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**Nottingham
City Council**

Nottingham City Council Planning Committee

Date: Wednesday, 19 June 2024

Time: 2.00 pm

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

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: Catherine Ziane-Pryor

Direct Dial: 0115 876 4298

- 1 Appointment of Vice Chair**
- 2 Apologies for absence**
- 3 Declarations of Interests**
- 4 Minutes** 3 - 4
Minutes of the meeting held on 17 April 2024, for confirmation
- 5 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a Land Rear Of Players Court And Radford House, Norton Street** 5 - 32
 - b Cleared Site At Junction Of Traffic Street And Wilford Road, Site Of Laboratories Corner Traffic Street, Wilford Road** 33 - 82
 - c Garages Rear Of 17 To 21 Marshall Street Nottingham** 83 - 98
- 6 Dates of future meetings**
To agree to meet on the following Wednesdays at 2pm:

2024

17 July
21 August
18 September
23 October
20 November
18 December

2025

22 January
19 February
19 March
23 April

If you need any advice on declaring an Interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting.

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Nottingham City Council

Planning Committee

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 17 April 2024 from 2.04 pm - 2.24 pm

Membership

Present

Councillor AJ Matsiko (Chair)
Councillor Sam Lux (Vice Chair)
Councillor Imran Jalil
Councillor Kirsty L Jones
Councillor Anwar Khan
Councillor Gul Nawaz Khan
Councillor Pavlos Kotsonis
Councillor Samina Riaz
Councillor Naim Salim

Absent

Councillor Graham Chapman
Councillor Kevin Clarke
Councillor Faith Gakanje-Ajala
Councillor Sam Harris
Councillor Ethan Radford

Colleagues, partners and others in attendance:

Ann Barrett - Legal Team Leader, Planning and Environment
Martin Poole - Area Planning Manager
Nigel Turpin - Team Leader, Planning Services
Laura Wilson - Senior Governance Officer

41 Apologies for Absence

Councillor Graham Chapman – unwell
Councillor Kevin Clarke – work commitments
Councillor Ethan Radford - unwell

42 Declarations of Interests

None.

43 Minutes

Subject to the inclusion of the reason for Councillor Anwar Khan's absence being recorded as personal, the Committee agreed the minutes of the meeting held on 20 March 2024 as a true record and signed by the Chair.

44 New Bridge Over Trent Basin And Surrounding Land Portside Street Nottingham

Martin Poole, Area Planning Manager, presented application 24/00107/PFUL3 for planning permission for construction of a pedestrian bridge and cycle bridge over the River Trent, with connecting ramps and steps, lighting, hard and soft landscaping and wetland/pond area. In addition to the main bridge, a connecting bridge over Trent Basin is proposed which will provide connections to the main bridge and will form part of east-west riverside path on the north bank. Demolition of Unit 5 Poulton Drive.

Temporary compound and haul routes on both sides of the river, with connections to the existing adopted highway.

A presentation was made, which included indicative images of the proposal and, in the discussion that followed, the following points were made:

- (a) The application relates to the parts of the bridge within the Nottingham City Council's area. A planning application for the parts of the development outside the city boundary is still to be considered by Rushcliffe Borough Council. The recommendation that permission is granted is subject to Rushcliffe also resolving to grant permission.
- (b) There is the intention to include CCTV, but it is not in the planning conditions as the City Council are managing the project and budget. Lighting is part of the conditions and is likely to be handrail level rather than overhead.
- (c) The budget for maintenance of the landscaped areas is not a material planning consideration, but is being considered as part of the wider scheme being managed by the Council.
- (d) The development is being paid for by a Government grant, and not from the Council's other income, such as Council Tax.

Committee members commented on the positive reactions to the proposals and the benefits it would bring to the City, including an expansion of the cycle route, greater connectivity to the south of the city, and working towards the Council's carbon neutral target.

Resolved to delegate the power to the Area Planning Manager to grant planning permission, subject to:

- (a) the resolution of Rushcliffe Borough Council to grant planning permission where the proposed development also falls within the administrative area of that local planning authority;**
- (b) conditions substantially in the form listed in the draft decision notice, with power to determine the final details of the conditions to be delegated to the Area Planning Manager.**

Wards Affected: Radford (May 2019)

Item No:

**Planning Committee
19th June 2024**

Report of Director of Planning and Transport

Land Rear Of Players Court And Radford House, Norton Street, Nottingham

1 Summary

Application No: 24/00076/PFUL3 for planning permission

Application by: Hyson Green Developments Limited

Proposal: Erection of 7 Storey Purpose Built Student Accommodation (PBSA) with 116 apartments (587 bedspaces), with ancillary communal facilities and landscaping.

The application is brought to Committee because it is a major application where, for viability reasons, the application is being recommended for approval with proposed planning obligations which are substantially less than required by planning policy.

To meet the Council's Performance Targets this application should have been determined by 17.04.2024. The delay in reporting to Committee is due to the time taken by the applicant to carry out a viability assessment. An extension of time has been agreed with the applicant until 31 July 2024.

2 RECOMMENDATIONS

2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to:

- (i) prior completion of a Section 106 Planning Obligation to secure the following:
 - a minimum financial contribution of £274,040 towards affordable housing in lieu of onsite provision;
 - a minimum financial contribution of £167,960 towards the provision or enhancement of off-site Public Open Space or Public Realm;
 - a student management plan and restriction on occupants keeping private vehicles within the City.

Subject to a review mechanism in respect of the above financial contributions should development not be commenced within 2 years of the issue of planning permission with power delegated to the Director of Planning and Transport to allocate any additional monies available

as he sees fit between affordable housing and public open space up to the policy compliant level.

- (ii) the indicative conditions substantially in the form of those listed in the draft decision notices at the end of this report;
- 2.2 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director of Planning and Transport.
 - 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligations sought 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.

3 SITE AND SURROUNDINGS

- 3.1 The site is the part of the former John Player factory in Radford. It is situated on the north side of Norton Street, adjoining Radford House (existing student accommodation) to the west, Adam House and Burton House to the north (new build student accommodation nearing completion), as well as the adjoining Carlton House (older building converted to student accommodation). All are within the applicant's ownership. To the east is New Brook House, again within the applicant's ownership but in office use, and Brook Court, an apartment development from the 2000s. Norton Court, another student accommodation scheme built in the 1990s, is located on the south side of Norton Street, with office and light industrial buildings occupying the rest of the Norton Street frontage opposite the site.
- 3.2 The site comprises a former car park previously serving the buildings on its north and west sides. Google Streetview images show it is part in use as a site compound to facilitate construction of the Adam House/Burton House student accommodation scheme to the north, with a smaller part in use as car parking for Radford House. There are a large number of shipping containers occupying the rest of the site. The site slopes gently from west to east, with a 5m level changes across the site. Two vehicle access points are available from Norton Street.
- 3.3 To the west of the site on the opposite side of Radford Boulevard is Castle Retail Park.
- 3.4 The site is within short walk of Alfreton Road and adjacent to Radford Boulevard. Alfreton Road is a main arterial route with bus services travelling in and out of the City at regular intervals. Radford Boulevard travels north south and is part of the inner ring road system. Regular University bus services travel along Radford Boulevard and stop outside Radford House.
- 3.5 The site does not fall within any designated areas defined by the development

plan but archaeological mapping shows that there are number of historical tunnels under the surrounding streets. The site is within flood zone 1 defined by the Environment Agency Flood Map, and not therefore at risk of flooding.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for a development of Purpose Built Student Accommodation (PBSA) with associated communal amenity space and landscaping.
- 4.2 The proposal would comprise two accommodation blocks of 7 storeys with footprints configured as a “flattened U” (“Block D”) and “L” shaped (“Block E”), both with a frontage to Norton Street. Each block would accommodate a mix of studios and 3 to 10 bed cluster apartments (116 apartments), comprising 587 bedspaces in total (405 beds in block D and 182 beds in Block E). Block D cluster apartments would have their bedrooms range in size from 9 sqm to 19 sqm, with living areas of approximately 29 sqm. The studios of Block D would range in size from 21 sqm to 27 sqm. Block E cluster apartments would have their bedrooms range in size from 10 sqm to 23 sqm, with living areas of approximately 33 sqm. The studios of Block E would range in size from 25 sqm to 31 sqm. The ground floor of Block D would have extensive communal and ancillary areas including a lounge, study area, gym, spa, laundry room, bike storage etc. A lounge area with roof garden is additionally included at level 7. Block E would also have a lounge area at ground floor level. Landscaped outside space is to be provided within a ‘green heart’ area between the new blocks and Adam/Burton Houses to the north.
- 4.3 The development would provide 560 (95%) cluster beds and 27 (5%) studio beds. There would be 1065 sq.m of (indoor) amenity space, 4202 sq.m of (outdoor) amenity space, 8 collection/drop off car parking spaces and 272 secure cycle spaces. The intention is for the amenity space, both internal and external, to form a central hub of facilities for use not only by the occupants of the proposed development, but also those in the adjacent PBSA blocks. In effect creating a complete, managed campus of PBSA.
- 4.4 The main pedestrian access to the development would be at the western end of Block D, accessible from Norton Street and the other adjacent blocks. Block E is also accessed at its western end, from the ‘street’ created between the two blocks. Block D has a secondary pedestrian entrance at approximately the mid-point along its Norton Street elevation. Vehicular access to the small number of parking spaces and for refuse / delivery vehicles would be via Norton Street.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

445 Neighbouring properties were notified by letter, a site notice posted and press notice published. The overall expiry date was 22.02.2024.

One representation from a neighbouring resident has been received which raises objection to the construction of a 7 storey high building as it would make Players Court enclosed and the whole area around Brook Court congested.

Nottingham Civic Society: Has some reservations about the layout and massing of the proposed student development at Norton Street. Whilst the general proportions and scale of the new buildings appear broadly sympathetic to the existing development to the north, albeit slightly taller, the new buildings will have a more overbearing impact on Norton Street which has a cohesive townscape between Radford Boulevard and Dorking Road and includes the Edwardian factory building, the Castle Cavendish Works, a building full of character which enriches the surrounding area. It is worthy of Nottingham's Local List, both for its architectural charm and as a remnant of John Player's Radford estate of cigarette manufacturing premises, now largely demolished.

