

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

Gresham Works, London Road

1 SUMMARY

Application No: 14/01297/PFUL3 for planning permission

Application by: CPMG Architects Ltd on behalf of Nottinghamshire Fire And Rescue Service

Proposal: New fire station and associated works following demolition of existing buildings.

The application is brought to Committee because this is major application on a prominent site where there are complex design considerations.

To meet the Council's Performance Targets this application should be determined by 5th September 2014

2 RECOMMENDATIONS

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

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

3 BACKGROUND

3.1 The application site is located on the west side of London Road and is bounded to the north by Crocus Street, to the west by Walleth Street and to the south by Waterway Street. It is currently occupied by a group of buildings known as the Gresham Works, which comprise a number of separate buildings, the oldest of which are early Edwardian. Until recently the buildings have been in use for a variety of Class B1, B2 and B8 uses. They are now largely vacant but one occupier remains on the site operating a car repair business.

3.2 To the north of the site on the opposite side of Crocus Street at the junction with London Road is a cleared site which is being used as a hand car wash. To the west of this is the Hicking Pentecost Phase II site which has planning permission for residential development. On the opposite side of Walleth Street are industrial premises. To the south of Waterway Street is a single storey industrial building and to the south east is the edge of the Meadows residential area. The nearest property in the Meadows is a day centre and the nearest residential property is approximately 50m from application site.

3.3 The site is located within the Southside Regeneration Zone.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the demolition of all the buildings on the site and the construction of a new fire station for the use of the Nottinghamshire Fire and Rescue Service. The fire station is proposed as a replacement for the existing fire station on Shakespeare Street and will also include accommodation for the Emergency Response Department which is currently located within the Guildhall.
- 4.2 It is proposed to erect a three storey building on the southern part of the site frontage to London Road which will accommodate the office accommodation and other ancillary facilities associated with the operation of a fire station. On the ground floor at the northern end of the London Road frontage, and integrated into the body of the building, is a double height garage area which will house three fire tenders with further accommodation for the Emergency Planning Department oversailing this.
- 4.3 At the rear of the building it is proposed to provide an open yard area on the northern side which would be primarily a fire tender lay down area but includes other ancillary facilities. A vehicular access is proposed into this area from Walleth Street which would be used by fire engines to gain access to the site. This area also includes a 15.5 m high training tower which would have a 6.5 m communication aerial affixed to the top. Egress for the fire tenders would be directly on to London Road from the garage. A 32 space staff car parking area is proposed on the south side of the rear part of the site which would have both access and egress to Walleth Street. A small visitor parking area is proposed with a separate access from Waterway Street. Cycle parking for 8 cycles is also proposed.
- 4.4 The proposed building is located on the main frontage but it is cranked part way along its length which creates a set back from London Road. The prime reason for this relates to achieving maximum visibility and safety for fire engines egressing the site in an emergency. The cranking of the building also enables three existing trees within the site on the London Road frontage to be retained and some additional public realm and soft landscaping to be incorporated, widening what is currently a narrow pavement.
- 4.5 The principal facades of the fire station are brick with a black brick proposed primarily at the lower level and red brick on the first and second floors. On the London Road frontage the ground floor includes glazing to the office accommodation and the gymnasium. On the upper floors the brickwork is split by full height glazed units and intermittent copper colour cladding panels. The roof is concealed from view by a parapet behind which will be a level area for fixing photovoltaic panels.
- 4.6 It is proposed that the perimeter walls of the site are constructed in black brickwork on the London Road ends of Crocus Street and Waterway Street, similar to the ground floor black brickwork. The remaining boundary would be a combination of red brick and railings which would maintain security and allow moderate visibility into the site.
- 4.7 Employment and training opportunities will arise from this development and the applicant has agreed to work with the Council's Employer Hub to secure the delivery of local construction employment opportunities.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

- 5.1 The application has been advertised on site, in the press and the following nearby occupiers notified.

Units 1-10 Gresham Works; Building west of Gresham Works, Crocus Street; Pentagon House, London Road; and owner of Hicking Pentecost Phase II site.

- 5.2 In response a letter has been received from an occupier of the Gresham Works raising the following comments: The demolition of the Gresham Works will destroy his family business and livelihood of 45 years and will also result in the loss of eight jobs.

