



ADDITIONAL / TO FOLLOW AGENDA ITEMS

This is a supplement to the original agenda and includes reports that are additional to the original agenda or which were marked 'to follow'.

**NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE**

Date: Wednesday, 16 January 2019

Time: 2.30 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

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)

16 January 2019

4(a) Unity Square

1. Both ward councillors for Bridge has submitted representations. Their concerns are summarised below:

- The proposed building is considered to be too high. It would break the skyline when viewed from Nottingham Castle. It would spoil the views from much of the Old Meadows and in particular deny some residents the existing view of the dome of The Council House, a graphic of which was only made available on 21st Concerned for the view from Queens Walk.
- For a building of such prominence, it is not seen to be a good design. They consider that there are no distinguishing attractive features that such a prominent building should be expected to have. The top of the building is utilitarian.
- Concerns about the environmental standards of the building. The sustainability and energy efficiency credentials of the buildings are considered to be too vague.
- The design concept for Block 1 relies on the expectation that Block 2 supporting 3,000 jobs is required. There is concern that such plans may not be forthcoming from national government.

2. The Chair of Planning Committee has received a letter from Lillian Greenwood MP. The MP has received objections from her constituents regarding the development and is aware that both local ward councillors have expressed their objection and reservations to Committee (summarised above). Her comments are as follows:

As I understand it, the proposed building is higher than that envisaged in the outline planning process. This will have a huge impact on the view of the city skyline from much of the Old Meadows, including from the Beauvale Road area (as the image attached vividly illustrates) and which was only made available on 21st December. As with other proposed applications in this part of the city previously, it would 'cut off' the Meadows from the city. Many long-term residents have already voiced these concerns with both Ward Councillors.

She has also had sight of the 3rd Party 'Critique of the Environmental Targets and Comments on the Design of the Proposal' produced by Emeritus Professor Brian Ford and Professor Julian Marsh (who also lives in the Meadows), which is summarised in the main report, as follows:

- The building proposes a 22% reduction in carbon emissions from 1990 levels. Given that the current target for 2020 is a 34% reduction in carbon

emissions, the proposal will not meet current targets by the time it is built in two year and in energy use terms would be redundant by the end of its 25 year lease.

- Its deep plan design will reduce its potential to be converted to other uses or have its design changed to a more environmentally friendly one, meaning that it is not as resilient.
- The deep plan design would minimise the contribution daylighting would make to a low carbon approach. Permanent artificial lighting will be required. The building is also proposed to be permanently air conditioned which could amount to up to 35-45% of the total electrical load of the building. This could be avoided by using radiant cooling, for example.
- Locations within noisy/polluted environments do not preclude the use of natural ventilation. The use of buffer spaces on external facades to provide acoustic and thermal protection is suggested whilst promoting natural ventilation at appropriate times. The negative aspects of deep plan offices can be alleviated by some form of central natural venting.
- They consider that a BREEAM rating is misleading when it comes to judgements about the energy efficiency and energy use of buildings due to the BREEAM system allowing trade-offs between different target categories.
- Examples of medium/tall office buildings which achieve ambition and resilience are given such as the Lancaster University Library in Coventry.

She expresses surprise that that the building promises only a reduction in carbon emissions over 1990 levels of 22% and will not, therefore, even meet the current target of a 34% reduction in carbon emissions for 2020 before it is even completed. Further, that the UK's target of an 80% reduction of carbon emissions from 1990 levels by 2050 will mean that the building would be completely redundant in energy use terms by the end of its 25 year lease. As such the report states that "In environmental terms and in its current form this building is effectively a 1960's design".

She states that she will be writing to HM Revenue and Customs on this specific matter and considers that such an important project should be showcasing ambition and a commitment to the UK's carbon emissions reduction targets.

She is aware that Cllr Edwards as ward councillor will also be pursuing his concerns in relation to the aesthetics of the building – especially as NCC held a competition the last time HMRC made an application to build office space in Nottingham and that he will be seeking clarification that the site would be supporting 3,000 jobs from national government given that significant aspects of the second tower's design follow from this expectation.

She welcomes the proposed development but hopes that the Committee will look further at the concerns that are being raised from residents and others to ensure that Nottingham gets such a prominent building right.