To alleviate the effect of the taller student buildings on this distinctive building, perhaps the break between the two sections of the new buildings could be positioned opposite the two-storey factory, giving the building some space to breathe.

Additional consultation letters sent to:

Environmental Health and Safer Places: Standing advice to cover conditions regarding the submission of a remediation strategy related to ground, groundwater and ground gas contamination, an environmental noise assessment and sound insulation scheme.

Highways: No objection subject to conditions relating to a construction management scheme and cycle storage.

Drainage: No objection subject to condition relating to the detailed design and associated management and maintenance plan for surface water drainage.

City Archaeologist: No objection subject to condition to ensure that the cave tunnels and entrances are not harmed during ground investigations and construction works.

Education: No claim for S106 contribution.

Biodiversity: No objection subject to a condition relating to biodiversity enhancement, including details of bird and bat boxes.

Carbon Neutral Policy Team: The development appears to have a positive impact on carbon neutrality.

Active Travel England: Standing advice given.

Environment Agency: No objection.

Nottinghamshire Police: No objection.

University of Nottingham: The proposed scheme meets our requirements under the Student Living Strategy (SLS).

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2023):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible.

Paragraph 131 notes that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy EE4: Local Employment and Training Opportunities

Policy RE1: Facilitate Regeneration

Policy HO1: Housing Mix

Policy HO3: Affordable Housing

Policy HO5: Locations for Purpose Built Student Accommodation

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN2: Open Space in New Development

Policy EN6: Biodiversity

Policy IN2: Land Contamination, Instability and Pollution

Policy IN4: Developer Contributions

Policy TR1: Parking and Travel Planning

Supplementary Planning Documents (SPDs)

Affordable Housing Contributions arising from Student Accommodation (2021)

Biodiversity (2020)

The Provision of Open Space in New Residential and Commercial Development (2019)

7. APPRAISAL

Main Issues

- (i) Principle of the Development
- (ii) Design, Scale and Appearance
- (iii) Impact on the Amenities of Surrounding and Future Occupants
- (iv) Highway Considerations
- (v) Other Matters

- (i) Principle of the Development** (Policies A, 7 and 8 of the ACS, Policies RE1, HO1, HO5 and HO6 of the LAPP)

- 7.1 Aligned with policy 7 of the ACS, policy RE1 of the LAPP states that planning permission will be granted for proposals which would assist in enabling the appropriate regeneration of brownfield sites. In this case the proposal would result in the redevelopment of a large brownfield site which has not been effectively used for a long time. Moreover, the proposal would provide additional PBSA for which there is a continuing need, an influx of residents to support local retail and other facilities, and new job opportunities through both the construction and operation of the proposed development.

- 7.2 As student accommodation, the principle of the proposal needs to be considered against policy 8 of the ACS and policies HO5 and HO6 of the LAPP.
- 7.3 Policy 8 of the ACS sets out, inter alia, that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. This include the development of PBSA in appropriate locations, to help reduce the demand for HMO properties and the negative impact that high concentrations of these can have on local communities.
- 7.4 Policy HO5 (Locations for Purpose Built Student Accommodation) and HO6 (Houses in Multiple Occupation (HMO's)) are also relevant in this regard. Policy HO5 identifies the locations where PBSA will be appropriate, subject to a justification for the need of the accommodation. Policy HO6 states that HMO/PBSA development will only be granted where it does not conflict with policies HO1 (Housing Mix) and HO2 (Protecting C3 Dwellings) and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities.
- 7.5 Monitoring reports on the provision of student accommodation have consistently illustrated the need to maintain an on-going supply of additional bedspaces in order to meet increases in the number of students attending further education courses within the City.
- 7.6 The site is part of a complex of PBSA that has been developed within the former John Player's factory. Cumulatively these redundant, former industrial premises have been developed to provide a valuable source of PBSA without any significant impact on the maintenance of a sustainable community within the surrounding residential area. The site is the last parcel of land within this PBSA complex that has been vacant for a long time. The scheme would therefore help to deliver an important element of the Council's housing policy, including the long term aim to promote high quality PBSA in the right location and to tackle the impact of HMO properties within the wider areas affected by high concentrations.
- 7.7 The site is close to two main transport corridors that provide bus services to the campuses of both universities and the City Centre. It is also well served by local shopping centres on both Radford Boulevard and Alfreton Road.
- 7.8 In light of the above, the principle of the proposed scheme is considered to be acceptable and would accord with policies A, 7 and 8 of the ACS, policies RE1, HO5 and HO6 of the LAPP.
- (ii) Design, Scale and Appearance** (Policy 10 of the ACS, Policies DE1 and DE2 of the LAPP)
- 7.9 The submitted scheme has been developed through extensive pre-application discussions in relation to its design, scale, mass and form.

- 7.10 The existing condition of the site is very poor and has a negative impact on the character and appearance of the wider area. Redevelopment of the site offers the opportunity to improve the contribution the site makes to local character and would introduce new built form on a site that is currently of poor townscape quality.
- 7.11 The two buildings form a logical conclusion to the wider urban block contained between Norton Street, Player Street, Radford Boulevard and Alfreton Road. Their scale and form take their cue from the other buildings enclosing this block and reference the former industrial character of what was part of the John Players Factory. Although the proposed scheme would be one storey higher than the adjacent Adam and Burton House to the north, the top floors are set back in order to soften their overall height and perceived scale. The development steps down from east to west to address the natural fall in the land. The eastern return of Block D is to adjoin a small more recent projection to the rear of Carlton House, which appears to house a stair core and is of limited architectural value. This therefore presents a logical opportunity to adjoin the two buildings at this point.
- 7.12 The buildings would enclose and provide a much needed active frontage and natural surveillance to Norton Street. The entrances would bring pedestrian activity along the street. The extensive communal area in Block D results in more than half of its elevation to Norton Street containing large, double height glazed apertures at ground floor level.
- 7.13 The comments of the Civic Society are noted but there is not considered to be a compelling reason in layout terms to position the break between the two buildings opposite the Castle Cavendish Works. This would also diminish the scale of the 'green heart', the size of which is considered to be a strong element of the scheme.
- 7.14 The buildings share a common architectural language which is based on an industrial mill aesthetic, informed by the history of the site and the surviving adjacent buildings from that period. This is particularly so with the regular fenestration pattern that has a strong vertical emphasis, with windows set in deep reveals. The buildings also have a clearly defined base, middle and top which further helps to soften their perceived scale. Different brick tones are used in the larger middle section of the buildings, creating separate 'bays' that add depth and visual interest whilst also breaking their elongated mass into smaller elements. This is reinforced with larger glazed apertures between the 'bays'. Further visual interest is provided by the buildings' curved corners with corduroy brick detailing. This elevational treatment is largely continued on all facades of the buildings.
- 7.15 The building line is pulled back from the boundary of the site on Norton Street creating new 'green' planting zone, in addition to widening the footway to create a more pleasant pedestrian experience.
- 7.16 The scheme benefits from generous external amenity space which is to form a 'green heart' that is to be shared with the adjacent student accommodation

and pull these different schemes together into a cohesive 'campus'. The proportions of the amenity space are appropriate to the scale of the surrounding buildings, presenting a space that would be attractive for the students to use. There is to be a mix of hard and soft landscaping; the 'green heart' comprising planting with a central lawned area, whilst the area to the rear of Block E would be largely hard surfaced with planted edges.

- 7.17 It is concluded that the proposed development would have a positive visual impact upon the site and its surroundings. Further details of the external materials and landscaping can be secured by condition. The proposal therefore accords with policy 10 of the ACS and policies DE1 and DE2 of the LAPP.

(iii) Impact on the Amenities of Surrounding and Future Occupants
(Policy 10 of the ACS, Policies DE1 and IN2 of the LAPP)

- 7.18 The site is located in an urban context where residential and non-residential premises exist in close proximity to one another. The nearest windows in the western wing of Block D would be approximately 13.5m from Adam & Burton House, with those in the main north elevation approximately 29.5m away, across the 'green heart'. The windows within the western elevation of Block D would be approximately 23m from Radford House student accommodation. The windows facing south would be an adequate distance from Norton Court, on the opposite side of Norton Street. The siting of Block E would provide separation distances of approximately 15.7m and 24.3m to Carlton House and Brook Court respectively. These gaps are considered acceptable relative to the scale and function of surrounding buildings. It is therefore concluded that the proposed development would not result in an undue degree of overlooking and loss of privacy.
- 7.19 An objection has been received from a neighbour raising the issue that the proposal would make Players Court enclosed and whole area around Brook Court congested. As described above, the existing condition of the site is very poor and has a negative impact on the character and appearance of the wider area. The two buildings proposed form a logical conclusion to the wider urban block and their scale and form take their cue from the other buildings enclosing this block that reference the former industrial character of what was part of the John Players Factory. This is therefore considered to be the correct approach to the site in townscape terms.
- 7.20 Noise impact and air quality assessments have been submitted as part of the application, which are considered to be acceptable. Standard conditions can be included to address appropriate mitigation measures. A noise and dust management plan can also be required to minimise disturbance to nearby residents during construction.
- 7.21 Both the cluster apartments and studios provide a good level of amenity for future occupants and the scheme also incorporates very generous communal facilities both within the ground floor of Block D and also the 'green heart'.

There will be a dedicated bin storage area in ground floor level of Block D.

- 7.22 A robust student management plan is integral to the scheme and would be secured through legal obligation, including on site management and a contact point for local residents should any issues regarding noise, car parking, antisocial behaviour or property up-keep be encountered.
- 7.23 Subject to conditions, the proposal therefore complies with policy 10 of the ACS and policies DE1 and IN2 of the LAPP in this regard.