- 5.3 The Civic Society has also responded to consultation. It objects to the application for the following reasons: a very regrettable proposal since it makes no attempt to retain any part of the Edwardian industrial buildings which currently occupy the site – and until recently were in commercial use; the fire station brief presents challenges which suggest that this is not the right site for the use proposed; must be many sites within Regeneration Areas nearby which could accommodate the building and parking layout specified without the need to demolish these serviceable industrial buildings which exhibit strong local character; Gresham Works comprise robustly constructed, attractive brick buildings, adapted to their site with the curved corner building illustrating a fast disappearing feature of the Meadows' architecture and character.

Additional consultation letters sent to:

- 5.4 **Pollution Control:** No objections subject to clarification of the use of the training tower and whether there is any option to provide traffic light access on to London Road in both directions for safety and to avoid the use of sirens. Recommend conditions requiring contamination strategy and remediation, a noise assessment and sound insulation scheme, a noise management plan for the operation of the fire station and a noise and dust management plan for the demolition and construction period.
- 5.5 **Highways:** No objection. Advise that the proposed location of the fire station is on to one of the busiest routes in the City and there will be issues at times of heavy queuing and the subsequent impact of appliances exiting onto the highway (London Road). Consultation is currently ongoing between the Fire Service and the highway authority concerning the equipment to be installed within the fire station to provide an interface with the Traffic Control Centre computers and allow a 'green wave' to control the traffic signals at London Road / Queens Road and at London Road / Station Street. There will be a yellow box junction across the access and the additional signals work will complement this approach. Recommend conditions requiring a construction method statement, further details of parking proposals, details of surface water drainage and highway works.
- 5.6 **Tree Officer:** The three mature whitebeams on site are identified for retention but allocated insufficient space and there should be at least a further 1.5m clearance from the nearest new structure. Considers that the potential for more tree planting

on the London Road frontage should be considered. Recommends that an arboricultural method statement be secured by condition.

- 5.7 **Biodiversity and Greenspace Officer:** No objection subject to the undertaking of a further dusk or dawn bat survey of the existing buildings to check all suitable features for emerging or returning bats.
- 5.8 **Environment Agency:** No objection subject to conditions requiring the submission of contamination strategy and remediation and to ensure the development is undertaken in accordance with the Flood Risk Assessment.
- 5.9 **Urban Design:** The existing buildings have merit within the street scene and are considered an undesignated heritage asset. It is considered that the quality of the new building justifies the demolition of the existing Edwardian industrial buildings. The contemporary design and position within the site fronting London Road will help create a prominent and distinct building, along a busy arterial road into the city. The use of dark brick of the ground floor contrasting with the lighter brick above, as well as the contemporary windows and deep reveals, contributes to the visual interest of the building. The windows and entrance facing London Road are welcomed in order to encourage informal surveillance and activity of the street. Although the rear is more functional, it is considered inevitable in the light of the infrastructure associated with a fire station. However, a high quality landscaping scheme will help mitigate this indistinct side of the building.

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 Paragraph 17 sets out the core planning principles, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; secure high quality design; support the transition to a low carbon future, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to reducing pollution; and managing patterns of growth to the make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 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 To prevent unacceptable risks from pollution, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment

or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Para 103 requires that it should be ensured that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test.

- 6.6 Paragraph 135 stated the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Nottingham Local Plan (November 2005):

The following policies have been saved and are considered to be relevant to assessment of the application. The policies are considered to be consistent with the NPPF and therefore should be attributed full weight in the decision making process.

ST1 - Sustainable Communities

MU2 - Southside Regeneration Zone

E4 – Previously used employment sites

BE1 - Design Context

BE2 - Layout and Community Safety

BE3 - Building Design

BE4 – Sustainability

BE5 - Landscape design

CE1 – Community facilities

NE3 - Conservation of species

NE9 - Pollution

NE10 - Water Quality and Flood Protection

NE12 - Derelict and Contaminated Land

T3 - Car, Cycle and Servicing Parking

Aligned Core Strategy (ACS) Publication Version (2012)

The Inspector's report has now been issued, which concludes that the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies provide an appropriate basis for the planning of the plan area over the next 14 years and is sound. The Council will now consider the Inspector's recommendations with a view to formal adoption of the plan which is likely to be in September 2014.