3. Nine further representation has been received from local residents. Their main concerns reflect those set out in the main report but in summary:

- Degradation of the skyline. The proposed building too high. It is higher than proposed in the outline planning process. When viewed from Nottingham Castle the skyline will be disrupted and it will spoil the views from much of the Old Meadows obscuring the existing view of the dome of The Council House, particularly from Beauvale Road, Woolmer Road, Victoria Embankment and

Meadows Playing Fields. For a building of such prominence, it is considered to be a bland and ugly building and out of character with the historic character of its surroundings. One would expect that the City Council would demand a building worthy of its prominent location instead we have something which lacks any distinguishing attractive feature.

- The scale and the design of the buildings need to be rethought so that the Station Conservation Area and the Carrington Street Heritage Action Zone are not overwhelmed by this development.
- An application is to be made for conservation status to preserve the look of the Old Meadows area, and suddenly we find that these new plans would markedly affect the historic views that are part of our surrounding area, due to the height of the proposed building.
- There is clearly a lack of information regarding the secondary tower and with details of the views from the Old Meadows being delayed, this planning should be rejected until further date.
- One resident is in agreement with the comments raised by Old Meadows Tenants and Residents Association. These are summarised in the main report.
- Energy consumption. The UK's carbon target for 2050 requires an 80% reduction of carbon emissions from 1990 levels. The current target for 2020 is a 34% reduction in carbon emissions. This building is promising a reduction in carbon emissions over 1990 levels of 22%. This is clearly not going to meet even current targets by the time building is built in two years and means the building will completely redundant in energy use terms by the end of its 25 year lease. Because of its deep plan design it will not be able to be converted to other uses or have its design easily changed to a more environmentally friendly one, meaning that it is not resilient.

4. The Greenspace and Biodiversity Officer has commented on the planning application. An ecological assessment was carried out for the site, including a survey for water voles along the Tinker's Leen. It concluded that they didn't find any evidence of water voles or any other protected species or highlighted any ecological constraints. The report did not however include an assessment of City Council nature conservation policy and in particular that relating to developing next to the Tinkers Leen.

The landscaping scheme proposed for the front of the building includes mainly ornamental shrubs, trees and bulbs and a 4m wide strip of grassland along the Tinkers Leen. The Biodiversity Officer has raised concerns that this width of buffer is insufficient and that the small areas of landscaping would have minimal ecological benefit to Tinker's Leen, and that there is lack of ecological enhancement to the site overall. More consideration should be given to a wider more diverse buffer, riparian enhancements to the Tinker's Leen, greater ecological enhancements to the landscaping areas, and provision of habitat within the building including green/ brown roofs and bird/bat features within the fabric of the building. Conditions relating to design, planting and the provision of habitat ie. bird/bat features within the building and green/brown roofs, are recommended.

5. The ward councillor has requested details regarding the location of evacuation locations for staff once the development is in operation. The agent for the application has stated that these have not yet been finalised and will be worked up with the tenant in due course, as their operational requirements

become known. However, there are adequate areas for dispersal external to the building which can be identified as the fire strategy develops.

- 1. A copy of the draft decision notice is attached to this update report.**
- 2. Comments raised by the local ward councillors, the local MP and local residents in respect of the scale/height of the development and its impact on long views, the station conservation area and the proposed design of Block 1, have been addressed in the main report.**
- 3. Environmental Credentials of the building.**

The applicant has advised that the design of the building has been formulated in response to stringent requirements from HMRC, the tenant, who set down various criteria which have resulted in building being mechanically ventilated. In particular, the building is required to be bomb blast proof, which negates the use of opening windows/natural ventilation. In addition, the institutional investors funding the development expect a building of this nature to be mechanically ventilated.

However, it has to be noted that the building will achieve a BREEAM rating of 'Excellent' and within the BREEAM assessment section on health and well-being, which is focused on occupant comfort, only a single credit could be secured for the use of 'natural ventilation'. This acknowledges that the decisions about the servicing strategy of the building's ventilation must balance user control requirements, thermal comfort and carbon emissions.