(iv) Highway Considerations (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 7.24 The application is supported by a Transport Statement that has been reviewed by Highways colleagues. Policy TR1 of the LAPP seeks to preclude development that would be detrimental to highway safety and to ensure that proposals include a sufficient package of measures to minimise journeys by private car and support journeys by sustainable modes of transport, in line with the transport hierarchy set out within policy 14 of the ACS.
- 7.25 It is proposed that the development would be largely car free, with only eight parking spaces being provided at the eastern edge of the site accessed via Norton Street. The site has a dedicated bus service outside Radford House to both university campuses and is also within short walking distance of Alfreton Road, with both the local amenities and public transport facilities that this offers.
- 7.26 It is proposed to provide 272 cycle spaces within the site, in excess of the 263 cycle spaces required by the parking standards within the LAPP. The cycle parking would be internal and secure, accessed via the internal courtyard.
- 7.27 Redevelopment on the site would inevitably lead to some localised short-term disturbance however, this can be reduced and mitigated through an effective construction traffic management plan, which can be required by condition. Subject to the recommended conditions, the development is considered to accord with policies 10 and 14 of the ACS and policy TR1 of the LAPP.

OTHER MATTERS

Archaeology

- 7.28 The Design and Access Statement refers to a number of historical tunnels under the surrounding streets. These form a vast network of interconnected tunnels extending along Player Street, Norton Street, Beckenham Road, Alfreton Road and some of the adjacent smaller streets. Parts of these may be Victorian in their origins, although major works took place during the Second World War to form Nottingham's largest (in terms of number of people accommodated) public air raid shelter, accommodating 8896 people. They are rock-cut and can be regarded as one of the largest cave systems within the city. The tunnels contain a number of historic features associated with their

original use and their use as air raid shelters.

- 7.29 The planning agent has advised that the proposal does not intend to incorporate these important tunnels into the development and Council's Archaeologist accepts that reopening the tunnels would be a challenge of unknown scale. However, ground investigations need to be agreed with Council's Archaeologist in order to ensure the tunnels and entrances are not harmed during construction. This can be addressed through condition.

Flood Risk and Drainage (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.30 The site is located within Flood Zone 1 in accordance with the Environment Agency Flood Map. The Environment Agency has no objection to the proposal as there are no fluvial flood risks associated with the site.
- 7.31 To comply with the requirements of Council's Drainage team as well as Building Regulations, there would be 68% reduction in surface water flows to mitigate the increase in foul flows from the site. The proposal also includes provision of rainwater harvesting to serve the extensive soft landscaping and tree planting. Given the site constraints of the made ground and the practicality of the proposed use of the 'green heart', open surface water features have been discounted in this instance.
- 7.32 All these measures are welcomed by the Drainage team. Subject to condition relating to detailed design and associated management and maintenance proposals for the surface water drainage, the development accords with policy 1 of the ACS and policy CC3 of the LAPP.

Contamination (Policy IN2 of the LAPP)

- 7.33 A Phase I contaminated land report has been submitted with the application. Standard conditions are required to deal with the risks associated with ground, groundwater and ground gas contamination of the site. Policy IN2 of the LAPP is therefore satisfied.

Planning Obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP and the Open Space SPD)

- 7.34 A policy compliant planning obligation for the proposed development would be expected to provide the following contributions, totalling £2,201,489:
- Affordable Housing - £1,275,586
 - Public Open Space - £ 771,506
 - Local Employment and Training - £154,397
- 7.35 The applicant has submitted a viability appraisal with the application which has been independently reviewed by an assessor appointed by the Council. Following a period of negotiation it has been agreed by both parties that a contribution of £442,000 should be paid, along with the inclusion of a review mechanism whereby if a meaningful start to the development is not

commence within 24 months of the permission being issued, then there would be a further viability appraisal carried out. In the event of such further viability appraisal and regardless of its conclusions, there shall be no reduction in the agreed figure set out above. However, should the conclusion of the further viability appraisal be that the above figure can justifiably be increased, up to policy compliant requirements as a maximum, then the increased figure shall be required for payment by the developer. The total contribution figure (including if it remains less than policy compliant following a further viability appraisal) is to be allocated proportionally towards Affordable Housing and Public Open Space.

7.36 A Student Management Plan is also to be included as part of the S106 Planning Obligation. This would include contact details for those responsible for managing the behaviour of future residents, provisions to prevent students from keeping a motor vehicle in the City whilst in occupation at the accommodation, and arrangements for waste and litter management.

7.37 Policy 19 of the ACS and policy IN4 require consideration to be given to the viability of schemes when determining whether it would be reasonable to require contributions from developments. These policies are therefore complied with on this basis.

8. Sustainability/Biodiversity (Policies 1 and 17 of the ACS, Policies CC, CC3 and EN6 of the LAPP, and the Biodiversity SPD)

8.1 The proposal would deliver long-term biodiversity enhancements to a site that is currently devoid of habitats or features of ecological value. The enhancement proposals include extensive soft landscaping and a green roof. The installation of bat and bird boxes is also recommended by the Council's Ecologist. Overall, the proposed development would result in a gain of 0.99 biodiversity units for habitats, representing a gain of 3043.75%. The above measures would ensure biodiversity enrichment across the site in accordance with policies 1 and 17 of the ACS, policies CC1 and EN6 of the LAPP and the Biodiversity SPD.

8.2 Energy efficiency and sustainability measures are set out within the Design and Access statement submitted as part of the application. The following sustainability measures are to be incorporated within the scheme:

- A fabric first approach is being adopted. The proposal includes specification to meet the new Building Regulations requirements for levels of thermal insulation.
- Further improvement will then be targeted through the installation of photovoltaic panels as a means of reducing the overall energy consumption of the proposed development, whilst also generating a local source of renewable electricity.

- The roofs would also house air source heat pumps adjacent to each of the cores.
 - Besides from targeting improved energy efficiency, the proposed development also considers sustainable design and adaptation measures such as incorporating water saving features to ensure a maximum calculated water consumption of 110 litres per person per day.
 - Consideration will be given to installing highly efficient Mechanical Ventilation units with Heat Recovery to improve acoustic levels, air quality and to reduce the heating demand of the apartments by limiting the heat losses via ventilation processes.
 - The proposed apartments would benefit from a number of passive design features such as a good proportion of glazed areas which will provide solar gains to the accommodation during winter months whilst also maximising natural day lighting levels.
- 8.3 Given that the scheme has yet to be designed to a sufficiently detailed stage, further details of the proposed sustainability strategy are to be required by condition. The proposal is therefore in accordance with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

9 Financial Implications

Financial contributions as detailed above are in accordance with policy 19 of the ACS and policy IN4 of the LAPP, and the relevant Supplementary Planning Documents.

10 Legal Implications

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

11 Equality and Diversity Implications

The proposed development has been designed to be compliant with current Building Regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheel chair users and lifts are proposed at every stair core.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a brownfield site with a high quality, sustainable development that would meet the ongoing housing need for student accommodation

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that would contribute to a safer and more attractive neighbourhood

Working Nottingham: Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities

14 Crime and Disorder Act implications

The development would enhance natural surveillance in and around the site.

15 Value for money

None.

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

1. Application No: 24/00076/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S7E6ZBLYJTM00>

17 Published documents referred to in compiling this report

NPPF (2023)

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

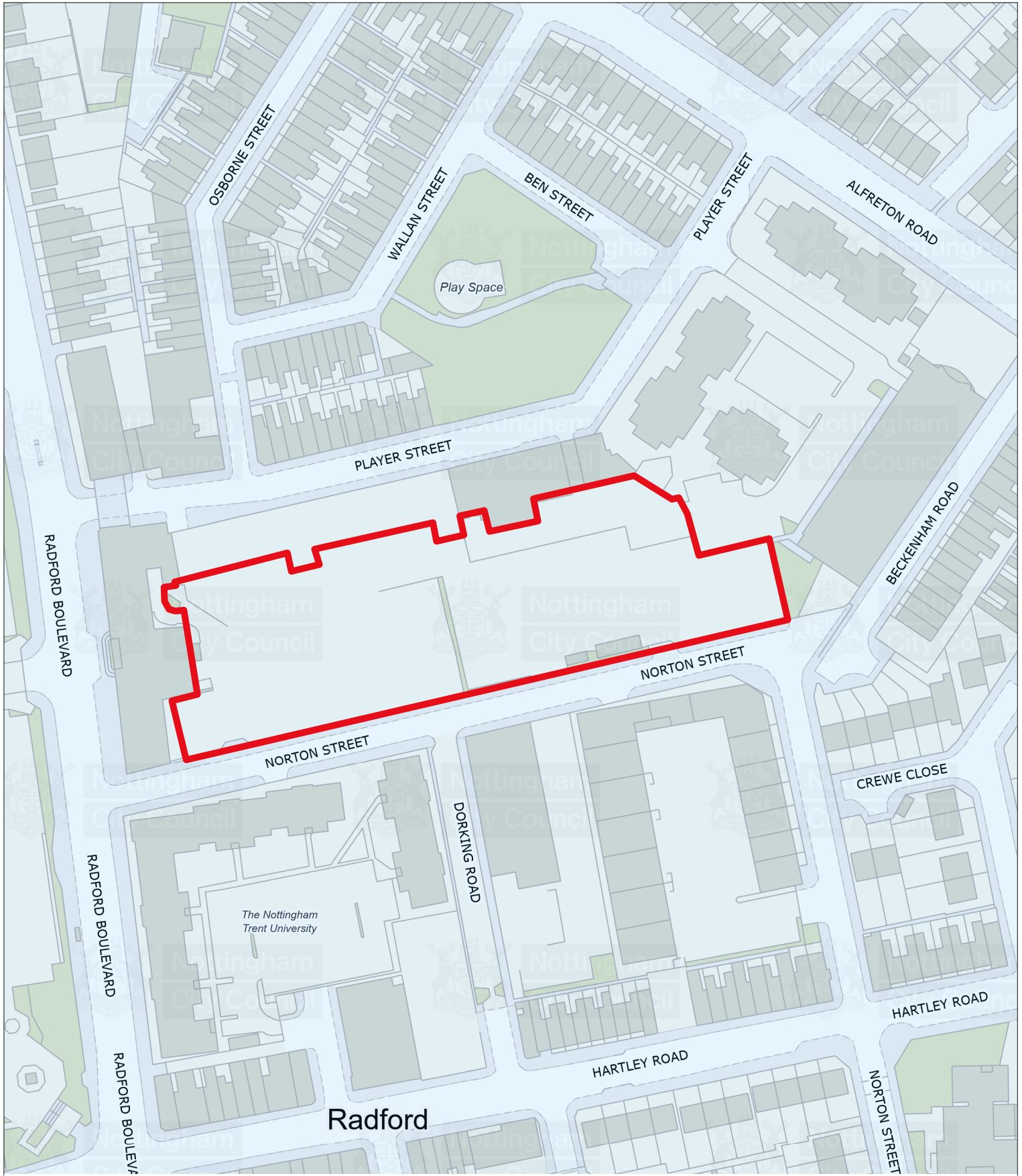
Biodiversity (2020) SPD

The Provision of open Space in New Residential and Commercial Development (2019) SPD

Contact Officer:

Mohammad Taufiqul Islam, Case Officer, Development Management.
Email: Mohammad.Taufiqul-Islam@nottinghamcity.gov.uk

Nomad printed map



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0 0.03 0.06 km



Key



City Boundary

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Description

A map printed from Nomad.



