



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: Tuesday, 25 May 2021

Time: 2.30 pm

Place: The Ballroom - The Council House, Old Market Square, Nottingham, NG1 2DT

Please see information at the bottom of this agenda front sheet about requirements for ensuring Covid-safety.

Governance Officer: Kate Morris **Direct Dial:** 0115 876 4298353

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PLANNING COMMITTEE

UPDATE SHEET

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

25 May 2021

5(a) 152 London Rd

1. A revised Energy Statement has been submitted by the applicant. This sets out the following sustainability measures to be incorporated into the building:
 - All electric building
 - Fabric first approach
 - Betterment on Building Regulations for the apartments to average 3.9%
 - Exposed roofs to meet Passivhaus standards, intermediate floors and party walls to meet or exceed these standards
 - Assessment of overheating carried out for the apartments Retractable canopies to be used for those with an identified risk
 - Stack ventilation – the smoke ventilation system to double as a ‘smart stack’, thereby avoiding air conditioning
 - Building Integrated Photovoltaics (BIVPs)
 - Waste water heat recovery

A representation has been received on behalf of Mozes and Extinction Rebellion Nottingham in response to this Energy Statement, which raises the following matters:

- Measures are inferior to those originally proposed
- Proposed betterment on Building Regulations unacceptable in light of future changes to the Building Regulations
- No confirmation that the electricity itself will be low carbon
- Passivhaus is a holistic approach that cannot be cherry picked. Not all of the standards are shown to be met
- Insulation levels reduced in relation to those originally suggested
- Natural ventilation and overheating not mentioned in relation to the commercial floorspace
- Natural ventilation of the apartments would be insufficient in the winter months because of the depth of the units
- Natural ventilation would be influenced by noise and air pollution. The system proposed is not the most energy efficient
- The report mentions the use of Building Integrated Photovoltaics (BIVPs) rather than roof top PV panels, which would generate insignificant amounts of energy
- The commercial element of the scheme does not meet the local plan requirement to achieve BREEAM ‘Very Good’
- The development should provide at least 10% of its energy use from renewable or low-carbon sources
- Recommend the application be deferred until a BREEAM study has been carried out

2. A further response has been received from a member of public who has raised the following concerns:

- Building mass - it is out of scale with existing buildings
- Impact on Turney Brothers factory and The Embankment public house which is listed
- It overshadows areas of the Meadows Conservation Area, being only a few yards from Lamcote and Bathley Streets. The conservation area is designed to protect the visual regularity of the existing Victorian and Edwardian buildings. The visual impact of this proposed development on the Conservation Area will be huge, towering 7 stories over existing buildings
- Being surrounded by busy roads on all sides, the site is unsuited to residential use. This also limits access to the proposed gym and beverage facilities, furthermore, the usage of gym facilities following the Covid19 pandemic is not clear, and there is a fully equipped Leisure Centre a few metres from the proposed development
- Impact of additional traffic generated by the proposed accommodation and businesses at a point in the city where traffic often exceeds capacity
- The city needs affordable and student accommodation and this development addresses neither shortage

Comments

1. ***The Council has set an ambition to become the first carbon neutral city in the UK by 2028 and an action plan has been produced setting out how this is to be achieved. However, planning applications must be assessed in the light of the national and local planning policies in place at the time the application is determined. Mandatory energy performance standards for all new homes are incorporated into the Building Regulations, rather than to be achieved by the planning process. There is no Local Plan policy regarding the amount of energy to be provided by renewables. However, policy CC1 of the LAPP requires non-domestic developments of 1,000 sq m or above to achieve a BREEAM assessment of 'Very Good' where viable and feasible.***

Given the late submission of this revised Energy Statement, further discussion is recommended with the applicant regarding the proposals put forward. Condition 10 of the draft decision notice requires details of the sustainability measures to be agreed by the Council. To enable further discussions to take place and to make more explicit reference to the required BREEAM assessment for the commercial element of the scheme, it is recommended that the condition be amended as follows:

- ***Notwithstanding the submitted application documentation, prior to the commencement of development, details of the sustainability measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include a BREEAM assessment with regards the non-domestic element of the scheme.***

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

On this basis, the proposal is in accordance with Policy 1 of the ACS and Policy CC1 of the LAPP.

2. ***The issues raised have already been addressed in the committee report.***

3. Legal Comments – Update

“Reference to the duty under s72 of the Planning (Listed Building and Conservation Area) Act 1990, to have special attention paid to the desirability of preserving or enhancing the character or appearance of that area, should be omitted from consideration by the Committee as the proposal under consideration lies close to but is not within the Meadows Conservation Area. Nevertheless , the proximity of the proposal and impact upon to the Meadows Conservation Area remains a material consideration.”

