



ADDITIONAL AGENDA ITEMS

This is a supplement to the original agenda and includes reports that are additional to the original agenda.

NOTTINGHAM CITY COUNCIL PLANNING COMMITTEE

Date: Wednesday, 18 July 2018

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street

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

AGENDA

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PLANNING COMMITTEE

UPDATE SHEET

(List of additional information, amendments and changes to items since publication of the agenda)

18 July 2018

5(a) 25 STATION STREET

1. Section 2 Recommendations should read: -

2 Recommendations

2.1 GRANT PLANNING PERMISSION subject to:

(i) prior completion of a section 106 obligation (and if necessary an agreement pursuant to section 111 of the Local Government Act 1972) to secure:

(a) a student management plan and restrictions on car use;

(b) subject to 2.3 below a scheme of public realm improvements to include the land between the building/adjacent sub-station and the canal, including a new pedestrian/cycle way from Trent Street to the canal towpath and associated works to the associated former railway arch; and

(ii) 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 the conditions, terms of the section 111 agreement (if necessary) and planning obligation be delegated to the Director of Planning and Regeneration.

2.3 The delegation at 2.2 above shall include the power to dispense with the requirement for the agreement and planning obligation relating to the scheme of public realm improvements detailed at 2.1 (i) (b) above, provided that additional condition(s) which cover those improvements are imposed, in substantially the terms that are set out below.

2.4 Providing that Councillors are satisfied that Regulations 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.

2.5 Providing also that Councillors are satisfied that the section 106 obligation sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

2. Additional Condition – Public Realm

The suggested wording for the public realm works mentioned above is:

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

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

3. Historic England have made the following comments on the Scheme:

The proposed scheme is for the erection of a part six, part eight and part ten storey building to provide student accommodation and landscaping works. The south elevation fronts Station Street and is six storeys with a further recessed two storey element. The north elevation which fronts the Canal consists of a wide fronted ten storey block. The building is proposed to be clad in brick with a copper clad clerestory to the eight storey-part.

We welcome in principle the redevelopment of this site which provides an important opportunity to enhance this part of the conservation area and build on the success of both the Railway Station project and the Carrington Street Area Townscape Heritage scheme.

However, we have concerns in relation to the scale and bulk of the proposed development which would have an adverse impact on important views of St Mary's Church, which is a significant landmark feature both within the historic core of the Nottingham City Centre and the surrounding landscape. The scale on the north side of the proposed development would also have an adverse impact on the canal side element of the conservation area.

The supporting information includes a Heritage Impact Assessment and a Townscape and Visual impact Assessment. We note that in the Heritage Impact Assessment (Chapter 6.18) acknowledges that the scheme would appear alongside the Church of St Mary in some cityscape and panoramic views, particularly from Queen's Walk and Nottingham Station tram stop. It also acknowledges that the tower of St Mary's Church would be partially obscured by the proposed development in certain views. In light of this, we find it difficult to see how the assessment could conclude that the scheme would have a neutral effect on the significance of St Mary's Church. In our view, the proposed scheme would have an intrusive and adverse impact.

The supporting visualisations included within the appendices of the Townscape and visual impact assessment clearly show that the proposed development would result in a significant visual intrusion on a series of important views of St Mary's Church (listed grade I) when travelling from the Queen's Walk area towards the historic core of the city, partially obscuring the view of the church tower. It would also have an intrusive presence in view towards the Station (listed grade II*). No visualisations appear to have been provided from the Nottingham Station Tram Stop. In our view, the proposed development would intrude in key views of the Church of St Mary's and views of the Station Clock Tower and would be harmful to the significance these important listed buildings derive from their settings.

Based on the visualisations reducing the height of the proposed scheme by at least two storeys would reduce its visual impact in important views of the Church of St Mary's and the Station and address our concerns. A reduction in height would also reduce the adverse impact on the view of the canal side from the Carrington Street bridge.