My Ref: 24/00076/PFUL3 (PP-12459845)
Your Ref:
Contact: Mr Mohammad Taufiqul-Islam
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Iain Orme
8 Woodhill Road
Collingham
NG23 7NR

Date of decision:

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

Application No: 24/00076/PFUL3 (PP-12459845)
Application by: Dr Sheikh
Location: Land Rear Of Players Court And Radford House, Norton Street, Nottingham
Proposal: Erection of 7 Storey Purpose Built Student Accommodation (PBSA) with 116 apartments (587 bedspaces), with ancillary communal facilities and landscaping.

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

Time limit

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

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

Pre-commencement conditions

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

2. Prior to the commencement of development, a construction traffic management plan shall be submitted to and agreed in writing with the Local Planning Authority. The construction traffic management plan shall also include a construction traffic routing agreement.

The approved Plan shall be implemented at all times whilst the development is under construction.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policy DE1 and TR1 of the LAPP.



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3. Prior to the commencement of development, details of all proposed materials to be used on the external elevations of the approved development shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In order to ensure an appropriate quality of finish to the approved development and in accordance with Policy 10 of the ACS and policy DE1 and DE2 of the LAPP.

4. Prior to the commencement of above ground development, large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements of the development shall be submitted to and approved in writing by the Local Planning Authority:

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

b) Roofs: including edges and parapets;

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

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the ACS and Policy DE1 of the LAPP.

5. Notwithstanding the submitted application documentation, prior to the commencement of the 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 development shall be implemented in accordance with the approved details.

Reason: To ensure that the development incorporates sustainable design features to accord with policy CC1 of the LAPP.

6. No development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

1) Ground investigations to ensure that the tunnels and entrances are not harmed during construction.

2) An engineering report and associated drawing showing the foundation design in order to demonstrate that the foundations will not cause any harm (direct or indirect) to the tunnels and entrances.

Thereafter the works shall be carried out in accordance with the approved details.

Reason: To ensure the tunnels and entrances are not harmed during ground investigations and to ensure that any archaeological remains of significance are safeguarded in accordance with HE2 of the LAPP.

7. No development shall take place until a detailed design and associated management and maintenance plan for the surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details, prior to the use of the building commencing.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, in order to accord with policies CC1 and CC3 of the LAPP.

8. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase, in order to accord with policies CC1 and CC3 of the LAPP.

Pre-occupation conditions

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

9. The development shall not be brought into use until details of the measures to enhance the ecological value of the site, including installation of bird and bat boxes (to be incorporated into the design of the building), have been submitted to and approved in writing by the Local Planning Authority.

The measures shall be implemented in accordance with the approved details prior to the first occupation of the development.

Reason: In the interests of conserving protected species and the ecology of the development in accordance with Policy 17 of the ACS and Policy EN6 of the LAPP.



10. Prior to first occupation of the development, Verification Reports shall be compiled and submitted which shall include the data referred to in the Verification Plan (referred to below), to demonstrate that the Remediation Strategy (referred to below) to deal with ground, groundwater, ground gas and radon gas contamination of the site has been fully implemented and completed.

The Remediation Strategy shall include the following components to deal with the risks associated with ground, groundwater, ground gas and radon gas contamination of the site:

- 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, ground gas and radon 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 and associated Verification Reports 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 any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.



11. Prior to first occupation of the development the cumulative impact of any environmental noise and / or vibration (see Informative) affecting the development shall be designed to achieve the following internal noise levels throughout the development as set out below, while maintaining the minimum ventilation standards to meet the current building regulations.

The sound insulation and ventilation scheme shall achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation and ventilation scheme required to mitigate environmental noise and / or vibration shall be implemented and be fully operational prior to the occupation of the development and shall continue to be maintained and operated while to development continues to be occupied unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that the sound insulation scheme approved to safeguard residential amenity and to deal with noise associated with the operation of the building has been implemented to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

12. Prior to first occupation of the development, a landscaping scheme (both hard and soft landscaping, including surfacing and gates/means of enclosure), shall be submitted to and approved in writing by the Local Planning Authority. Plants and trees shall be native species selected for their biodiversity value and shall include a focus on bee friendly planting. The landscaping scheme shall also include proposals for the on-going management and maintenance of the external areas of the site.

The hard landscaping and gates/means of enclosure shall be installed prior to first occupation of the development. The soft landscaping scheme shall be provided within the first planting season following the completion of the development. Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority. Management and maintenance of the landscaping shall at all times be in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE1 and EN6 of the LAPP.

13. Prior to first occupation of the development, 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 increase the existing ambient LA90 background noise level at a point 1m 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).

Any sound insulation scheme required to mitigate the combined noise from any mechanical services plant or equipment shall be implemented and be fully operational prior to the occupation of the development and shall continue to be maintained and operated while to development continues to be occupied unless varied with the express written approval of the Local Planning Authority.

Reason: To ensure that future occupants of the building and nearby residential amenities are not adversely affected by noise to accord with policy DE1 and IN2 of the LAPP.

14. No part of the development hereby permitted shall be brought into use until provision has been made within the application site for a minimum of 224 cycle parking spaces in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Cycle parking provision shall be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To secure appropriate provision of cycle parking in order to encourage an alternative mode of transport and to accord with policy 14 of the ACS and TR1 of the LAPP.

15. Notwithstanding the approved drawings, the development shall not be occupied until the bin store and collection arrangements have been provided in accordance with details which have first been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate bin storage facilities have been provided in order to comply with policy 10 of the ACS and policy DE1 of the LAPP.

16. Prior to the occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to (surface water attenuation devices/areas, flow restriction devices, outfalls).

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development, in order to accord with policies CC1 and CC3 of the LAPP.

17. No part of the development hereby permitted shall be brought into use until such time that a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term, has been submitted to the Local Planning Authority for approval. The traffic management scheme shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety in accordance with policy TR2 of the LAPP.

Regulatory/ongoing conditions

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

18. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 17 January 2024.

Reason: To determine the scope of this permission.

Informatives

1. Environmental Noise Assessment

Any environmental noise assessment should be suitable and sufficient, and should be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

Environmental noise includes, transportation noise, noise from fixed plant and equipment, noise from people on the street and any other premises and / or activities in the vicinity that are likely to have an adverse effect on noise levels when operating. In addition, it includes predicted noise levels for any relevant premises which may not currently be operating, and plant and equipment which will form part of the development. The developer is advised to consider octave band analysis and all acoustic assumptions made (e.g. glazing and façade areas, commercial / residential separation).

It is desirable that the external noise level for garden areas (including garden areas associated with residential homes or similar properties) does not exceed 50 dB LAeq(1 hour), with an upper guideline value of 55 dB LAeq(1 hour) which would be acceptable in noisier environments. The developer should document which plots meet the desired external noise level, which plots meet the upper guideline value and which plots exceed the upper guideline value & by how much.

Noise also includes vibration. Where vibration is likely to be an issue the predicted Vibration Dose Values should be determined in accordance with BS 6472 - 1 2008 - Guide to Evaluation of Human Exposure to Vibration in Buildings - Part 1 Vibration Sources other than Blasting and mitigation measures implemented to ensure that the day and night Vibration Dose Values are below the 'low probability of adverse comment' range set out in Table 1 of BS 6472 - 1 - 2008.

Subsequent Enforcement

Where complaints regarding noise or vibration affecting future residents are received by the Local Authority, Environmental Health are under a statutory duty to investigate those complaints. Where it cannot be demonstrated that the necessary / appropriate mitigation measures have been



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implemented, Environmental Health will require remedial measures to address any problem, if necessary, by service of an abatement notice under the provisions of the Environmental Protection Act 1990 (as amended) on any person to whose act, default or sufferance the nuisance is attributable. Contravention of an abatement notice may result on conviction of a fine of up to £20,000 per offence. Under the provisions of section 157 of the Environmental Protection Act 1990 where an offence committed by a company is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of any director, manager, secretary or other similar officer of the company or a person who was purporting to act in any such capacity, s/he, in a personal capacity, as well as the company shall be guilty of that offence.

2. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, 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 verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

developer and owner of a site are advised to document and retain all reports of any investigation and remediation works undertaken on site.

Subsequent Enforcement

Should a development site not be adequately remediated, then under the provisions of Part 2A of the Environmental Protection Act 1990 (as amended) [the Act] a Local Authority has a duty to deal with unacceptable risks posed by land contamination to human health and the environment.

Liability will rest with firstly persons who caused or knowingly permitted each pollution linkage (which may include any previous owner / occupier or the current developer) and then potentially the current owners and occupiers of the land (who may themselves potentially have claims against any developer who has not adequately remediated the site).

The Local Authority may be under a duty to determine the site as contaminated land under the provisions of the Act and serve a remediation notice on each appropriate person requiring the remediation of the land. Where the development is already complete or, in the case of ground gas, where foundations are already in place, then the costs of retrospective remediation may be substantial.

3. Highways Informative:

- All damaged or altered areas of public highway including dropped kerbs for vehicle crossings should be reinstated to the satisfaction of the LPA in consultation with the Highway Authority.
- It is an offence under Section 148 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.
- In order to carry out the off-site highway 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 the applicant has no control. In order to undertake works you will need to enter into an agreement under Section 278 of the Act. The applicant must contact the Technical Services Team via email at highway.agreements@nottinghamcity.gov.uk to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed. All associated costs will be borne by the developer. 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.
- 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 will be required. Please contact them via highway.approvals@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

4. Noise Control: hours of work and equipment during demolition/construction

To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

5. 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.