Policy 7 - Regeneration

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Policy 17 - Biodiversity

7. APPRAISAL OF PROPOSED DEVELOPMENT

- (i) Principle of development;
- (ii) Layout, design and appearance;
- (iii) Impact upon amenity of neighbouring occupiers;
- (iv) Transport impacts.

(i) Principle of development (Local Plan policies ST1, MU2 and E4)

- 7.1 The requirement for a new fire station has arisen from the decision of the Nottinghamshire Fire and Rescue Service to relocate the existing fire station from Shakespeare Street. A fire station clearly has specific site requirements and as part of this process a series of feasibility studies on a number of sites to the south of Nottingham City Centre were undertaken. Through this process Gresham Works emerged as a site which could provide the operational requirements of a fire station and could be delivered in the timescale proposed.
- 7.2 The proposal involves the loss of an existing employment use, albeit at the present time the buildings are only partly occupied as existing tenants, with one exception, have now been re-located. The fire station will provide accommodation for the re-location of an employment use within the City and because of the nature of the use will be in operation over a 24 hour period. The City Council's Emergency Planning Department are also to be based within the building which provides an employment based use. The comments of the one remaining occupier who operates a car repair business from the building have been referred to Property (the City Council own the site) and they have confirmed that they are working with him to find suitable alternative premises for his business to enable it to continue elsewhere.
- 7.3 The site is located within the Southside Regeneration Zone (SRZ) where it is anticipated that there will be regeneration and significant change. A fire station is appropriate to the mixed use nature of the SRZ and as an emergency service serving the wider community it is considered that the principle of the use of this site, on the edge of the Regeneration Zone is acceptable, subject to satisfying the other relevant Local Plan policies set out in the following sections. Policies ST1, MU2 and E4 are therefore satisfied.

(ii) Layout, design and appearance (Local Plan policies BE1, BE2, BE3 and BE5 and ACS Policy 10)

- 7.4 The proposal necessitates the demolition of all the existing buildings on the site. As identified by the Civic Society the early Edwardian industrial buildings on the site exhibit strong local character, particularly those on the London Road frontage and

Waterway Street and provide reference to the history of the site and the surrounding area in general, although none are listed or within a conservation area. The buildings are considered to be a non-designated heritage asset and as such the NPPF requires the effect of a proposal upon them should be taken into account in determining the application. It advises that in reaching a decision a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.

- 7.5 As part of the development of the proposal the architect did explore whether there was any scope for retention of buildings on the site but this did not prove feasible due to the external parking and operational areas required by the new fire station. The brief for the internal accommodation was also not suited to the conversion of the existing buildings. The application is also accompanied by a robust sequential test which demonstrates the site search process and the reasoning behind the choice of the Gresham Works as the site for the new fire station. In this case the proposal necessitates the total loss of the non-designated heritage asset. The loss of the buildings is regrettable but in this particular instance, given the nature of the development and its very specific site and operational requirements, the demolition of the buildings is considered necessary to secure the wider community benefit of a modern fire station facility.
- 7.6 The site is in a prominent location on London Road and within the SRZ and there is an expectation that the future development should achieve a good quality of design and positively contribute to the streetscape in the vicinity. The scheme proposes a three storey building on the frontage to London Road with the open operational areas set behind. The building height represents an additional storey as compared with the existing but this is considered to be an appropriate scale and will give the building some prominence. The alignment of the building along the frontage to London Road replicates the street enclosure provided by the existing buildings and the inclusion of full height glazing at all three levels within the building will create visual interest and an active frontage providing casual surveillance of the street.
- 7.7 The contemporary design and the siting of the building will create a distinctive, good quality building which will positively contribute to the streetscape along London Road. It is considered that the dark brick of the ground floor contrasting with the traditional red brick on the upper floors, together with the full height windows and the copper colour cladding panels, will add visual interest and reinforce the quality of the building. The rear elevation of the building is more functional and reflects the nature of the uses in this part of the site. Additional tree planting has been incorporated into the scheme which as they mature will soften this view of the building, particularly from Meadows Way.
- 7.8 The site is bounded on all four sides by streets and because of the nature of the use includes an open yard area at the rear. Strong boundary treatment around this area is important to reflect some of the current and grain of the block and protect the streetscene and character of the area. This would also include some of the more unsightly activities which will take place in yard area. A combination of wall and railings is proposed which will provide a robust form of enclosure whilst allowing some limited visibility into and out of the site.
- 7.9 A training tower with a communications aerial affixed to the top is proposed in the north western corner of the site. The tower would be constructed from the same dark brick proposed to be used on the ground floor of the building. The tower is an operational requirement for the fire station and it will be visible in views westwards

from London Road along Crocus Street. The brickwork does include panels of brick with a different bonding which will add some interest but given the functional nature of the tower there is limited opportunity to add to this.