We note that your Authority's own Station Street, Nottingham Development Brief (November 2012) suggests a massing of six storeys facing the canal on this site.

Historic England has concerns regarding the application on heritage grounds. Our concerns relate to the scale of the proposed development, which would have an adverse impact on important views of St Mary's Church and the Station as outlined above. Our concerns would be addressed by reducing the height of the proposed development as advised above.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 131, 132 and 134 of the NPPF.

4. The Canal Trust have made the following comments:

The application site lies to the south of the Nottingham & Beeston Canal and adjoins the canal towpath. For clarity, we would confirm that the Trust is in the process of selling the land within the application site that is currently in our ownership.

Impact on the Structural Integrity of the Canal

The new building is a substantial structure, albeit set some 12m back from the canal edge. Whilst we do not anticipate that it is likely that excavations for foundations or other construction operations are likely to affect the stability of the canal wash wall, the design and means of construction of the foundations does need to have regard to the potential risk of adverse impacts on the canal structure, particularly if a piled foundation solution is required (as suggested in the submitted Phase 1 and 2 Geo-Environmental Assessment), as there could be harmful impacts from vibration during piling operations.

Land stability is a material planning consideration and is referred to in paragraphs 120- 121 of the NPPF and is the subject of more detailed discussion in the NPPG. In this instance, we consider that it would be appropriate and justified to secure submission of a construction methodology, including details of foundation design and means of construction and all earthmoving/excavation work required to be undertaken. This will ensure that the development is carried out in an appropriate manner which does not risk the creation of land instability which might adversely affect the adjacent canal. In addition we recommend a condition to secure a remediation strategy for contamination.

We ask that we are consulted on any information subsequently submitted to discharge the suggested conditions.

Landscaping and Boundary Treatments

The canal is designated as a Local Wildlife Site and provides a valuable wildlife habitat in this urban location. The proposed establishment of a reasonably significant landscaped area alongside the towpath is welcomed as it will enhance the

biodiversity value of the canal corridor as well as help to soften the visual impact of the development, particularly if it is designed and planted to complement the proposed redevelopment of the site adjacent to the west (which is the subject of a separate planning application) which also includes a landscaped area facing the towpath.

We strongly recommend the use of native species for the landscape planting and consider that a more detailed landscape scheme than that shown on the General Arrangement drawing should be secured by condition, including arrangements for the long-term management and maintenance of this space.

The Illustrative Sections suggest that there will be no boundary wall or fence to separate the application site from the canal towpath. The Applicant should contact the Trust direct to discuss access from the site onto the towpath, as this usually requires the Trust's consent in the form of a commercial agreement. As the area adjoining the towpath is to be landscaped, it may be appropriate to consider including more formalised access points as this may reduce future damage to planting that can be caused from informal desire lines being created over this area. We consider that details of any access points could be addressed as part of the wider proposals for the hard and soft landscaping of the development and should be secured by condition.

External Lighting

The submitted Ecological Appraisal and Bat Survey recommends that any external lighting should be designed to minimise unnecessary light spill in order to avoid adverse impacts on bats (see 4.18). Canal corridors are often used by bats as commuting or foraging routes, and it is therefore important to ensure that the canal side area is not excessively lit, and external lighting is installed to avoid illuminating the canal itself. We request that submission of an external lighting scheme is secured via a planning condition.

Heritage

The submitted Heritage Impact Assessment has not identified the presence of an existing small brick structure located immediately north-east of the former Government Office building, within the former Canal & River Trust Trent Street Arches depot. Recent investigations of this partially buried structure suggest that it may be a World War II ammunition store or, more likely, a surface air raid shelter.

The structure appears generally well-preserved and whilst not necessarily of high historic significance, the potential for its retention should nonetheless be carefully considered. The proposed site layout does not appear to preclude the possibility of retaining this structure, and we consider that this should be investigated. At the very least, we suggest that an archaeological watching brief and scheme of historic building recording should be secured by condition in order to ensure that the historic interest of this structure is appropriately recorded if it is determined that retention is not practicable.