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.



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RIGHTS OF APPEAL

Application No: 24/00076/PFUL3 (PP-12459845)

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,



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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.



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Wards Affected: Meadows (May 2019)

Item No:

**Planning Committee
19 June 2024**

Report of Director of Planning and Transport

Cleared Site At Junction Of Traffic Street And Wilford Road, Site Of Laboratories Corner Traffic Street

1 Summary

Application No: 22/00188/PFUL3 for planning permission

Application by: Harriet Nind on behalf of Jensco (Wilford Road) Limited

Proposal: The erection of a part 7, part 12 (excluding lower ground level), and part 17 storey building comprising student accommodation and associated access, open space and ancillary communal facilities

The application is brought to Committee because it is a major application on a prominent site, where there are important design and heritage considerations.

To meet the Council's Performance Targets this application should have been determined by 20th February 2024; an extension of time has been agreed with the applicant to cover the extended period of determination.

2 Recommendations

The Committee resolves:

- 2.1 That the requirements of regulations 18(3) and (4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the 2017 Regulations") are satisfied by reason of the submission of the Environmental Statement as part of the application which includes at least the following information:
 - (a) a description of the development comprising information on the site, design, size and other relevant features of the development;
 - (b) a description of the likely significant effects of the proposed development on the environment;
 - (c) a description of the measures envisaged to avoid, prevent or reduce and offset likely significant adverse effects on the environment;
 - (d) a description of the alternatives studied by the developer and an indication of the reasons for the option chosen, taking into account to environmental effects;
 - (e) a non-technical summary of the information referred to at paragraphs 2.1(a) – (d).
- 2.2 That it be recorded in the resolution that the environmental information being the Environmental Statement has met the requirements of schedule 4 to the 2017 Regulations.

- 2.3 That it be recorded in the resolution that no further information pursuant to regulation 25(1) of the 2017 Regulations is required.
- 2.4 That it be recorded in the resolution that the environmental information (namely the Environmental Statement together with any representations made by any body required by the 2017 Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development) has been examined and considered.
- 2.5 That it be recorded in the resolution that as required by regulation 26(1)(b) of the 2017 Regulations, the Committee has reached a reasoned conclusion on the significant effects of the proposed development on the environment, as contained in this report.
- 2.6 That in the opinion of the Committee the reasoned conclusion referred to at paragraph 2.5 above addresses the significant effects of the proposed development on the environment that are likely to arise as a result of the development and the Committee is therefore satisfied pursuant to regulation 26(2) of the 2017 Regulations that the reasoned conclusion is up to date.
- 2.7 That it be recorded in the resolution that the Committee does not consider it appropriate to impose monitoring measures pursuant to regulation 26(1)(d) and regulation 26 (3) of the 2017 Regulations given the nature, location and size of the proposed development and its effects on the environment.
- 2.8 That following the determination of the application, the publicity and notification requirements pursuant to regulation 30(1) of the 2017 Regulations be complied with as soon as reasonably practicable and the Director of Planning and Regeneration be delegated authority to undertake the necessary requirements.

2.9 GRANT PLANNING PERMISSION for the reasons set out in this report, subject to:

- a) Prior completion of a Section 106 Planning Obligation to include the following:
- i) a financial contribution of £860,532 towards the provision of affordable housing
 - ii) a financial contribution of £520,471 toward the provision or enhancement of off-site Public Open Space/Public Realm
 - iii) a Local Employment and Training contribution of £122,207, including targets associated with Local Employment and Training opportunities
 - iv) a Student Management Scheme, which shall include a restriction on car usage, mitigation and management of potential noise nuisance, security details, cleaning and refuse management
- b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

- 2.10 Power to determine the final details of both the terms of the Planning Obligation and the conditions of planning permission to be delegated to the Director for Planning and Transport.

3 Site and Background

- 3.1 The application site is located at the south western edge of the City Centre and Canal Quarter Regeneration Zone as defined by the LAPP. It sits at the junction of Wilford Road and Traffic Street (although the two are not adjoined for vehicular

movements), south of the Wilford Road railway bridge. The site slopes downwards from Wilford Road on its western boundary to its eastern boundary. An elongated car park associated with Nottingham Station abuts the northern boundary with the railway line running alongside this. Beyond this is Castle Meadow Road and the car park for the Nottingham Justice Centre.

- 3.2 The site has historically been used for industrial and commercial purposes since the 1880's. The site was latterly occupied by a relatively low rise building known as Sentinel House, used by Boots as offices and a laboratory. This was demolished and the site cleared in 2008. The site is currently hoarded and in use as a construction compound and parking area associated with the development of adjoining sites on Traffic Street.
- 3.3 The area surrounding the site comprises a mix of commercial, industrial and residential uses and is undergoing significant transformation in line with the City Council's regeneration policies for the area as part of the former Southside Regeneration Zone, now Canal Quarter. The Traffic Street area is largely characterised by Purpose Built Student Accommodation (PBSA) development. Directly to the south of the site on the opposite side of Traffic Street is The Vantage PBSA (ref: 18/00819/PFUL3). Directly adjacent to the east, on the former Enterprise car rental site, is a further PBSA scheme nearing completion (ref: 21/01004/PFUL3) and to the east of the Vantage is the PBSA development comprising two blocks known as Ten Traffic Street. Further to the east, Phase 1 of the Unity Square office scheme (ref: 1802277/POUT), opposite Nottingham station on Sherriff's Way, is occupied by HMRC (HMRC). Reserved matters for Phase 2 of Unity Square was approved in April 2023.
- 3.4 To the western side of Wilford Road are industrial units to the south of the railway line and the new University of Nottingham Castle Meadow University Campus to its north.
- 3.5 The site is served along Traffic Street from the east.
- 3.6 The site is allocated under Policy SA1 in the LAPP for mixed use development including student accommodation (Allocation SR63 Waterway Street).

Planning History

- 3.7 The site has the following planning history:
 - Planning permission granted in 2008 and subsequently renewed in 2012 for the erection of new office/retail development with associated basement parking. The development took the form of an 9/10 storey building (ref. 11/01251/PFUL3).
 - A planning application for a new residential building comprising 183 apartments an associated parking was submitted as subsequently withdrawn in August 2020 (ref: 19/01115/PFUL3).

4 The Proposal

- 4.1 This full planning application was submitted in January 2022 for an original scheme of PBSA comprising a total of 356 bedrooms; 222 cluster flat bedrooms (47 flats with shared kitchen/dining/living space), 112 studios and 22 studio suites. The proposal also incorporated 164 sqm of shared communal space (largely on the

lower ground and ground floors), external communal space and public realm improvements to Traffic Street. The building was to be part 20, part 11 and part 7 stories in height.

- 4.2 The scheme was subsequently revised in December 2022 to comprise a total of 335 bedrooms; 215 cluster flat bedrooms (45 flats with shared kitchen/dining/living space), and 120 studios. The main tower element of the building was reduced to 17 stories in height with lower elements being 11, 10, 7, 6 stories. Its footprint and design were similar that of the original submission, but with changes to its architectural treatment and brick colouring.
- 4.4 Following further negotiations regarding the height, massing and design of this development, in October 2023 a further revised scheme was submitted which significantly changed the design and form of the proposed building.
- 4.5 The October 2023 scheme comprises a total of 395 bedrooms; 239 cluster flat bedrooms across a range of 4, 5 and 6 bed cluster flats, and 156 studio flats. The building is to be part 17, part 12 (excluding lower ground level), and part 7 storey in height.
- 4.6 The lower ground, ground and first floors would accommodate communal facilities including a gym, cinema, private dining space, games area, amenity spaces, meeting rooms, a cycle store, laundry and waste storage facilities. Externally, a sunken entrance space fronting Wilford Road incorporates soft landscaping and tapering steps to provide informal seating, whilst a further courtyard space with soft landscaping and seating is proposed between the two wings fronting Traffic Street. A series of roof terraces would provide additional amenity space for future occupants of the building.
- 4.7 There are no on-site parking spaces but a total of 86 secure cycle spaces are to be provided at lower ground level.
- 4.8 This latest scheme has been revised further with the following amendments:
- The removal of cladding to the access core on the tallest element of the building
 - The crenulated 'crown' at the top of the tower has been reduced in height by 0.5m
 - The metal cladding has been changed to a lighter gold/bronze colour
 - The number of studios bedrooms has been reduced from 156 (39%) to 131 (33%), which includes 3 wheelchair accessible and 10 adaptable rooms. This has resulted in the number of cluster rooms increasing from 239 (61%) to 265 (67%). The total number of bedrooms has increased from 395 to 396

5 Consultations and observations of other officers

The planning application has been subject to three rounds of consultation; firstly in relation to the original scheme, secondly the revised scheme of December 2022, and thirdly the revised scheme of the October 2023. Comments received in relation to each are summarised below.

Adjoining occupiers consulted:

322 neighbouring properties were notified individually regarding all three schemes,

including occupants of properties on:

Kinglake Place
Castlefields
Castle Meadows Road
Traffic Street
Castle Park
Wilford Street

The application has also been publicised through press and site notice, along with additional consultation procedures carried out in line with the Environmental Impact 2017 Regulations.

The applicant has also carried out their own public consultation.

Original Scheme

8 representations received raising the following concerns:

- As a scheme that solely provides student accommodation the development is likely to add little to the economy of the Meadows.
- The development is considered to be out of scale and height with surrounding developments and would detract from the prominence of Nottingham Castle in views approaching from the south of the city. The Vantage building is already considered to result in a significant change to the horizon. They consider it wrong to continue to approve ever taller buildings which affect views across the city landscape.
- Consideration should be given to providing a lower room density, with an overall height capped to the same as, or lower than, the neighbouring Vantage building, bringing these two buildings into equal relationship with each other.
- The design is seen as mediocre and the need for a further tall 'iconic' building is questioned, as is its relationship with the adjacent Vantage building. The resident would like to see more explicit attention to design distinctiveness to justify the 'landmark' tag given by the developer and also to justify the additional height above existing buildings in the area. They would also want to see more focus in the design on how it represents and inspires the learning/innovation that our local universities seek to realise. One way of achieving this might be in more use of architectural details that make local references.
- Public realm and connectivity with the Meadows is not clear and needs to be improved.
- A development of some sort would be acceptable but not something that dominates the skyline unless it is a real feature that will set the city apart.
- Limited potential for conversion of the building to other uses.
- The development would physically and psychologically, together with recent developments built, represent a creeping curtain wall of relatively tall development around the Meadows, with a claustrophobic effect for Meadows residents and a feeling of being hemmed in.
- The need for more trees along Traffic Street and Waterway Street.
- A critique was submitted of the submitted energy statement. It considered that in comparison to other schemes in the area the ambition in carbon reduction at 58% over 1990 levels, and a 19% reduction over Building Regulations Part L 2103, is not ambitious. Concerns were raised regarding

the level of information on energy use, fabric standards, passive design in terms of orientation and solar shading, solar overheating, the Be Green approach, embodied energy and monitoring and maintenance.