The use of mechanical ventilation with cooling has been specified in order to meet the requirement within BREEAM to future proof the building against the risk of climate change. The building will be designed to achieve comfort conditions for a modelled (warmer) climate change scenario and will be able to meet this with the current servicing strategy. The ventilation system will incorporate heat recovery which reuses the majority of energy already used within the building and offers a balanced low energy ventilation solution.

A sustainability report was submitted with the planning application but additional points worth highlighting include:

a) Embodied Impact

The report focuses solely upon operational carbon from the energy used by the building in use. However, over the typical operational life of a building the embodied impact, which includes energy and environmental impact from making, installing and ultimately disposing of the construction materials, can account for a significant proportion of the total carbon emissions. We are measuring the embodied impact and will take measures to reduce this where possible and will work with the supply chain to obtain certified materials to demonstrate this.

b) Resource Efficiency / Construction Waste

The contractor will be set targets to ensure that waste is minimised on site during construction and to reduce the need to divert to off site landfill. The façade treatment utilises a unitised curtain wall system,

which minimises site wastage and will be manufactured under controlled conditions within the factory thereby reducing on site construction time.

c) Water Efficiency

The toilets will be dual flush with a 4.5 litre effective flush volume, the taps will have a flow rate of less than 4litres/min and the shower will have a controlled flow rate of 5 litres/min.

d) Transport

The building and travel plan promote connectivity with sustainable transport methods including the use of the major transport hub. The design promotes the use of cycles due to the extensive cyclist facilities, including cycle stores, lockers, cyclist showers and cycle charging and repair areas which are provided at a level over and above that required to achieve BREEAM 'Excellent'. The building also comprises a limited number of car parking spaces to the best practice standards defined within BREEAM (Credit Tra 04). A travel plan will be implemented by the end user during operation.

Furthermore 10 vehicle electric charging points are required to be provided by condition.

e) Surface Water Run-off

The building has been designed to be resilient to flooding. The use of a brownfield site will meet best practice standards in terms of not increasing surface water run-off.

f) Waste Management:

The building provides an on-site compactor and on site waste will be separated for recycling prior to removal (this is shown at basement level)

g) Energy:

Solar PV is proposed for this building following a feasibility process which looked at other potential renewable energy technologies. Circa 150 to 170sqm of solar PV will be installed (these are indicated on the roof plan for Block 1). The details of the PV's and their installation would be secured by condition.

As stated in the submitted energy report, the predicted carbon emissions, including the above, would lead to a 22% betterment on Building Regulations Part L

h) Ecology:

Landscaped areas along Tinker Leen and around the new public realm to the threshold with Nottingham Station will provide further opportunities for ecological improvement.

4. The comments of the Greenspace and Biodiversity Officer with regard to the absence of a buffer zone adjacent to the Tinker's Leen are noted. However, the scope for this is limited by the office floorspace this development is required to provide. The scheme includes a 4m set back from the Tinkers Leen which would provide some scope for native

planting and enhance the ecological value of the Tinkers Leen. Provision of bird/bat boxes and details of the buffer are to be secured by condition.

There is no scope to provide green/brown roofs as part of the development, particularly with the solar PVs proposed for the roof.

5. The main report did not mention the existence of the Sovereign House Development Brief for the site, which was produced in 2002. The Brief encouraged the comprehensive redevelopment of the site for office/hotel/residential uses. In terms of layout and massing, the Brief states that the site has the potential to form a 'Gateway' into the expanding City Centre, complementing the Station Clock tower as a focal and orientation point in the townscape. The Brief specifically mentions that the creation of a tower 10/12 residential storeys in height, centrally positioned on the Queens Bridge Road frontage, would be acceptable and focus the view of west bound traffic using the Sheriffs Way section of the Southern relief road. Any development should respect more distant vantage points from Nottingham Castle, Carrington Street Arkwright Street, Queens Walk and Queens and Wilford Road railway bridge. The Brief states that development should be made up of individual blocks which have varied roof forms and levels to create interest, The use of terraces would be welcomed.

6. The statement regarding evacuation muster locations are noted.

4(b) Factory between 42 to 98 Morley Avenue

Highways comments have been received as follows:

No objection to the development subject to conditions relating to completion of highway works prior to occupation.