Drainage

The submitted Sustainable Drainage Strategy indicates that surface water from the site is proposed to discharge to the canal and that initial contact has been made with the Trust to discuss this. Any discharges to the canal will require the prior consent of the Trust in the form of a commercial agreement and will need to be fully assessed by us. As matters have not yet been finalised, the local planning authority may

consider it appropriate to secure submission of the final drainage scheme via a planning condition.

5. Additional Condition - Surface Water Drainage

As a consequence of the comments from Canal Trust an additional condition is required to secure a surface water scheme:

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

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

The change to Section 2 of the report is to clarify that the recommendation is to grant planning permission.

The area of land that would be subject to the public realm works is currently in the ownership of Nottingham City Council and also the Canal Trust there have been discussions between the developer and these land owners and there are no objections to the public realm works.

The recommendation in relation to the planning obligation has been altered to reflect land ownership and because the proposed public realm works could possibly be achieved through a condition or through a S106 planning obligation (and associated S111 Agreement if necessary). Further discussions are required with the developer to determine the best mechanism for securing the works. Wording for a condition to cover the public realm works has been suggested.

The matters raised by Historic England have been addressed in the section of the Committee Report relating to Design Considerations (Listed Building and Conservation Area Impact) paragraphs 7.5 to 7.15.

The impact of the proposal on St Mary's Church Tower and also the Railway Station Dome are discussed in paragraph 7.14 of the report. It is noted in this paragraph that from Queens Walk the development would sit between the Station dome and St Mary's Tower in the skyline, but that the impact would be minor neutral as the Dome and Tower would remain clear of the development and they would maintain their legibility and prominence.

The proposal has also been considered in light of paragraphs 132 to 134 of the National Planning Policy Framework as set out in paragraph 7.15 of the report where the harm to both heritage and non-designated heritage assets has been considered and weighed against public benefits.

The comments raised by Historic England do not change the Officer's recommendation in relation to this scheme.

The matters raised by the Canal Trust do not alter the recommendation and can be addressed through existing conditions, and the additional surface water drainage condition proposed.

The matters raised in relation to safeguarding the structural integrity of the canal have been addressed already through the recommended conditions relating to protecting the canal bank during construction works, securing details of proposed piling and foundation designs and to secure the provision of a remediation strategy.

The proposed landscaping conditions already contain a requirement to enhance the biodiversity of the site. The wording of the condition requiring the submission of a landscaping scheme can be altered to include submission of boundary treatments.

A condition has been proposed requiring details of external lighting in order to ensure that it is designed to be ecologically sensitive.

The existence of the ammunition store/air raid shelter referred to in the comments made by the Canal Trust is known. The applicant has been in discussions with the City Archaeology Officer and a condition requiring an archaeological watching brief has been recommended.

5(b) PLUMB CENTRE, WATERWAY STREET WEST

1. The applicant has submitted revised images showing an improved entrance to the building.

2. 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 in terms of their size have been designed to accommodate normal waste 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.

3. A condition is proposed to clarify the permitted use of the possible commercial units on the lower ground floor.

1. The revised entrance details show a much improved entrance area to the building through the introduction of curtain wall glazing at the base of the rectangular tower and a backlit sculptural entrance canopy incorporating perforated metal fretwork panels. The entrance to the building has also been made more legible with the introduction of a larger rotating door.

The principle of the revised design of the entrance area is considered acceptable and an additional condition is proposed as follows:

additional condition 1: 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."

2. The description of the development includes the provision for two Class A1 retail units at ground floor level. For the avoidance of doubt, additional

conditions are proposed to restrict the two units to Class A1 use and details of refuse storage to be agreed as follows:

additional condition 2: Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order 1987 (as amended) and any Town and Country Planning General or Special Development Order for the time being in force relating to "permitted development", the ground floor commercial space shall not be used for any purpose other than Class A1 retail without the prior express permission of the Local Planning Authority.

