

**REPORT OF DIRECTOR OF PLANNING AND REGENERATION**

**Plumb Centre, Waterway Street West**

**1 SUMMARY**

Application No: 18/00819/PFUL3 for planning permission

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

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

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

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

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to:

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

(i) a Public Open Space financial contribution of £97,403.46 towards improvements at the Queens Walk recreation ground and Victoria Embankment.

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

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

2.2 Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Director of Planning and Regeneration.

2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

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

### **3 BACKGROUND**

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

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

## **4 DETAILS OF THE PROPOSAL**

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

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

### **Adjoining occupiers consulted:**

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

Kinglake Place  
Castlefields  
Traffic Street  
Castle Park

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

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

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

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

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

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

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

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

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

**Additional consultation letters sent to:**

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

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

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

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

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

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

The level of cycle storage proposed is considered acceptable.

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

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

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

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

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

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

## **6      RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (July 2018):**

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

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

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

### **Aligned Core Strategy:**

Policy A - Presumption in Favour of Sustainable Development.

Policy 1 - Climate Change.

Policy 5 - Nottingham City Centre.

Policy 7 – Regeneration.

Policy 8 - Housing Size, Mix and Choice.

Policy 10 - Design and Enhancing Local Identity.

Policy 14 - Managing Travel Demand.

Policy 17 – Biodiversity.

Policy 19 – Developers Contributions.

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

ST1 - Sustainable Communities.

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

H2 - Density.

H6 - Student Housing.



BE8 – City Skyline and Tall Buildings.

R2 - Open Space in New Development.

NE9 - Pollution.

NE10 – Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 – Car, Cycle and Servicing Parking.

### **Supplementary Planning Policy Documents**

Southside Regeneration Supplementary Planning Guidance 2003

Building Balanced Communities SPD (BBC SPD)

Nottingham City Centre Urban Design Guide

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

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

### **Main Issues**

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

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

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

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

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

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

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

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

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

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

## **Communities SPD)**

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

proposal therefore complies with the requirements of Policy 10 of the Aligned Core Strategy, Policies H2, H6 and NE9 of the Local Plan and the Building Balanced Communities SPD.

**(iv) Highways considerations (Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)**

- 7.26 There is no parking provision for this development and there would be a restriction within the Section 106 Obligation to prevent students from keeping vehicles within the City. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that the proposed development should not pose a risk to highway safety. In addition, the scheme incorporates generous cycle parking provision for 220 cycles in a secure and easily accessible facility at lower ground level. In light of these factors, the development is considered to accord with Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.
- 7.27 The requirement for a construction management plan together with other matters requested by Highways can be addressed by condition.

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

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

**(vi) Other issues**

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

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

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

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

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

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

#### **Waste (Policy 10 of the Aligned Core Strategy)**

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

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

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

### **9 FINANCIAL IMPLICATIONS**

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

**10     LEGAL IMPLICATIONS**

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

**11     EQUALITY AND DIVERSITY IMPLICATIONS**

None.

**12     RISK MANAGEMENT ISSUES**

None.

**13     STRATEGIC PRIORITIES**

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

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

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

**14     CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15     VALUE FOR MONEY**

None.