The applicant has submitted an updated Construction Management Plan and Travel Plan in accordance with the recommendations of the Highway Authority.

The applicant has requested amendments to the conditions relating to the submission of a lighting scheme and the submission of electric vehicle charging points, to change the trigger for the submission of details to pre-occupation rather than pre-commencement.

Suggested amendments to the conditions are considered acceptable.

Additional Background papers (Highways comments dated 21.12.18, Amended Construction Management Plan 12.12.18, Amended Travel Plan 11.1.19)

4(c) Land north east of Victor House, Crocus Street

1. Change to recommendation:

2.1 GRANT PLANNING PERMISSION subject to

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

- (i) A student management plan, to include restrictions on car use;
- (ii) A contribution of £100,000 for public realm improvements within the vicinity of the site.

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

Recommendations 2.2- 2.4 remain as per the original report

2. Additional comments received:

Comments received from Cllr Michael Edwards, which are summarised below:

The report is correct is advising that there was broad support for the scheme at a meeting organised for community representatives. Stronger opposition had been expected in relation to the scale, although it is understood that since the meeting the scheme has been reduced in scale. There are however still issues:

-The Bridgeway Shopping Centre would benefit from better pedestrian links with the proposed development. There is a strong pedestrian thoroughfare through the landscaped courtyard of the development to the City Centre and Meadows Way, but the connection from Meadows Way to the Shopping Centre is not defined. It would be anticipated that route through to the shopping centre would be created, with a recognisable desire line created, possibly through dropped kerbs and access pavements. There is also a need to renew trees within the Bridgeway shopping centre car park.

- It is disappointing that no contribution is being made in regards to this scheme. Highway works to enable pedestrians to easily cross Meadows Way and public domain work to create a connecting route to the medical centre and shopping centre would be of benefit to the area.

3. Additional Information – Energy Statement.

The applicants have advised through the submission of an Energy Statement that carbon emissions associated with the building would be reduced primarily through a fabric first approach. However, the applicants have advised that the development will incorporate the most viable low and zero carbon technologies.

A condition is recommended to ensure that carbon emissions from the building will be reduced in line with the submitted statement.

1. Change to recommendation:

Further discussions have been held with the developer who has agreed to make a contribution of £100,000. This contribution has been secured despite the fact that the DV has advised that the scheme is unviable. Policy 19 of the ACS does list environmental improvements/public realm as a contribution that can be sought. Having considered priorities for the area and that there are small areas of public open space in the area that are of poor quality, it has been concluded that the contribution should be used for public realm improvements within the vicinity of the site. The contribution would comply with Policy MU3 of the Local Plan and Policies 10 and 19 of the ACS. The

planning obligations sought satisfy Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 in that they are (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.

The public realm improvements would not exceed the permissible number of obligations in accordance with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

2. Additional comments received:

Discussions are being held with NET and Highways Network management with regards to the potential to create a pedestrian crossing point over Meadows Way. It is also considered that the development will necessitate off-site highway works in the form of footway improvements, the removal of redundant crossings and street trees within the vicinity of the site. Such works could be secured through the following additional conditions:

Prior to the commencement of any above ground works, a scheme of off-site highway works to include the upgrade of footways surrounding the site, works to facilitate a pedestrian crossing of Meadows Way (if feasible), the removal of any redundant crossovers and the provision of street trees, together with details for the ongoing maintenance of the works proposed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the site, to encourage more sustainable forms of travel and to assist with the regeneration of the area, in accordance with Policy MU3 of the Local Plan and Policy 10 of the ACS.

Prior to first occupation of the development, the off-site highway works shall be provided in accordance with the scheme approved pursuant to condition x.

Reason: In the interests of the appearance of the site, to encourage more sustainable forms of travel and to assist with the regeneration of the area, in accordance with Policy MU3 of the Local Plan and Policy 10 of the ACS.

With regards to s106 contributions further discussions have been held with the developer and despite the findings of the viability assessment it has been agreed that a contribution of £100k can be secured.

1. Additional Condition – Carbon Emissions

Prior to the commencement of development, 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall take account of the recommendations made with the Energy Statement prepared by Mullins Associates dated January 2019.