7.10 The three existing trees along the London Road frontage are proposed to be retained and further tree planting is proposed around the edge of the site on the Wallett Street and Waterway Street frontages. The latter will help to screen and soften the yard area and the rear elevation of the building.

7.11 Policies BE1, BE2, BE3 and BE5 are therefore satisfied.

(iii) Impact upon amenity of neighbouring occupiers (Local Plan policies BE3 and NE9)

7.12 Currently the nearest residential property to the site is on Uppingham Gardens which at its closest point is approximately 50m from the site. This is sufficiently distant for the physical form of the development not to have any impact. The nearest building to the site is located to the west on the opposite side of Wallett Street. This is commercial use and it is not considered that the fire station would have an adverse impact upon this occupier.

7.13 An Environmental Noise report has been submitted with the application and this has identified that the operation of the fire station would have a number of noise impacts arising from the use of mechanical plant, car parking, noise during training and testing and from the emergency vehicles. It should also be noted that the Hicking Pentecost Phase II site on the north side of Crocus Street has an extant planning permission for residential development and therefore it is possible that in the future there could be residential development in much closer proximity to the site. To address potential issues arising from the operation of the site. Noise and Pollution Control have recommended conditions requiring the submission of an environmental noise assessment and a noise management plan which would regulate future noise generating activity on the site. Policies BE3 and NE9 are therefore satisfied.

(iv) Transport impacts (Local Plan policies BE2 and T3)

7.14 The nature of the development which requires fire tenders to be able to safely and quickly access the highway network in an emergency situation has been a major factor in the design of the scheme. The proposed location of the fire station is on a busy arterial route and the implications of fire tenders accessing this at times when it is congested have been considered. The London Road egress will only be in an emergency situation with the remainder of the vehicular movements via the access points from Wallett Street via Crocus Street. Information submitted as part of the application has shown that from the existing Central Fire Station there were 2731 mobilisations in 2013 which equates to an average of 7 per day. Highways are satisfied with the proposal to create a yellow box junction across the access point on to London Road as a means of ensuring the fire tender can egress the site. Further detailed work is required concerning the equipment to be installed within the fire station to provide an interface with the Traffic Control Centre computers to allow a 'green wave' to control the traffic signals at London Road / Queens Road and at London Road / Station Street. The details of this are required by condition.

7.15 Further details relating to the layout of the external area will also be secured by condition. It is considered that Policies BE2 and T3 are satisfied.

Other matters (Local Plan policies NE9 and NE10)

- 7.16 The application site is located within Flood Zone 2 and a Flood Risk Assessment has been submitted with the application. The Environment Agency has not raised an objection subject to conditions relating to ground contamination and to ensure the development is undertaken in accordance with the Flood Risk Assessment.
- 7.17 Noise and Pollution Control, whilst not objecting to the development, have raised a number of issues which can be satisfactorily dealt with by conditions relating to ground contamination and gaseous emissions.

8. SUSTAINABILITY / BIODIVERSITY (Local Plan policies BE4 and NE3)

- 8.1 An Energy Statement has been submitted with the application which identifies and appraises options for reducing carbon emissions. The report concludes that the project will utilise the district heating network and that photovoltaic panels will be installed on the roof. The use of the district heating system alone would result in a 44.5% carbon reduction. Subject to planning conditions requiring the provision of further details and implementation of this scheme, it is considered that the proposed measures accord with Policy BE4.
- 8.2 As requested by the Biodiversity and Greenspace Officer a further bat survey of the existing building is to be undertaken. An update will be reported to the Committee.
- 8.3 The comments of the Tree Officer with regard to the trees to be retained on the frontage to London Road have been considered. It has, however, not proved practical to provide additional space for the trees as this would impact upon the operational yard area and storage facilities. Whilst more space for the trees would have been desirable, it is not critical to their future well-being and it is considered that their retention remains valuable as they will still make a positive contribution to the London Road frontage.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham – by providing an improved service to citizens through the provision of a modern fire station. Also constitutes high quality development in

a regeneration zone.