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

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

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

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

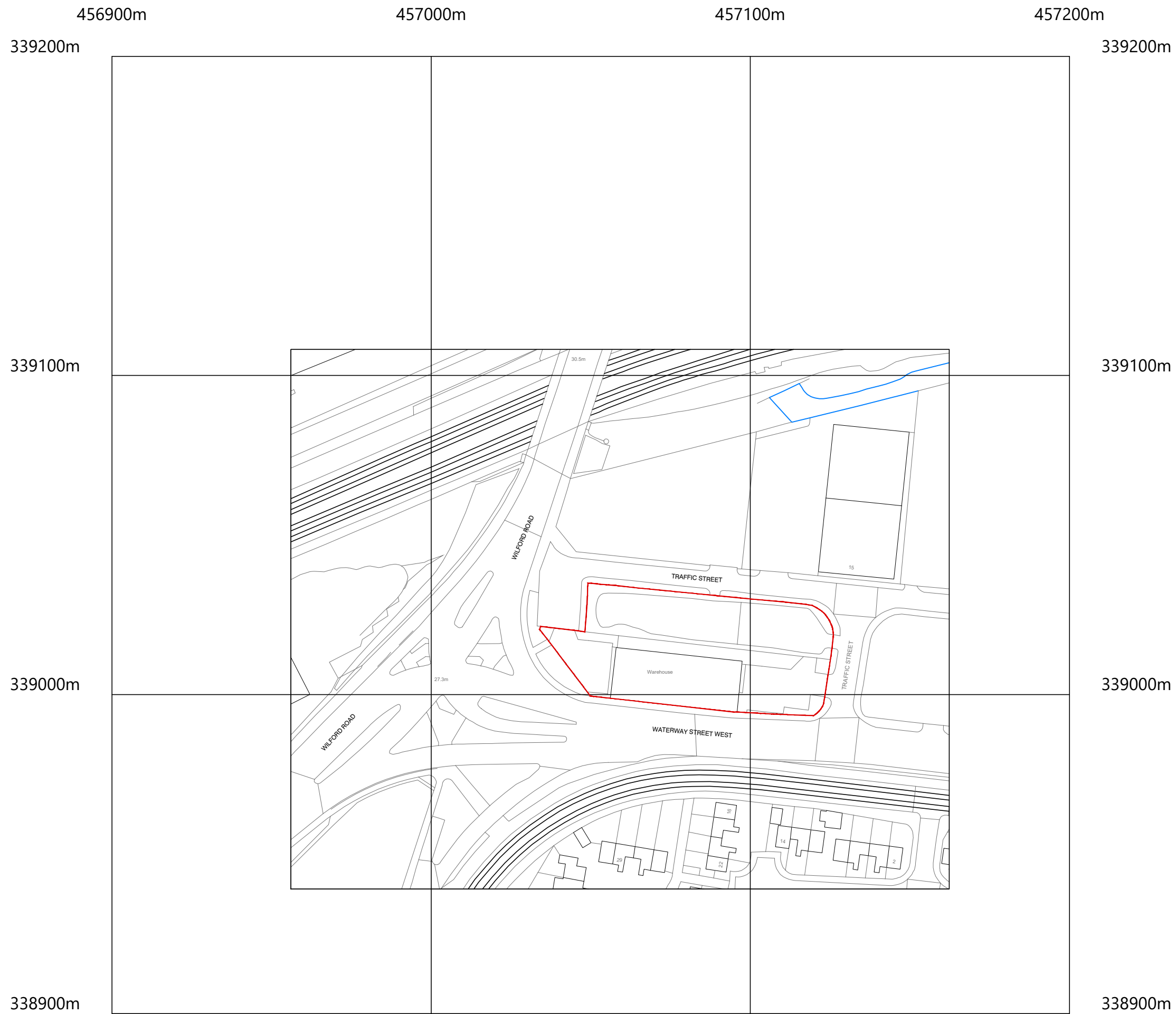
Nottingham Local Plan (November 2005)

**Contact Officer:**

Mrs Jo Bates, Case Officer, Development Management.

Email: [joanna.bates@nottinghamcity.gov.uk](mailto:joanna.bates@nottinghamcity.gov.uk)     Telephone: 0115 876404





# THE VANTAGE, NOTTINGHAM

PROPOSED LOCATION PLAN

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

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**My Ref:** 18/00819/PFUL3 (PP-06912932)

**Your Ref:**

**Contact:** Mrs Jo Bates

**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
City Planning  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

**Tel:** 0115 8764447  
www.nottinghamcity.gov.uk

RPS  
FAO: Mr Matthew Roe  
140 London Wall  
LONDON  
EC2Y 5DN

Date of decision:

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

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

---

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

**Time limit**

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

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

**Pre-commencement conditions**

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

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

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

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

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

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

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

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

a) A Site Investigation above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

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



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

The sound insulation scheme shall:

- a) include predicted internal noise levels for any plant and equipment which will form part of the development and address issues of transmission of noise through the structure.
- b) address the sound insulation requirements for the proposed 9th floor bar and terrace area and other indoor communal spaces within the development including the transmission of noise through the structure.
- c) include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:
  - i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
  - ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
  - iii. Not more than 45dB L<sub>Amax</sub>(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
  - iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

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

6. Prior to the commencement of above ground development, an environmental noise assessment and sound insulation scheme shall related to plant and mechanical services be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall provide sufficient detail to demonstrate that the combined noise from any mechanical services plant or equipment (including any air handling plant) specified to serve the development and running at 100% load shall not exceed a level 10dB below the existing ambient LA90 background noise level, at a point 1 metre from the window of any nearby noise sensitive premises at any time during the relevant operational period of the development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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**Nottingham**  
A city we're all proud of

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**Not for issue**

Continued...

sustainable urban drainage measures and additional source control features, have been submitted to and approved in writing by the Local Planning Authority.

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

*Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.*

#### **Pre-occupation conditions**

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

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

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

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

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

15. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

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

16. The development shall not be occupied until details of a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term has been submitted to and agreed in writing with the Local Planning Authority.

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

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



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

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

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

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

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

19. The development shall not be occupied until a scheme of landscaping and works to the retained trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which die are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The remediation strategy shall be implemented as approved.

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

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

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

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

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 26 April 2018.

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

#### **Informatives**



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

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

3. Highways:

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

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

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

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

4. Contaminated Land, Ground Gas & Groundwater

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

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

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development

and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

#### 5. Environmental Noise Assessment

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

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

#### 6. Commercial Noise

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

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

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

No items of plant or equipment (either singly or in combination) shall have a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (bangs, clicks, clatters, thumps).

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

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

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

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

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

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

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

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

## **RIGHTS OF APPEAL**

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

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

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

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

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

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

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

## **PURCHASE NOTICES**

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

## **COMPENSATION**

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



**DRAFT ONLY**  
**Not for issue**