3. Additional condition 3: 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."

5(d) SITE OF 31 GREGORY STREET

1. Additional comments have been received from Councillor Sarah Piper and Councillor Dave Trimble: -

We object to the proposal to build 23 apartments on the former Red Cross site on Gregory Street. We object on the grounds that the development will not contribute to the creation of a balanced community in Lenton and will introduce more short-term renters into the area to the detriment of the long-term residents. The area is well recognised as having an imbalanced community and a severe shortage of housing for families. This development is not suitable for families.

The developer previously submitted a plan for 43 student studio flats which was unsuccessful. The site was owned until fairly recently by the City Council and was included in the Housing Land Availability report of February 2013 where a total of 12 dwellings were identified as suitable for the site. We understand the developer chose not to ask for pre-application advice.

The site faces Priory Park, soon to be renamed Priory Sculpture Park and the adjacent Priory Church of St Anthony which incorporates elements of the medieval Lenton Priory. The site is adjacent to the Old Lenton Conservation Area.

The site is bounded by residential family housing on all sides – Gregory Street to the south, Abbey Bridge to the east and Hoyland Avenue at the rear to the south east. The proposal is located within an area where the average concentration of student households is 29%. The developer has stated that the development would be attractive to workers at the nearby hospital. However, it is equally likely that this type of accommodation would also appeal to students.

The houses that border the site are all of a 2-storey design and though the development reduces to 2 storeys near these houses, the overall impact is still not sympathetic to the character of the area. In terms of scale and massing, it is too high and prominent and overpowers all neighbouring buildings. This overpowering impression is heightened by a poor façade and a lack of interest in the detail and design. In particular, the front of the building does not allow for enough space where trees or large shrubs could be planted to counter the overall bulk of the building.

There is not enough space to provide amenity space at the rear to attract long-term residents such as a quiet, enclosed rear garden which could promote neighbourliness.

Other than the 1-bed flat, all the flats are 2-bed which limits the type of family unit that would be attracted to the development. In order to cater for different family make-ups, some of the flats should be 3 bed. In addition, the internal room sizes are smaller than the nationally described space standards and would not promote long term occupancies which are so needed in this area.

All these features lead us to believe that it will be rented to students or other short-term renters and will still add to the transient nature of the ward and do nothing to improve social cohesion.

At best the apartments could be attractive to short-term renters though this will still add to the transient nature of the ward and do nothing to improve social cohesion. It is also very likely that noise from the shared amenities will adversely affect the living conditions of neighbours. Further, as the Planning Inspector pointed out in his assessment of the previous application, the late night activity associated with tenants and their visitors leaving and returning to the building is likely to materially increase noise and disturbance in the area to the detriment of the living conditions of local residents.

We believe that the proposed scheme would further increase households of short-term renters in the area and cause material harm to the social mix and fabric of the area. It would therefore prejudice the creation and maintenance of a balanced community contrary to policies ST1 and H6 of the Local Plan, policy 8 of the ACS, the SPD and paragraph 50 of the framework.

We are also concerned about the impact of the proposal on the Tram network and the traffic flows on Abbey Bridge. The Tram operators have identified Gregory Street as a cause of frequent delays to the Tram and we have received many complaints about building work on Abbey Bridge affecting outward bound rush hour traffic. We therefore believe that a development of this scale and nature will impact on traffic flows on this Abbey Bridge and the punctuality of the Tram network.

In light of all the issues above, we urge you to reject the proposal.

The matters raised by the ward councillors are discussed within the report between paragraphs 7.1 to 7.15.

As noted in the report, the nature of the site and its context make it less attractive and practical to be developed for family housing, and better suited to a higher density scheme. The scale of the proposal is also felt to be acceptable for this site located at a wide and open junction. The scheme would be attractive to a range of people and will contribute towards the creation of a sustainable community.

No changes to the recommendation are proposed.