- The economic and social contributions to the Meadows Community. The development together with those taking place on Traffic Street will create significant demand on local services and not aid social cohesion and integration with the existing Meadows community. Apart from creating a continuous length of development along Traffic Street the development would not add anything to the Meadows. The City Council should maximise and earmark a major part of developer contributions for projects in the Meadows that deliver progress against the Meadows neighbourhood plan.
- No planned increase in local community facilities is proposed such as shops and health centres, placing more pressure on services.
- Duty to promote wellbeing. The need for the wellbeing of future residents to be safeguarded in what is a high density development.
- The loss of privacy of residential outdoor spaces, and potentially the enjoyment of open spaces from such tall buildings.
- The combined effect of these dense developments, including noise and pollution, should also be considered in relation to the social and environmental effects of re-routing of the Southern relief road around the north of the Meadows.

The Old Meadows Tenants and Residents Association have expressed their strong objection to the development. The height of the building is seen as excessive and will impact negatively on residents of The Meadows who feel that the increasing number of tall buildings in the area is blocking the light as well as their views of historic buildings, leaving the Meadows community feeling shut off from the city. In addition, there has been no attempt to landscape or ameliorate the harsh appearance of the building which would have a negative impact on the neighbouring conservation area. They are also concerned that no parking is provided when students may well have cars; this is likely to cause problems of parking in the streets of the Meadows.

Nottingham Civic Society (NCS): The NCS strongly object to the development. It would detrimentally affect the setting of Nottingham Castle, an Ancient Monument and Grade 1 listed building, by challenging its pre-eminence in the landscape of Nottingham City and its wider setting. It would also adversely affect the setting of the Castle Conservation Area. The NCS go on to further comment in summary:

- The adopted City Centre Urban Design Guide (2009) recognises the sensitivity of the setting of Nottingham Castle and its dominance atop Castle Rock. The view from the Castle is identified as a key vista given its domination of the landscape. This is the reason the area in its foreground is not proposed as a Tall Buildings Zone.
- When viewed from the upper terrace the tall building would punctuate the skyline interrupting distant views out from the Castle. This would diminish the significance of the Castle's historic siting as an iconic focal point.
- The submission omits a key view from the Lower Bailey around the perimeter walls. They consider the tall building would loom over the Castle ramparts in a manner which would challenge the height of the Ducal Palace and its heritage status.
- The development is also considered to be over intensive and would overwhelm the local character of Traffic Street. There is little external amenity space to

relieve the oppressive effect of the development when experienced at street level.

Environmental Health: No objections subject to conditions relating to contamination and remediation, piling, air quality and noise.

Historic England (HE): HE has raised concerns regarding its impact on heritage grounds. The development sits to the south of the Grade 1 listed and Scheduled Nottingham Castle. HE considers that the Castle is vulnerable to harm from the emergence of tall and massy structures in its setting, such as that proposed, since they would tend to individually and cumulatively be viewed with the Castle in its landscape context. Views in towards the Castle Rock particularly from the south of the City should be equally considered as those looking out when assessing impact upon the designated assets. They advise that the Council need to consider carefully whether the incremental loss both to aspects of the Castle's significance and the character of the historic city as whole is justified by the public benefits of the scheme. They consider that the issues and safeguards outlined in HE advice need to be addressed in order for the application to meet the requirements of the NPPF in terms of built heritage.

Conservation Officer: Objection. The site is a prominent one on the southern approach to the city centre and is visible in two key views as identified in the City Centre Urban Design Guide. The first is a view from the Queens Drive/Wilford Road junction towards the Council House dome (a grade II* listed building) and the second is Vista A which is the panoramic view to the east, south and west from Nottingham Castle (a grade I listed building and Scheduled monument). The proposed development of up to 20 storeys in height is considered to impact on both the view of the Council House dome and Vista A. The view to the Council House, from the Queens Drive/Wilford Road junction, although not blocked by the development, would be detrimentally affected by the new building intruding visually in the view and diminishing the prominence of the dome. The adverse impact of the development on Vista A is far more significant. The height of the latest proposal would break the horizon in views from the Castle and the building's prominence is significantly increased. At present only the Unity Square scheme imposes itself on Vista A and the wider setting of the Castle to such a degree. That building's impact was justified partly on the basis of its substantial socio economic and public benefits and it must therefore be considered to be an exception rather than a precedent for a new norm. The public benefits of the Wilford Road proposal would have to be equally substantial in order to outweigh the impact on the setting of such a highly graded heritage asset and a clear and convincing justification given for the harm to the historic environment. Furthermore, by diminishing the historic prominence of Nottingham Castle in its landscape setting and infringing on views of the Nottingham skyline (which includes the Council House and other designated assets) beyond, the new building would fail to respect or make a positive contribution to the local character and distinctiveness of Nottingham.

City Archaeologist: No objections. The archaeological desk based assessment accompanying the application highlights the potential for archaeological remains within the proposed development site. These remains consist primarily of Hooper's Sconce, a large Civil War fort. A programme of archaeological works should be required as a condition of planning permission.

Highways: Further discussion required regarding proposals for improvements to Traffic Street and the use of Traffic Street to service the development.

Drainage: No objections subject to conditions relating to a flood evacuation plan, access to the Tinkers Leen and surface water drainage.

Health and Safety Executive (Tall Buildings): The original submission did not originally include a fire statement.

Carbon Neutral Team: Additional information is required in terms of BREEAM and other housing energy efficiency standards.

Environment Agency: The site sits within Flood Zone 2 and therefore National Flood Risk Standing advice should apply. No objections were raised in relation to the risk of contamination of controlled waters (the Tinkers Leen adjacent to the site).

Network Rail: No objections. Given the size of the building and its proximity to the operational environment and adjacent railway structures (the bridge), they consider it essential that the developer engages with their Asset Protection Team at an early stage to ensure that the development can be built without adverse impact to operational railway safety. The proposed building is close to the railway boundary and the developer should give consideration on how the property can be constructed and maintained in future without access to operational railway land. Network Rail therefore recommend conditions relating to a construction methodology, surface water drainage, boundary treatment and lighting.

Revised Scheme - December 2022

One letter was been received from a local resident who welcomed the design changes made, the affordable housing contribution, its viability for repurposing and the use of roof tops as garden space. They do query how the scheme would be integrated into the Meadows, whether such development would be best accommodated on the vacant Broadmarsh site and how the PBSA sits with existing student concentrations in the area. There is also concern regarding the overall height of new development in the area and impact on the Meadows and views of the Castle.

City Archaeologist: No objections. A programme of archaeological works should be required as a condition of planning permission.

Historic England (HE): HE has raised concerns regarding its impact on heritage grounds. HE considers that the Castle is vulnerable to harm from the emergence of tall and massy structures in its setting, such as that proposed, since they will tend to individually and cumulatively view with the Castle in its landscape context. Views in towards the Castle Rock particularly from the south of the City should be equally considered as those looking out when assessing impact upon the designated assets. They advise that the Council need to consider carefully whether the incremental loss both to aspects of the Castle's significance and the character of the historic city as whole is justified by the public benefits of the scheme. They consider that the issues and safeguards outlined in HE advice need to be addressed in order for the application to meet the requirements of the NPPF in terms of built heritage.

Conservation Officer: They re-emphasise with regards to the significance of the Castle, Castle Rock and the setting of the Castle on its vantage point. In relation to

the revised plans they are in agreement with HE with regards to their continued concerns on the impact to the setting of Nottingham Castle. It is noted the material treatment is largely unaltered in the revised submission. The principle change is the massing of the building, which has now been spread outwardly with a reduction in height and storeys. The result is a building which is actually considered to be a worsened architectural composition due to its bulk and cumbersome singular mass leaving a confused architectural composition that continues to contribute less than substantial harm to the setting of Castle Rock and Nottingham Castle. The revised scheme is also considered to have no outstanding or distinctive about the style, massing or scale. The public benefits of the proposal are questioned.

Environment Agency: The site sits within Flood Zone 2 and therefore National Flood Risk Standing advice should apply. No objections were raised in relation to the risk of contamination of controlled waters (the Tinkers Leen adjacent to the site).

Environmental Health: No objections subject to conditions relating to contamination and remediation, piling, noise and a noise management plan.

Carbon Neutral Team: The site is close to public transport. The building's carbon reduction is approximately 10% over Building Regulations requirements which is seen as good and will be built with 'be lean', 'be clean' and 'green' principles. It will also involve a number of energy efficiency measures including air source heat pumps. The plans include greenspace which is welcomed.

Network Rail: Comments as above.

Drainage: No objections subject to conditions relating to a flood evacuation plan, access to the Tinkers Leen, surface water drainage scheme and the management of surface water during the construction period.

Biodiversity Officer: There is evidence of Japanese Knotweed adjacent to the site and without mitigation. A method statement for either treatment of the plant or creation of a buffer zone of at least 7m should be provided. A condition relating to a construction environmental management plan is recommended.

Health and Safety Executive (Tall Buildings): The HSE have concerns in relation to fire safety matters regarding the means of escape, the basement smoke ventilation, the standard of sprinkler system for the commercial area of the building and the fire and rescue access/services.

Highways: No objections. Conditions relating to a construction traffic management plan, reinstatement of redundant crossings, removal of existing street furniture, cycle provision, student management, deliveries and refuse collection are recommended. They highlight that any necessary Stopping Up Orders and Traffic Regulation Orders will need to be sought and implemented where necessary.