Reason: In the interests of the sustainable development of the site in accordance with Policy 1 of the Aligned Core Strategy

My Ref: 18/02277/POUT

Your Ref:

Contact: Mrs Jo Bates

Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Date of decision:

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

Application No: 18/02277/POUT
Application by: Peveril Securities Limited
Location: Site Of Multi Storey Car Park Sovereign House And Factories, Queens Bridge Road, Nottingham
Proposal: Hybrid application for office development (Use Class B1) comprising two buildings totalling up to 58,360 sqm (GIA) together with access and public realm improvements. Phase 1 building (full application) of 36,519 sqm (GIA) and phase 2 building (outline application with access, layout and scale to be considered at this stage) of 21,841 sqm (GIA).

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

Time limit

1. Phase 1 of 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.

2. The application for the approval of Reserved Matters relating to the design, external appearance and landscaping of Phase 2 of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The submitted details shall accord with the approved parameters for Phase 2 which comprises of a building of 21,841 sqm (GIA) of office floorspace with a maximum height parameter of 81.5 AOD and parameter footprint as set out in drawings 05491_B2_02_2199 Rev O, 05491_B2_02_2200 Rev O and 05491_B2_02_2202 Rev O.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.



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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 and to ensure that the development remains within the limits that have been subject to environmental assessment, to comply with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in accordance with Policies 10 and 11 of the Aligned Core Strategy and Policies BE8, BE10 and BE12 of the Local Plan.

Pre-commencement conditions

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

3. No phase of the development shall be commenced until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall provide for:
- (i) Vehicular access to the site;
 - (ii) The parking of vehicles of site operatives and visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period.
 - (iii) Loading and unloading of plant and materials;
 - (iv) Storage of plant and materials used in constructing the development;
 - (v) Wheel washing facilities;
 - (vi) Measures to control the emission of dust and dirt during construction.
 - (vii) A routing agreement associated with each phase of construction. All vehicles associated with the development shall access the site in accordance with the approved routing agreement.

The Construction Management Plan for each phase of development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants and in accordance with Policy 14 of the Aligned Core Strategy and Policy T3 of the Nottingham Local Plan.



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Not for issue

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4. No development shall 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 has been submitted to and be approved in writing by the Local Planning Authority:

a) A Preliminary Risk Assessment which has identified:

- i) all previous site uses
- ii) the nature and extent of potential contaminants associated with those uses
- iii) the underlying geology of the site
- iv) a conceptual model of the site indicating sources, pathways and receptors
- v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.

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

c) A Remediation Plan, based on a) and b) 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).

d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) 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 taking into account the underlying aquifer and surrounding watercourses in close proximity to the development, the occupiers of the development, and/or adjoining occupiers in accordance with Policies NE9 and NE12 of the Local Plan.

5. Prior to the commencement of above ground work for each phase of the development, an assessment of the heating and power generating proposals of that phase, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:

- Air quality impact assessment
- Stack height calculation
- Abatement techniques and mitigation of potential impacts

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

To ensure that the site can be developed without health or safety risks to the environment and to safeguard the health of the occupiers of the development, and/or adjoining occupiers to comply with Policy 10 of the Aligned Core Strategy and Policies NE9 and NE12 of the Nottingham Local Plan.

6. No development shall be commenced until a scheme to secure de-watering of that phase of the development has been submitted to and approved in writing by, the Local Planning Authority. Any such scheme should include a maintenance programme of the facilities to be provided.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the site can be developed without health or safety risks to the environment taking into account the underlying aquifer and surrounding watercourses in close proximity to the development, the occupiers of the development, and/or adjoining occupiers in accordance with Policy 1 of the Aligned Core Strategy and Policies NE9 NE10 and NE12 of the Local Plan.

7. No development shall take place within the site until an archaeological watching brief written scheme of investigation (including a timetable) has been submitted to and approved in writing by the Local Planning Authority.

The archaeological watching brief written scheme of investigation shall then be implemented in accordance with the approved details.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy BE17 of the Nottingham Local Plan.