5(c) Playworks, Alfred Street North

Recommend additional condition in the interests of securing a high quality finish to the development:

Prior to the commencement of development on the St Ann’s Way (east) elevation, large scale elevations and sections of any new/replacement windows and doors and sections of in-fill brick work shall be submitted to and approved in writing by the Local Planning Authority.

Works shall be carried out in accordance with the approved details.

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The Director of Development
Nottingham City Council
Loxley House
Station Street
Nottingham
NG2 3NG

25th May 2021

Dear Sir/Madam

20/02756/PFUL3

We received yesterday, a strongly written objection to our Energy Appraisal and Statement which was issued to the application case officer on 11th May. Conscious of the wording and tone of this objection and its public release on the eve of the committee meeting we feel it is important to respond to this.

An initial meeting was held with local community group, Mozes, following concerns they had raised on the application during the consultation process. The purpose of the meeting was to listen to these concerns and discuss ideas and was an extremely useful exercise. It is important to stress that the purpose was not to take on board all the ideas discussed and implement into the scheme but to review these and follow with a report that set out the sustainable credentials of the project.

The objection begins by accusing the statement on Nearly Zero Carbon Standards to be completely false and not true. Our statement is based on the Ministry of Housing Communities and Local Government definition which defines Nearly Zero Energy Buildings as those meeting the current requirements of Part L of the Building Regulations. Whilst absolutely correct in stating that the building regulations are to change, it must be emphasised that the report is a point in time and written with current standards in mind and as the project moves to construction, it will continue to follow the current standards as they are at the time.

Within the report, we identified a selection of apartments that we considered to be at risk of overheating and have proposed solutions of how this can be mitigated through natural ventilation and improvements to insulation requirements exceeding those required by the Building Regulations.

CIBSE TM60 recommends the use of SAP software as a pre-design tool to support planning applications and we can confirm that this method has been used in the review of the overheating and demonstrates that, with the exception of some south facing apartments, there is not a significant risk. It has been proposed that those potentially at risk can be managed with the integration of free-standing trellis's forming part of the external terrace landscaping.

The improvement on the Nearly Zero Energy Requirements of the Building Regulations and the RIBA 2020 Challenge demonstrates the sustainable aspirations of the project. The review and update of the energy appraisal and statement has allowed the development to meet the requirements of Part L without employing excessive resource that provide little or no material gain for the development, rather this review has allowed for an enhancement to the sustainability of the scheme.

Nearly Zero Energy Buildings

To further clarify, a nearly zero energy building is one that meets the requirements of regulation 26 of the building regulations.

The Ministry of Housing, Communities and Local Government letter dated 14th January 2019 confirms that a nearly zero energy building is one that meets as a minimum regulation 26 i.e. it's emissions do not exceed those as calculated for regulation 25.

The MHCLG letter refers to the EU Performance of building directive, which direction is transposed into the UK building Regulations. The EPBD 2010/21/eu (2010) article 2 defines 'nearly zero energy building' as one that has very high energy performance as determined in accordance with Annex I. Article 3 asks that Member States shall apply a methodology for calculating the energy performance of buildings in accordance with Annex I of the directive. Annex I sets out the methodology. Within the UK the energy performance of buildings is calculated using UK Government SAP software for domestic buildings and SBEM software for non-domestic buildings.

Industry best practice guidance CIBSE TM 60 notes the use of SAP software to support planning applications for domestic buildings.

The energy statement confirms that the apartments meet the nearly zero energy requirements for regulations 25 & 26 of the building regulations using software acknowledged by CIBSE TM60 as used for such purposes. Nearly zero energy buildings are defined by MHCLG and EU directive EPBD 2010/21/EU as noted above.

The current proposed scheme meets the nearly zero energy definition by the MCHLG and the EPBD 2010. The current proposed development exceeds the nearly zero energy requirement of the current building regulations and exceeds the RIBA 2020 challenge. Both of which show that the building promotes sustainability.

Response to “No Confirmation that the Electric Heating Systems will be Low Carbon”

The develop meets and exceeds the nearly zero energy requirements of the building regulations and is therefore Low Carbon. Criteria 1, 2 & 3 of Part L promote sustainable low carbon design all of which is detailed in the energy statement; and shows the development is Low Carbon.

Any energy used to heat is wasteful which is why the apartments as presented in the energy statement have very little or no heating demand, even on the coldest of days. This all-electric approach means that the development is low carbon and meets the nearly zero energy requirements of the building regulations and promotes sustainability by also meeting criteria 1, 2 and 3 of Part L of the building regulations.

Response to “Incorrect and Untrue Statement about the insulation Levels proposed and Passivhaus”

The insulation levels proposed exceed the current building regulations by some margin; in particular, floor and roof insulation levels meet the levels specified by PassivHaus for floors and roofs. The floor insulation levels proposed exceed that required to meet the levels specified by PassivHaus.