Working Nottingham - by securing employment opportunities during the construction phase.

14 CRIME AND DISORDER ACT IMPLICATIONS

Improved surveillance and community safety.

15 VALUE FOR MONEY

None.

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

1. Application No: 14/01297/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N6E1LFLYCB000>

Email dated 02.07.2014 from the Nottingham Civic Society

Letter dated 11.07.2014 from occupier of Gresham Works

Email dated 17.07.2014 from the Tree Officer

Highway observations dated 16.07.2014

Email dated 07.07.2014 from Noise and Pollution Control

Email dated 30.06.2014 from Biodiversity and Greenspace Officer

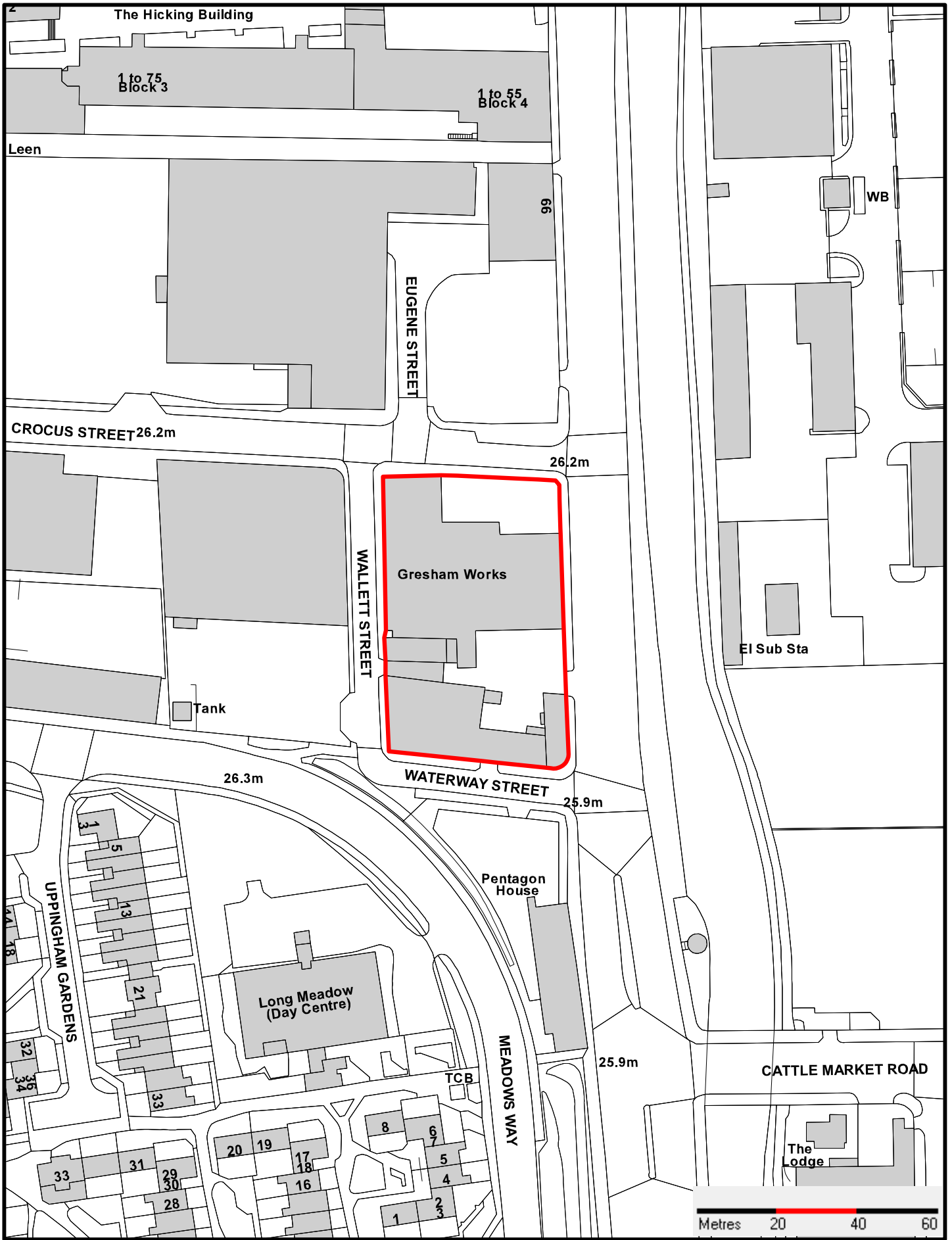
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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Date of decision:

