illustrate the proposed details. The buildings are proposed in a buff brick with dark grey window frames and curtain wall panels. A sample panel of precedent materials will be presented to Committee.

Wollaton Street

- 7.12 There are two principal blocks to the proposed development onto Wollaton Street, both resting on top of a tall stone wall plinth as a reconstructed key element of the existing street scene. The shorter of the two blocks would act as a transition between the development and the adjacent villas, with the villas being set back further from the edge of Wollaton Street and thereby making the upper corner and return elevation of this lower block prominent in views from Canning Circus. The taller and longer of the two blocks would then read as the principal element in the street scene. This larger block is then broken mid-section with a recessed element that visually splits the length of the block, providing rhythm and a vertical emphasis onto Wollaton Street. This rhythm and vertical emphasis is carried down to street level with deep arched openings being created within the stone wall section. As per Talbot Street, the elevations of the blocks onto Wollaton Street are given vertical emphasis and modelling through the use of recessed panels of curtain walling. The blocks are also proposed in a buff brick with a dark grey brickwork lower floor above the stone plinth and dark grey brickwork panels within the recessed panels across the elevations.
- 7.13 Whilst it is recognised that the scale of the Wollaton Street elevation would represent a significant change to the existing street scene of the area and therefore the character and appearance of the Conservation Area, it is considered that the amended scale and design of the proposed development demonstrates that its scale and appearance would be appropriate in views both up and down Wollaton Street, including Canning Circus. It is therefore considered that that the proposed development would enhance the character and appearance of the Canning Circus Conservation Area, particularly through the redevelopment of this longstanding underused site.

Courtyard and Other Spaces

- 7.14 The proposed layout provides a courtyard space between the blocks. This space would function as a circulation space for student occupants. The formation of the courtyard will allow sunlight and daylight to penetrate the scheme as well as providing an outlook for accommodation within the centre of the site. It is considered that the extent of separation across the courtyard space will provide an appropriate level of amenity for student residents. Other semi-public spaces are created at the proposed main entrance to the building on Talbot Street and fronting onto Talbot Street.
- 7.15 The City Council's 3D model of the City Centre has been used to determine the key aspects of building massing and impact on the street scenes of Talbot Street and Wollaton Street. Accordingly, the siting, scale and design of the proposed development has been considered further in relation to its impact upon the adjacent

villas on Talbot Street and view towards Stanley House clock tower, and the massing and form of the development onto Wollaton Street has also been redesigned to a more consistent scale and rhythm to offset previous concerns that officers shared over its scale and impact in significant views, for example, from Canning Circus. Consequently, it is considered that the scale and design of the revised proposed development has been significantly improved by these changes, which are also now supported by further detailed design work on the elevations.

- 7.16 Nottingham Civic Society have subsequently advised that their views are unchanged by the revised plans. The further response of Historic England is awaited and will be reported to Committee. The reservations and recommendations of Historic England and Nottingham Civic Society are noted and have been considered as part of the review and revision of the scale and design of the application proposals. However, in accordance with the above assessment and subject to conditions, it is considered that the scale and design of the proposed development would be appropriate to the city centre and neighbouring properties, in accordance with Policy BE12 and Policy 10.

Issue (iv) Highways (Policy T3)

- 7.17 The proposed development makes no provision for on-site parking. Highways welcome this and recognise that the surrounding highway is highly restricted by Traffic Regulation. There are pay and display car parks in the vicinity of the site that will allow the families of students to park off-street at the beginning and end of terms. It is recognised that amendments to existing Traffic Regulation Orders are likely to be required in order to facilitate the general servicing of the proposed development and this is to be agreed with Highways. Planning conditions, including the management of student arrival/departures, are also recommended in the interests of highway safety and these are included in the draft decision notice that is attached to this report.
- 7.18 Obligations within the S106 agreement aim to ensure that student occupants do not keep or use their cars within the City. This has become a successful deterrent to student car use and is common to all major student accommodation developments within and around the City Centre. It is therefore considered that the proposed development accords with Policy T3.

Other Matters (Policies NE9 and R2)

- 7.19 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG it is intended that the Section 106 planning obligation secures a public open space contribution of £69,573.90 towards restoration and landscape improvement works at Highfields Park. This would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.
- 7.20 Pollution Control advises that they have no objection subject to conditions. In accordance with Policy NE9, it is therefore recommended that conditions relating to air quality assessment, site investigations relating to any contamination, implementation of sound and acoustic ventilation measures, and maximum noise levels in relation to any plant equipment are attached to a consent.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1)

The city centre location of the application site is inherently sustainable with good access to local services and public transport. The energy report submitted with the application advises that a 'fabric first' approach will be used to minimise the building's operational energy demand. Combined heat and power units are also intended to be used as a sustainable and efficient technology for a student accommodation development. It is therefore considered that the proposed development accords with Policy 1.

9 FINANCIAL IMPLICATIONS

A financial contribution of £69,573.90 will be negotiated in accordance with the Open Space Supplementary Planning Guidance.

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

Securing training and employment for Nottingham citizens through the construction of the development.