8. No above ground phase of the development shall be commenced until details of all external materials for that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter a large scale sample panel of all proposed external materials to be used in the construction of that phase of the development shall be erected at a location to be agreed with the Local Planning Authority and retained during the course of the development works.

The development shall be carried out in accordance with the approved materials.

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.

9. No above ground phase of the development shall be commenced until the detailed design of the external areas, to include details of hardsurfacing materials, for that phase of the development has been submitted to and approved by the Local Planning Authority.

The approved detailed design shall thereafter be implemented prior to the occupation of the approved development.

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.

10. No above ground development shall be commenced until details for the permanent siting of the electricity substation has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety in accordance with Policy 14 of the Aligned Core Strategy.



Pre-occupation conditions

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

11. No phase of the development shall be occupied until a detailed landscaping and planting scheme for that phase indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.

12. No phase of the development shall be occupied until a scheme of public enhancement works to Queens Bridge Road, Sherrifs Way and Carrington Street has 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), future maintenance arrangements and a timetable for their implementation.

The approved scheme of works shall be completed in accordance with the approved timescales.

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 Aligned Core Strategy.

13. No part of the development shall be brought into use until the proposed vehicular access has been provided.

Reason: To ensure that the development will provide satisfactory highway/transportation arrangements in accordance with Policy 14 of the Aligned Core Strategy.

14. Phase 2 of the development shall not be brought into use until measures to minimise the environmental impact and energy use of the building have been completed to a standard of the Building Research Establishment Assessment Methodology (BREEAM), which shall first have been agreed in writing by the Local Planning Authority. Phase 2 of the development shall not be occupied until written confirmation of the agreed rating has been submitted to and approved in writing by the Local Planning Authority.

Phase 2 of the development shall be carried out in full accordance with the approved sustainable measures.

Reason: In the interests of minimising the impact on the environment of the building, in accordance with Policy 1 of the Aligned Core Strategy.

15. Each phase of the development shall not be brought into use until measures to enhance the ecological value of that phase, including the following, have been submitted to and approved in writing by the Local Planning Authority:

(a) Installation of bird and bat boxes to be incorporated into the design of the building;

(b) A design and planting scheme to provide ecological enhancements adjacent to the Tinkers Leen.

The measures shall be implemented in accordance with the approved details before each phase of the development is occupied.

Reason: In the interests of conserving protected species and the ecology of the development in accordance with Policy 17 of the Aligned Core Strategy and Policy NE3 of the Local Plan.

16. Prior to first occupation of each phase of the development, verification that the approved heating and power generating scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

To ensure that the site can be developed without health or safety risks to the environment and to safeguard the health of the occupiers of the development, and/or adjoining occupiers to comply with Policy 10 of the Aligned Core Strategy and Policies NE9 and NE12 of the Nottingham Local Plan.

17. Prior to the phase being brought into first use written verification shall be 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 prior to occupation of any part of the development.

Reason: To ensure that the site can be developed without health or safety risks to the environment and the occupiers of the development, and/or adjoining occupiers in accordance with Policies NE9 and NE12 of the Local Plan.

18. Prior to first occupation of each phase of the development, the following, relating to that phase, 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. 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.

To safeguard the health 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.



19. Each phase of 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.

20. No part of Phase 1 of the development hereby shall be brought into use until provision has been made within the application site for a minimum of ten parking spaces to be supplied with electric charging points in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

21. Phase 1 of the development shall not be occupied until details of the proposed photovoltaics and their precise siting has been submitted to and agreed in writing with the Local Planning Authority.

Phase 1 of the development shall not be occupied until the approved photovoltaics have been installed.

Reason: In the interests of minimising the impact on the environment of the building, in accordance with Policy 1 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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



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22. Each phase of the development shall be carried out in accordance with the submitted flood risk assessment (BWB consulting, 29/10/2018) and drawings (B1_02_2199 Rev. G and B1_02_2198 Rev. D) and Flood Risk Assessment Addendum:Unity Sqaure,Nottingham (BWB) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 25.84m above Ordnance Datum (AOD) apart from the car parking basement and lower ground levels.
- The finished floor level of the basement level shall be set no lower than 22.7 m AOD.
- Where finished floor levels fail to meet the 25.84m AOD, it will be required to have mitigation measures up to 26m AOD, that are to be fully implemented prior to occupation.