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

Application No: 14/01297/PFUL3 (PP-03378278)
Application by: Nottinghamshire Fire And Rescue Service
Location: Gresham Works, London Road, Nottingham
Proposal: New fire station and associated works following demolition of existing buildings.

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

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



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2. The development shall not be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for the development and shall provide for:

- (i) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
- (ii) The parking of vehicles of site operatives and visitors;
- (ii) Loading and unloading of plant and materials;
- (iv) Storage of plant and materials used in constructing the development;
- (v) Wheel washing facilities, if necessary;
- (vi) Measures to control the emission of dust and dirt during construction;
- (vii) Site security;
- (viii) Measures to prevent the deposit of debris on the highway and;
- (ix) A timetable for its implementation

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policies BE2 and NE9 of the Local Plan.

3. The development shall not be commenced until a surface water drainage scheme, including a timetable for its implementation and based on SUDS principles, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable.

Reason: In the interests of sustainable drainage and in accordance with the aims of Policy NE10 of the Local Plan.

4. The development shall not be commenced until a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site, which has regard to the Phase 1 Desk Study by Curtains dated December 2013 (ref EB12221/AW/3424), has been submitted to and be approved in writing by the Local Planning Authority:

- a) A Site Investigation, based on the Desk Study above, and a detailed assessment of the risk to all receptors that may be affected, including those off site;
- b) A Remediation Strategy, 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.

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

5. The development shall not be commenced until the following components of a scheme to deal with the risks to groundwater associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:
- a) A preliminary risk assessment which has identified:
 - (i) all previous uses;
 - (ii) potential contaminants associated with those uses;
 - (iii) a conceptual model of the site indicating sources, pathways and receptors;
 - (iv) potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: To reduce the risk of pollution in accordance with Policy NE9 of the Local Plan.

6. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Curtins Ref: 55911, Rev A, 23/05/2014) and the following mitigation measures detailed within the FRA:
- 1. The discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm should be limited to 20% less than the pre-development run-off rate.
 - 2. Finished floor levels should be set no lower than 150mm above the surrounding ground levels.
 - 3. External levels should be arranged so as to divert any overland flooding away from building thresholds.

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

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future users in accordance with Policy NE10 of the Local Plan.

7. The development shall not be commenced until an environmental noise assessment and sound insulation scheme has been submitted to and 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 to 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 amenity of nearby occupiers is protected in accordance with Policy NE9 of the Local Plan.

8. The development shall not be commenced until all site access details and all off-site highway works have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall relate to the layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and stage I/II Safety Audit. These are to be submitted for all the vehicular access/egress points.

Reason: In the interests of highway safety and in accordance with Policy BE2 of the Local Plan.

9. No above ground development shall be commenced until details of all external materials have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with Policy BE3 of the Local Plan.

10. No above ground development shall be commenced until details for enclosing the site have been submitted to and approved in writing with the Local Planning Authority.

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

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

11. No above ground development shall be commenced until details of the materials for the hard surfaced areas of the site, based upon a sustainable approach to site drainage, have been submitted to and approved in writing by the Local Planning Authority.

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

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

12. No above ground development shall be commenced until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

15. No development shall be commenced until a scheme to achieve a 10% reduction in carbon emissions over and above the Building Regulations Approved Document L2A Conservation of Fuel and Power 2013 has been submitted to and approved in writing by the Local Planning Authority.

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

Pre-occupation conditions

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

16. The development shall not be brought into use until the details of the control of the egress of fire tender vehicles from the site have been submitted to and approved in writing by the Local Planning Authority. These details will include alterations to signals, a yellow box provision on London Road and associated traffic control technology.