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: 17/01620/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTFFENLYMKI00>

2. Neighbour, 31.7.17

3. City Archaeologist, 31.7.17

4. Neighbour, 1.8.17

5. Drainage, 2.8.17

6. Drainage, 10.8.17

7. Highways, 13.9.17

8. Neighbour, 22.8.17

9. Biodiversity, 13.9.17

10. Nottingham Civic Society, 7.9.17
11. Historic England, 15.10.17
12. Environmental Health, 25.10.17
13. Nottingham Civic Society, 4.12.17

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
Building Balanced Communities Supplementary Planning Document
Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance
Nottingham City Centre Urban Design Guide

Contact Officer:

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NOMAD printed map



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Key

City Boundary

Description

No description provided

My Ref: 17/01620/PFUL3 (PP-06174752)

Your Ref:

Contact: Mr Jim Rae

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**Nottingham
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Date of decision:

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

Application No: 17/01620/PFUL3 (PP-06174752)
Application by: RedOak Project E.S.A.
Location: The Christian Centre, 79-85 Talbot Street, Nottingham
Proposal: Demolition of former school and car showroom buildings. Construction of student accommodation development (of up to 9 storeys) comprising cluster flats and accessible studios, with communal facilities and a landscaped central 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)

2. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the Construction Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

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

3. Details of the proposed means of support to the highway for any excavations greater than 1.35m depth adjacent to the highway shall be submitted to and approved by the Local Planning Authority prior to the commencement of any excavation works of this nature. The approved means of support shall be provided at all times throughout the construction period of the development.

Reason: In order to protect the structural integrity of the highway.

4. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan, based on 'Phase 2 Geo-Environmental Assessment' by BWB dated Feb 2017 (ref BIM Document Ref: TBS-BWB-00-XX-EN-RP-0001_Ph2_P1 Project Number: NTE2310), 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).

b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in a) above are complete.

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

5. 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 a whole building ventilation scheme and design techniques 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: To ensure that the site can be developed without health or safety risks to the users of the development in accordance with Policy NE9 of the Nottingham Local Plan.

6. Prior to the commencement of the development, a sound insulation scheme shall be submitted to the Local Authority for approval based on the measurements undertaken in the 'Noise Assessment' by SLR dated July 2017 (ref 403.07302.00001) and 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,

The assessment shall also 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 residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

7. 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 any odour from the proposed cafe element 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 development.

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience odour nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

8. No above ground 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 by the Local Planning Authority in writing before any above ground development commences. The 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.

9. Notwithstanding the details included on the approved drawings, no above ground development shall commence until further detailed drawings (scale 1:10/1:20) and specifications for the following elements have been submitted to and approved in writing by the Local Planning Authority:

- i) the aluminium curtain walling windows, including framing and opening elements;
- ii) the detailed construction and specification of the reconstructed natural "Bulwell" stone wall onto Wollaton Street, including a coursing, mortar, and arched window head details;
- iv) the front boundary wall and railings onto Talbot Street.

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

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

10. A detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting (trees and shrubs), shall be submitted to and approved by the Local Planning Authority before any above ground development is commenced. The scheme shall also include full details of the tree pit construction, with particular attention to these details being required for trees on the frontage of the site to Talbot Street.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

Pre-occupation conditions

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

11. The approved development shall not be occupied until the existing vehicle accesses that are made redundant as a consequence of the implementation of the approved development have been reinstated with full height kerbs and footways in accordance with details that are to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategies.

12. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

A Verification Report, which 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 the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

13. 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: To ensure that the site can be developed without health or safety risks to the users of the development in accordance with Policy NE9 of the Nottingham Local Plan.

14. 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 and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

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

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

16. Prior to first occupation of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance 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 and neighbouring properties to the development do not experience odour nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

17. The approved student accommodation shall not be brought into use until traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the accommodation at the start and finish of the academic terms has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

Regulatory/ongoing conditions

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

18. The approved development shall be implemented in accordance with the details included in the "Drainage Strategy and SuDS Statement" (July 2017) that is an approved document of this consent unless otherwise varied with the written consent of the Local Planning Authority.

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

19. 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 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 will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

Standard condition- scope of permission



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S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
As listed on Drawing Issue Sheet
Other reference DRAINAGE STRATEGY AND SUDS

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. Archaeology

Should any caves be encountered during the development the City Archaeologist must be contacted immediately (Scott Lomax, Tel: 0115 876 1854)

4. 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. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

5. 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.

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

7. Amendments to existing Traffic Regulation Orders on Wollaton Street and Talbot Street are likely to be required in order to facilitate the general servicing of the proposed development. and this is to be agreed with Highways Network Management on 0115 8765293, who will instigate this process. All associated costs will be borne by the developer.

8. Contaminated Land & 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' 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
- 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 and groundwater contamination of the site.

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

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.

9. 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) [the Regulations] are not being achieved.

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

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.

10. 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.

11. 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.

12. Control of Odour & Provision of Adequate Ventilation

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 shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

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 or risk of fire:

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.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf>.

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf>.

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

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: 17/01620/PFUL3 (PP-06174752)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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