- The insulation levels proposed for roofs and floors meet the insulation levels specified for roofs and floors by PassivHaus as noted within Table 02, Page 12 of the Energy Appraisal.
- The majority of the surface areas of the building are floor and roof; PassivHaus U-values have been proposed for the majority of surface areas in this regard.
- Floor U-Values have been proposed that exceed the building regulations by 50%.
- Roof U-Values have been proposed that exceed the building regulations by 25%
- Window U-Values have been proposed that exceed the building regulations requirements by 30% showing a significant improvement and reduction in energy as a result to support this low carbon nearly zero energy building.
- Wall U-Values have been proposed with a 15% improvement on the building regulations.
- The thermal loss for end and mid Terrace apartments is presented with the energy appraisal; it can be seen that the thermal loss of apartments is very low even on the coldest days.
- The application meets with the nearly zero energy requirements of the building regulations and MHCLG and is supported by industry best practice guidance CIBSE TM60 in the use of SAP software for planning applications.
- The review and update of the energy appraisal and statement has allowed the development to meet the requirements of Part L without employing excessive resource that provides little or no material gain for the development, rather this review has allowed for an enhancement to the sustainability of the scheme.

Response to “Overheating and Natural Ventilation”

The scheme will be naturally ventilated to provide both ventilation for day to day living and to meet Criteria 3 of part L of the building regulations i.e. limit the risk of overheating. The proposed approach meets with the sustainable passive design and low carbon principles of Part L to avoid the use of air conditioning.

- CIBSE application manual TM10 is used as a best practice guide to the natural ventilation of all spaces. The DETR Good Practice Guide 245 is an Architects desk top guide for Daylighting and not a ventilation guide. CIBSE TM60 does not set out natural ventilation best practice ratios in spaces, this is where CIBSE TM10 assist as a best practice resource for the design of low energy nearly zero energy buildings.

- The apartments have been assessed against CIBSE TM10 and they meet the best practice requirements set in CIBSE TM10. Apartment depths average approximately 6m, meaning floor to ceiling heights need to be approx. 2.4m to allow natural ventilation to satisfactorily reach the internal sides of the apartments; given circulation, storage and finishing of the apartments leading to practical reductions in apartment depth's the guidance set out in CIBSE TM10 is met with ease meaning that the scheme avoids the need for air conditioning equipment.
- Daylight factors of as little 4 are assessed as being achieved in apartments with some as much a 7. 4 means a lighting level of 200lux which generally exceeds minimum artificial lighting levels in homes.

Response to “Vent Stack”

- The Smart Stack is used to avoid the need for air conditioning in summer months all in line with Criteria 3 of Part L of the building regs and will allow additional cross ventilation in hot months to assist the proposed natural ventilation strategy. This is support by CIBSE TM10 and CIBSE TM60 and the SAP modelling.
- The use of heat recovery within properties was reviewed and it was concluded that this could lead to the homeowner potentially using more energy trying to recover heat than saving it. If MVHR is utilised as a heat recovery solution then we note that the Net Efficiency of these units is approx. 90%, whereas the gross efficiency is more like 25-30%. This means the fan used to recover circulated air for heat recovery uses more energy than it saves. This can also lead to additional electric heating being required within these systems to warm up incoming cold air to avoid cold draughts being blown into apartments.

Response to “Energy Reduction Options”

The roof terraces provide amenity space to the homeowners, which, given the current pandemic is more important to have than ever before. Whist PV was initially proposed for the development on a larger scale as an initial option, this review has been able to assess this in greater detail allowing the building to meet the low carbon nearly zero energy requirements of the scheme whilst placing options in place whereby individual homeowners could potentially benefit from some local PV directly associated with their property.

The all-electric approach ensures that should this option be taken forward that it fits in with the proposed all electric approach to the scheme and would allow for all PV generation to be used on site. Given the very low energy demand of the scheme as demonstrated through the appraisal and statement.

BIPV panels are approx. 15% efficient whereas standard PV panels are approx. 20% efficient and as such produce approx. 75% of the energy produced by standard PV panels; therefore, BIPV panels are effective at producing significant amounts of energy in relation to standard PV panels.

Wastewater heat recovery as an option can play a significant part to reduce energy consumption with the scheme as a whole by reducing hot water generation from cold water to save energy. The relatively low energy consumption of the apartments even on the coldest days, means that this technology could be used as an option.

Conclusion

The project is an extremely exciting proposition for this important gateway site. As well as bringing significant improvements to the existing site with the introduction of living walls and integrated planting and access to external spaces for residents, the scheme achieves and exceeds building regulations, provides an all electric approach to space and water heating and incorporates passive ventilation. In conclusion, we stand by our report and believe that the scheme represents a sustainable solution to meet Nottingham's aspirations.

Yours faithfully,



Lee Marshall

Managing Director, Viridis Building Services Ltd.

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