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

17. No part of the development shall be brought into use until the highway works approved under Condition 8 have been completed.

Reason: To ensure that the development will provide satisfactory highway/transportation arrangements in accordance with Policy BE2 of the Local Plan

18. The development shall not be brought into use until the parking areas are surfaced and marked out in accordance with the approved drawings and shall be retained and not used for any other purpose. The parking areas to be surfaced shall be of a permeable material.

Reason: To ensure that the layout of the development is satisfactory in accordance with Policy BE2 and T3 of the Local Plan.

19. The development shall not be brought into use until cycle and two wheeler parking has been provided in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The areas to be provided for these shall be well lit, secure and covered. Thereafter the area identified for parking cycles and two wheelers shall not be used for any purpose other than the parking of cycles.

Reason: To ensure that the layout of the development is satisfactory and to promote a sustainable element of travel in accordance with Policy BE2 and T3 of the Local Plan.

20. 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.

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

21. The development shall not be brought into use until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure of the protection of controlled waters in accordance with Policy NE9 of the Local Plan.

22. The development shall not be occupied until written verification has been submitted 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.

Reason: To ensure that the amenity of nearby occupiers is protected in accordance with Policy NE9 of the Local Plan.

23. The development shall not be occupied until a detailed Noise Management Plan has been submitted to and approved writing by the Local Planning Authority.

The Noise Management Plan shall identify the types and locations of operational and other activities which are likely to cause noise disturbance to sensitive receptors and:

- Minimise noise arising from operational and other activities by technical and physical means, and through management best practice;
- Identify the person responsible for recording, investigating and dealing with complaints from any residents;
- Regularly review the Noise Management Plan.

Reason: To ensure that the amenity of nearby occupiers is protected in accordance with Policy NE9 of the Local Plan.

24. The development shall not be brought into use until the site has been enclosed in accordance with the approved details.

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

25. The development shall not be occupied until details of a landscaping and planting scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of shrubs, the type, height, species and location of any proposed trees, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme.

Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from planting shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

26. The development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority . The travel plan shall include elements of a car parking management plan.

Reason: To ensure adequate access arrangements for all users of the development, and to encourage maximum use of the development by means of transport other than the car, to comply with Policies BE2, BE3, BE4 and T2 of the Nottingham Local Plan.

27. The development shall not be brought into use until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the aims of Policy BE2 of the Local Plan.

28. The sustainable measures approved under Condition 15 shall be implemented and operational



before the development is first brought into use.

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

Regulatory/ongoing conditions

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

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

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) Recommendations for tree work.

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

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

Standard condition- scope of permission

S1. 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 6 June 2014.

Reason: To determine the scope of this permission.

Informatives

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

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

3. The proposal involves works on the public highway on land outside your control. You are therefore required to submit technical details for approval under a Section 278 process to the Highway Authority before development commences. For further information regarding this process including technical approval please contact Liz Hiskens 0115 876 5293.

4. The highway works and traffic control technology required at the site is imperative to fire service operations and allowing fire tender access onto a main network route for the city. The works will be

financially borne by the applicant. For further information please contact Liz Hiskens 0115 876 5293.

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

6. The proposal includes works adjacent to the highway and the Highways Network Management Team at Loxley House should be notified regarding when the works will be carried out as disturbance to the highway will occur. Please contact them on 0115 876 5238 at the earliest convenience.

7. The application proposals will require a safety audit. The request for this will need to be sent to Road Safety before any works are undertaken. The audit will cost about £300+VAT. To progress this please contact Scott Talbot 0115 8765225.

8. The applicant has submitted information based on crashmap which is not acceptable. The applicant is to contact Scott Talbot 0115 8765225. Safety studies should always use the latest available data which is available from Nottingham City Council (£215+VAT).

9. 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' and other authoritative guidance.

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 Pollution Control 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 Pollution Control 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.

10. 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.

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). 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.

11. Construction & Demolition

Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Pollution Control Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below;

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)

Saturday: 0830-1700 (noisy operations restricted to 0900-1300)

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Pollution

Control Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

Equipment

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

Dust/Grit and Other Fugitive Emissions

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

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

Appropriate measures include:-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.
Periodic road cleaning.

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: 14/01297/PFUL3 (PP-03378278)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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