Reason(s): To reduce the risk of flooding to the proposed development, future occupants and the surrounding area by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure that the development mitigate against flooding that has been subject to environmental assessment, to comply with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In accordance with Policy NE10 of the Local Plan. A finished flood level of 25.84m AOD will be required. This will give the minimum 600mm of freeboard required during a 1 in 100 year event plus climate change. It will also give 360mm freeboard for a 1 in 1000 year event.

The basement level and the lower ground level will require flood mitigation measures as detailed within the FRA up to 26m AOD. This will be required to ensure the structural integrity of the building during a flooding event. The flood resilience will be provided to 26m AOD to provide as this will give 280mm of free board during a breach flood event plus climate change. The basement level and lower ground level will be designated to car parking and other water compatible facilities as shown on drawings (B1_02_2199 Rev. G and B1_02_2198 Rev. D) where as there they are below the 25.84m AOD.

23. A full Travel Plan with up-to-date staff and visitor survey data must be submitted for approval by the Local Planning Authority no later than 3 months after first occupation of each phase of the development. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation. A Travel Plan update shall be submitted and approved by the Local Planning Authority (in conjunction with the Highway Authority) within 3 months of each survey date.

Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

24. 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.

Reason: To ensure that the site can be developed without health or safety risks to the environment taking into account the underlying aquifer and surrounding watercourses in close proximity to the development, the occupiers of the development, and/or adjoining occupiers in accordance with Policies NE9, NE10 and NE12 of the Local Plan.



25. Each phase of the development shall be carried out in accordance with the surface water drainage strategy set out in the submitted flood risk assessment (BWB consulting, 29/10/2018), unless otherwise agreed in writing with the Local Planning Authority.

Reason(s): To reduce the risk of flooding to the proposed development, future occupants and the surrounding area by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure that the development mitigate against flooding that has been subject to environmental assessment, to comply with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, in accordance with Policy NE10 of the Local Plan.

26. Prior to the installation of any plant associated with each phase of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the site can be developed without health or safety risks to the environment and the occupiers of the development, and/or adjoining occupiers in accordance with Policies NE9 and NE12 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 following drawings/documents:
- Planning Layout reference 05491_B1_02_2198 revision D
 - Planning Layout reference 05491_B1_02_2199 revision G
 - Planning Layout reference 05491_B1_02_2200 revision E
 - Planning Layout reference 05491_B1_02_2201 revision E
 - Planning Layout reference 05491_B1_02_2202 revision F
 - Planning Layout reference 05491_B1_02_2206 revision B
 - Planning Layout reference 05491_B1_02_2209 revision E
 - Planning Layout reference 05491_B1_02_2210 revision D
 - Planning Layout reference 05491_B1_02_2211
 - Elevations reference 05491_B1_04_1200 revision P1
 - Elevations reference 05491_B1_04_1201 revision P1
 - Elevations reference 05491_B1_04_2200 revision P1
 - Elevations reference 05491_B1_04_2201 revision B
 - Elevations reference 05491_B1_04_2202 revision P1
 - Elevations reference 05491_B1_04_2203 revision P1
 - Plan reference 05491_B1_05_2200 revision P1
 - Plan reference 05491_B1_05_2201 revision B
 - Plan reference 05491_B1_05_2202 revision P1
 - Plan reference 05491_B1_05_2203 revision B
 - Plan reference 05491_B1_10_4200 revision B
 - Plan reference 05491_B1_10_4201 revision B



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Location Plan reference 05491_MP_00_0010 revision O
Plan reference 05491_MP_00_1010 revision A
Planning Layout reference 05491_MP_00_1199 revision C
Planning Layout reference 05491_MP_00_1200 revision C
Planning Layout reference 05491_MP_00_1202 revision A
Planning Layout reference 05491_MP_00_3199 revision O
Plan reference 05491_B2_02_2199 revision O
Plan reference 05491_B2_02_2200 revision O
Plan reference 05491_B2_02_2202 revision O
Plan reference USN-BWB-GEN-XX-DR-TR-101 revision P3

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. 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



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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.