Redesigned Scheme – October 2023

One representation has been received from a local resident. They have commented on the previous revised scheme and consider the transformation to be evident in the newest design. They consider that compared to the previous iteration the latest design would make a positive landmark with good dialogue with neighbouring buildings. They would be proud to have the development as a close neighbour.

They welcome the incorporation of local detailing and consider the stepped form of the building when viewed from Queens Drive to be good. They consider that long southern views from the Castle would not be a significant factor and that the new design creates a complementary trio of cylinder towers on the city skyline, with the Roundhouse Royal Standard Place and Orbital at Royal Standard. The continued focus of developers on the provision of PBSA in the Southside remains a concern and the need to improve pedestrian accessibility to the Meadows.

University of Nottingham (UoN): The University consider this to be a well-considered scheme. The provision of 4 and 5 bed cluster flats and the approach to amenity space are seen as positive. The overall appearance of the scheme is seen as being of high quality and development of this derelict site is welcomed. Whilst they would like to support the scheme, they cannot due to the number of studio bedrooms proposed. They consider this does not align with the principles of the Student Living Strategy. The current stock of PBSA in the City comprises 22% studios, however this is well above the national average of 12% and with the increase in rental price point the University are concerned that the prevalence of expensive studios would impact on student recruitment, and are the wrong product mix for them.

Nottingham Trent University (NTU): NTU welcomes PBSA developments where the schemes reflect the needs of NTU students. In line with the above comments from the UoN, NTU supports cluster flat developments, they are more collegiate and more affordable. Nottingham is seen as being overrepresented with studio accommodation and supply out strips demand resulting in proportionately more studios than cluster flats being empty at the start of the academic year. NTU state that they are extremely unlikely to enter a nomination agreement and their marketing support for the scheme will be heavily influenced by both the cluster / studio mix and the cost to the student.

(The applicant subsequently engaged in further discussions with both Universities which resulted in the reduction in studio rooms to 33% and increase in cluster flat bedrooms to 67%. As a result, NTU now support the scheme. The UoN agree that the reduction in studios is a step in the right direction but do not consider this enough to remove their objection in principle)

Nottingham Civic Society (NCS): Still objects strongly to the latest version of this tall building because it damages the setting of Nottingham Castle and recommend refusal of the planning application. Their concerns outlined above in their response to the original scheme remain. The NCS consider that at 17 storeys high, the new building would still loom over the Castle's Lower Bailey public vantage points, in a manner which challenges the height of the Ducal Palace, threatens the setting and undermines the status of the Grade I listed building and Scheduled Ancient Monument.

NCS also make the following comments on the revised scheme:

- Verified Views 8 and 9 within the Environmental Statement demonstrate how overbearing the proposed building would be in the setting of the Grade II listed Castle Meadow Campus both from Wilford Street looking south and from within the Campus itself.
- Consider the entrance to be understated and mean in proportions, sunk below street level at the important street corner, resulting in very little public presence or

allowing the appropriate level of casual surveillance for a building housing so many occupants.

- Do not consider the architectural design to be successful - the 'golden crown' has no architectural reference and serves only to emphasise the height and proportions of the intruder into the Castle's setting.
- Consider that there is no reason at all why this building should exceed the height of The Vantage and its neighbours in such an intimidating way.

City Archaeologist: No objections. A programme of archaeological works should be required as a condition of planning permission.

Historic England (HE): This letter should be read further to our advice of 7 March 2022. Having reviewed the amended design drawings submitted and the metric visualisations of the proposed development we find that the tower element now at 17 floors (including the gold corona levels) would be harmful to the significance of the grade I listed and scheduled Nottingham Castle through intrusion into its setting relationship to Nottingham and the rising ground beyond. The landscape dominance of the Castle forms part of its significance particularly in the Ducal Palace phase, the status of its Ducal proprietors is articulated in the views from the terraces including across the flood plane to the woods on the rising ground skyline to the south. A reduction in height to 12 stories would address the effect as shown in the visualisation where the proposed tower rears up behind the GII listed former HMRC building and crosses the horizon.

In determining this application the Council should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and also section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The Council should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Conservation Officer: In light of the latest comments (dated January 2024) from Historic England regarding planning application 22/00188/PFUL3 it is necessary to address the concerns raised on the impact upon the setting of Nottingham Castle (Grade I listed and Scheduled).

Historic England Comments March 2022

The first comments from Historic England were made in March 2022 when concerns were raised regarding the impact of what was then a 16-storey development upon the setting of Nottingham Castle. No specific mention was made with regards to the height of the proposals, only to the sensitivity of broad vistas and the vulnerability of the site to tall structures. Since the initial application 22/00188/PFUL3 there have been two major design iterations, which have sought to address the issue of the building's composition, detailing and material quality. Notwithstanding the increase in height by a single storey, there have been significant improvements in the design of this scheme.

Historic England Comments January 2024

Following the design of the third iteration Historic England submitted new comments that re-iterated the sensitivity of the castle's setting but this time made specific reference to the height of the proposals, suggesting the revised scheme at 17 stories was harmful and the scheme should be reduced to 12 stories so that the horizon (specifically Sharphill Woods) remained unbroken. This comment proposed a highly significant change to the scheme when this planning application was 22 months old, and as such did not align with Historic England's own guidance in "working collaboratively and openly with interested parties at an early stage". (Historic England, *The Setting of Heritage Assets*, p.4) It is understandable that occurrences such as these are frequently caused by pressures on workload and resource.

Assessment Criteria

Nevertheless the views raised are important and it is necessary to address the issue of the castle setting. In that regard it is integral to use Historic England's own guidance in the matter, which stipulates that the significance of a setting is characterised by the composition of the views and their historic associations.

The Broad Setting

The setting of Nottingham Castle and the Trent Valley is predominately characterised by broad vistas and impressive width of the Trent Valley. Views from Nottingham Castle are exceptionally wide and it was this aspect that provided the political strategic advantage for siting a castle at this location. For example, views from the south-east look towards the historic town centre; east towards Colwick Woods, Radcliffe on Trent, Bassingfield and the Vale of Belvoir; south towards Sharphill Woods, Wilford Hill and the Nottinghamshire Wolds; south-west towards Ratcliffe-on-Soar Power Station and Charnwood Forest in Leicestershire; west towards Lenton, Beeston, Bramcote Hills and Wollaton Hall.

Impact of Height

In terms of height the impact of this development upon this broad vista causes low 'less than substantial harm' as it only partly obscures the view of Sharphill Woods, to the south. There is no highly significant historical association between Nottingham Castle and Sharphill Woods; for example during the Norman Conquest, various medieval feudal conflicts, Civil War, the authority of the Duke of Newcastle, the Reform Bill Riots or the founding of the museum and art gallery. Nor are there any major disruptions of views in terms of height towards the castle from primary vantage points south of the city. Where there is disruption, the view is not regarded as defining the history or character of the castle.

Conclusion

In summary this application is acceptable from a conservation perspective. It is however important that the Castle should not become crowded and that future developments should understand the broad vistas of the Trent Valley.

Environmental Health: No objections subject to conditions requested as part of the consultation on the December 2022 revised scheme.

Carbon Neutral Team: The latest revised scheme would have a positive impact on the City Council's carbon reduction ambitions and is supported.

Health and Safety Executive (Tall Buildings): The HSE is satisfied with the fire

safety design of the latest revised scheme.

Environment Agency: No objections subject to the development being carried out in accordance with the Flood Risk Assessment with particular attention being drawn to its finished floor levels, flood resilience measures and no essential infrastructure and sleeping accommodation to be located at basement level.

Highways: No objections subject to conditions recommended in the consultation for the December 2022 revised scheme.

Drainage: No objections subject to conditions relating to a flood evacuation plan, access to the Tinkers Leen, surface water drainage scheme, and the management of surface water during the construction period and during a flood.

6 Relevant policies and guidance

National Planning Policy Framework (2023) (NPPF)

The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 8 explains that key to this is building a strong responsive and economy, supporting strong, vibrant and healthy communities and by protecting and enhancing the environment.

Paragraph 11 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

Making effective use of land: Paragraphs 123-127 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Achieving well-designed places: Paragraphs 131-141 are focused on achieving the creation of high quality buildings and places. Paragraph 131 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place using streetscapes and buildings to create attractive and comfortable places to work, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Conserving the Historic Environment: Paragraph 201 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 203 requires

account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 207 - 208 states that where a development proposal will lead to substantial harm to a designated heritage asset permission should ordinarily be refused unless certain specified criteria are met. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

It is important to note the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a duty to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. Additionally, section 72(1) of the Act states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 2: Spatial Strategy

Policy 5: Nottingham City Centre

Policy 7: Regeneration

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity
Policy 19: Developer Contributions

Land and Planning Policies (LAPP) (2020)

Policy CC1: Sustainable Design and Construction
Policy CC3: Water
Policy EE4: Local Employment and Training
Policy RE1: Facilitation Regeneration
Policy RE2: Canal Quarter
Policy HO1: Housing Mix
Policy HO3: Affordable Housing
Policy HO4: 10% Adaptable Units
Policy HO5: Locations for Purpose Built Student Accommodation
Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation
Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy TR1: Parking and Travel Planning
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy HE1: Proposals Affecting Designated and Non-Designated Heritage Assets
Policy SA1: Site allocations (SR63)

Supplementary Planning Policy Documents:

Nottingham City Centre Urban Design Guide May 2009

Castle Conservation Policy Guidance (1994)

Biodiversity (2020) SPD

The Provision of Open Space in New Residential and Commercial Development (2019) SPD

Affordable Housing Contributions Arising from Purpose Built Student Accommodation (2021) SPD

Nottingham Student Living Strategy (2023)

7. Appraisal of proposed development

Main Issues

- (i) Principle of the development
- (ii) Environmental impacts
- (iii) Design considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views
- (iv) Impact on neighbour amenity
- (v) Other matters
- (vi) Planning obligations

Issue (i) Principle of the development (Policies A, 2, 5, 7 and 8 of the ACS, Policies RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 (allocation SR63) of the LAPP)