4. Air Quality - Heating & Power Generation

The proposals for biomass for heating (and power generation) or any Combined Heat and Power systems (over 60kWe) using natural gas or bio-fuel will be screened and assessed against the guidance set out in Biomass and Air Quality Guidance for Local Authorities by Environmental Protection UK (June 2009) which may be found at:

<http://www.lacors.gov.uk/lacors/upload/22062.pdf> and Combined Heat and Power: Air Quality Guidance for Local Authorities by Environmental Protection UK (February 2012) which may be found at http://www.iaqm.co.uk/text/guidance/epuk/chp_guidance.pdf

5. 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.

6. Dewatering of groundwater:

Information within the application suggests that a basement car park will be included in the development. The Flood Risk Assessment states the borehole readings show ground water levels between 2.5m and 3.5m below the site. The recent prolonged dryweather (previous 18 months) has likely caused ground water levels to be below the normal levels experienced. The installation of a basement in an area of shallow groundwater, like the application site, is likely to require dewatering. It may also require long-term dewatering. As of January 2018, most exempt water abstractions (such as dewatering) now require an abstraction licence. Please see the informative on dewatering below for more information. Once clarity is obtained from the application about whether dewatering is required, and therefore whether a dewatering licence is required, further consideration will be given to the hydrogeological impacts associated with the proposed dewatering under the water resources licensing regime.

Dewatering Licence:

If more than 20 cubic metres a day, you are likely to need an abstraction licence from the Environment Agency.

As per new regulations 1 January 2018, mines, quarries and engineering works which intend to carry out dewatering mostly groundwater now need to apply for a new abstraction licence.

It is important to note that securing planning permission does not guarantee that an abstraction licence will be issued.

Please visit the GOV.UK website for more information and guidance regarding the process of abstraction licence application. We have posted below a few links which direct to the applicant towards guidance on abstraction licences:

Apply for a water abstraction or impoundment licence (How to apply)

<https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

Water management (When your proposal needs an abstraction licence)

<https://www.gov.uk/guidance/water-management-abstract-or-impound-water> Discharge

7. Discharge Environmental Permit:

You may need an environmental permit if you discharge liquid effluent or waste water into surface water or ground.

You need to apply to the Environment Agency for a permit for any standalone water discharge or groundwater activity - standalone means the activity is not part of a waste operation, installation or mining waste operation.

If your water discharge is part of one of these operations, you can make the discharge part of your installation permit or waste or mining waste permit. You're breaking the law if you operate without a permit if you should have one.

We have posted below a link which direct to the applicant towards guidance on discharge permits:

When your proposal needs an environmental permit to discharge water

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

8. Highways:

i: 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 or Highway.Agreements@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

ii: 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 occurring.

iii: In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Highway Agreements on

0115 876 5293 or Highway.Agreements@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

iv: The proposed development appears to require the stopping up public highway. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public highway and an unlawful obstruction to the highway is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up the public highway will be required. This is a separate legal process and the applicant will need to contact the Department for Transport at their earliest convenience to discuss this matter further. Their contact details as follows: The National Transport Casework Team, Department for Transport, 2nd Floor, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH (T) 0191 226 5216. It is strongly recommended that the applicant liaise with our Rights of Way Officer, John Lee who can be contacted on 0115 876 5246.

v: The Highway Authority considers it prudent that as part of the proposed off site highways works a Traffic Regulation Order is undertaken to provide a safer highway environment. The Order can be made on behalf of the developer by Nottingham City Council at the expense of the developer. This is a separate legal process and the Applicant should contact Highway Agreements on 0115 876 5293 or Highway.Agreements@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

vi: 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 refer to the DSP Design Guide which is available at <https://www.nottinghaminsight.org.uk/Document-Library/Document-Library/197452>

vii: The applicant should provide a Travel Plan to contain transport related information on the provision of sustainable modes of transport. The applicant is advised to contact Robert Smith (Senior Transport Planner) on 0115 8763604 or Transport.Strategy@nottinghamcitygov.uk for further information.

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: 18/02277/POUT

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

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

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant

supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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