- 7.1 The application site occupies a prominent corner on one of the main approaches into the City Centre. It is key development site with the potential to make a significant contribution to the Traffic Street area becoming a vibrant extension to the City Centre and a gateway into the City from the south. The redevelopment of the site would bring inward investment and further the regeneration of this area.
- 7.2 Policy RE1 of the LAPP supports proposals that maximise site potential, ensuring that development is of an appropriate scale, density and design and enables the regeneration of brownfield sites. The site is located within the Canal Quarter Regeneration Zone as detailed by policy RE2 of the LAPP and is allocated for mixed use development, including student accommodation, under policy SA1 (allocation SR63) of the LAPP. Within the Canal Quarter, policy RE2 supports, amongst other things, the provision of residential and student accommodation, provided that it does not prejudice the activities of nearby uses.
- 7.3 The application site is located on the southern fringe of the City Centre which in general terms is an appropriate location for purpose built student accommodation (PBSA) and would be in accordance with policies RE2 and SA1 (allocation SR63) of the LAPP. The latest report 'Student Accommodation in Nottingham' (January 2024) recognises that there is still a need for PBSA and that the demand for student accommodation remains high. It is considered that the provision of further good quality PBSA would attract students that would otherwise occupy houses in multiple occupation (HMOs) outside of the City Centre. The location of the site is distant from the main areas of high student concentration (largely) to the west, rather being situated in a mixed-use commercial environment at the periphery of the City Centre. It is also set away from the nearest residential area, the Meadows, from which it is separated by the ring road and tramline.
- 7.4 The proposed accommodation is of an appropriate size internally with cluster bedrooms averaging 13-15sqm and benefitting from associated communal kitchen/living areas commensurate to the size of the cluster flat, and studios ranging from 18-27sqm. The proposal would be compatible with the higher density, mixed use characteristics of the surrounding area and is in a highly accessible location with good pedestrian, cycle and tram links to the City Centre and both university campuses. The proposed redevelopment of the site would enhance the approach to the City when arriving by train or tram, or when travelling along Queens Drive and Wilford Road, providing a built and active frontage where there is currently none.
- 7.5 The Nottingham Student Living Strategy (SLS) (2023) is a plan that was prepared jointly by Nottingham City Council, the University of Nottingham, and Nottingham Trent University, with the aim of improving the quality, safety, affordability and location of student accommodation in the City. The plan includes a focus on the provision of more PBSA buildings which should offer a diverse range of housing options, particularly to meet the needs of 'returning students' and to encourage cluster-based accommodation as the dominant typology, rather than single-bedroom studios.
- 7.6 The University of Nottingham, despite a reduction in their number in the revised scheme, remain concerned with the percentage of studio rooms being proposed.

The number of studios has been reduced from 158 (39%) to 131 (33%), of which 13 are to be accessible and adaptable in accordance with policy HO4.

- 7.7 The City Council has been working with both universities on the typology of accommodation within PBSA schemes since the SLS was launched in March 2023. Negotiations concerning the development of the application site have been ongoing for approximately 5 years, culminating in the latest iteration which has resulted from significant negotiation and re-design. However, a substantial amount of design development was completed in advance of the SLS and developer assumptions on the mix of accommodation within the PBSA established long before this. The applicant's adjustment to the mix in favour of cluster flats at a very late stage is therefore very much welcomed and, at 67%, is by far the dominant form of accommodation within the scheme. This issue also needs to be balanced against what is considered to be a successful design solution for the site that has proved challenging to resolve, and the fact that the scheme would be fully S106 compliant. The applicant has indicated that there is no possibility to alter the mix further in viability terms and that additional revisions, particularly to the fenestration pattern, may dilute the quality of the building's appearance. The accommodation mix currently proposed is therefore considered to be acceptable.
- 7.8 The proposal therefore complies with Policies A, 2, 5, 7 and 8 of the ACS, Policies RE1, RE2, HO1, HO4, HO5, HO6, DE1 and SA1 (allocation SR63) of the LAPP.

Issue (ii) Environmental impacts (Policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP, the NPPF)

- 7.9 Due to its size and significance, the application triggered the need for an Environmental Impact Assessment (EIA). The purpose of the EIA is to ensure that the environmental effects of a proposed development are fully considered and any necessary mitigation measures to be provided are identified before a planning application is determined. The EIA is contained within the Environmental Statement (ES) which has been submitted alongside the application. The scope of EIA has been agreed with officers in advance of its preparation and in this instance the ES specifically examines the impacts of the proposal under the headings of Heritage, Townscape and Visual Impact, Socio-Economic Impact, and Cumulative Impact.
- 7.10 The environmental effects which may arise as a result of the proposed development are addressed throughout the ES and the impacts are identified according to the degree of impact on the environment, ranging from substantial to negligible. The conclusion of the assessment is that the development would not result in significant impact on the environmental effects identified in the ES and is therefore environmentally acceptable. Compliance with the mitigation measures identified in the ES are to be secured through condition.

Heritage

- 7.11 The Heritage chapter includes an assessment of impact on relevant heritage buildings and assets, referred to as a Heritage Impact Assessment. The key groupings of heritage assets and areas are identified are:
- 7.12
- The setting of Nottingham Castle Scheduled Monument and Grade 1 listed

Castle Museum and Art Gallery (the Ducal Palace).

- The Castle Conservation Area and scheduled rock houses to the south of the castle.
- The Nottingham Station Conservation Area and associated listed buildings including the Nottingham Station (Grade II*).
- The Nottingham Canal Conservation Area and associated listed buildings.
- The Park Conservation Area and associated listed buildings.
- The Old Market Conservation Area and associated listed buildings.
- The listed Church of St George and attached boundary wall are war memorial.
- The Grade II listed Wollaton Hall and registered park and garden.
- The Grade II listed Greens Mill.
- The group of Grade II listed Inland Revenue buildings (now Castle Meadow University Campus).

7.13 The Heritage chapter examines the demolition, construction and operational effects of the development and the direct/ indirect impacts together with the cumulative effects when regarded in combination with consented or other planned schemes. The assessment concludes that overall, the proposed development would result in no long-term harm or environmental effects which could be considered as significant on any of the heritage assets identified. Overall, the development is seen to have negligible or no effect on the significance of the identified heritage assets.

7.14 The proposed development would introduce a further tall building into the urban setting of the Castle and Ducal Palace, which also includes other large scale and taller developments. However, the character and nature of that setting would not change, and as such the addition of the development is considered to lead to a change of negligible degree only. The contribution the urban setting makes to the assets would remain unchanged, with no harm to their heritage significance. It would not prohibit the ability to understand and appreciate them or undermine the contribution that the setting of the heritage assets makes to their heritage significance. Furthermore, it would also not hinder the ability to still experience the southern long-distance views which would remain urban in nature within the foreground. In conclusion, the impact on these high value heritage assets is considered to be of negligible magnitude and effect.

7.15 In relation to the Castle, Station and Canal Conservation Areas and associated listed buildings, the development would introduce a tall building which would be visible within their settings. However, their historic setting has always captured areas of urban development to the south of the City. This change is considered to be negligible and would not diminish the contribution made by the setting to the significance of these heritage assets, or adversely affect the ability to understand or appreciate that significance.

7.16 Finally, with regard to the recently listed former Inland Revenue buildings, it is again concluded that the development would lead to the introduction of a tall building within the wider mixed, post medieval to modern setting of these listed buildings. This would not be a novel introduction as the area has increasingly become more modern in character, especially with the introduction of The Vantage and other developments along Traffic Street which are already visible in views from within this campus. The key views of both these listed buildings and the Castle/Ducal Palace beyond remain unobstructed and unchanged

when approaching from Queens Drive and Wilford Road due to the development sitting to the east.

Townscape and Visual Impact

- 7.17 This chapter sets out the Townscape and Visual Impact Assessment (TVIA) that has been carried out for the development, both during construction and once completed/operational, and assesses its impact on townscape character areas, including the Castle and Canal Regeneration Basin. In addition, it looks at the likely impact on a range of short, medium and long views towards the development, identified within a 1.5km study area. In each case, an assessment is provided to ascertain the Sensitivity to Change of each receptor (High, Medium or Low), the Magnitude of Change (High, Medium, Low or Negligible), and the degree and nature of effects on Significance (Beneficial, Adverse, or Negligible). The visual impact of the development has also been considered alongside other recent developments, including those currently being constructed or with planning permission.
- 7.18 The identified viewpoints are:
- View from Nottingham Castle upper terrace
 - View from Castle Meadow University Campus
 - View from Queens Drive Recreation Ground
 - View from Carrington Street, opposite Nottingham Station
 - View from Wilford Road (looking south)
 - View from Trent Bridge
 - View from the Embankment/Meadows Recreation Ground
 - View from Meadows Way
 - View from Queens Drive
- 7.19 The TVIA concludes that the massing and scale of the development has been designed with the intention of being a focal point within the City, particularly given the site's prominent location in a gateway position at the junction of Queens Drive, Waterway Street West and Wilford Road. It would have a direct effect on the Canal Regeneration Basin and views from Carrington Street, Queens Drive and Wilford Road. There would be a moderate beneficial improvement in the character of the site, changing it from an almost vacant extent of hardstanding to a developed site with a modern building and designed landscaped areas. There would be a minor beneficial effect on the wider Basin due the improvement to the character immediately surrounding the site in conjunction with the ongoing new developments of Traffic Street and Unity Square.
- 7.20 A moderate adverse townscape effect was identified to the Castle Character Area due to the high value of the Castle as a heritage asset and the potential to visually detract from the area as a result of the development. The main visual impact would result from the tower element, which would result in a change in the skyline and would be in addition to the already approved Unity Square which would dominate and conceal a greater proportion of the skyline. The remaining lower sections of the building would remain below the skyline and their massing appears to relate to the existing built form of Traffic Street and, more closely, The Vantage development. Overall, it is considered that the compositional change would be proportionally small when the overall extent of the view is considered.

- 7.21 In two viewpoints from Trent Bridge and the Embankment/Meadows Recreation Ground it was found that the development would have 'negligible' impact. From The Queens Drive Recreational Ground and Meadows way the impact would be 'minor adverse', although not significant. From Carrington Street, Queens Drive and Wilford Road the impact was found to be 'minor beneficial', and from the Castle the impact would be 'moderate adverse'. The overall impact of the proposed development in terms of likely townscape and visual effects as a whole, was deemed to be 'negligible' to 'minor beneficial' and therefore not significant.
- 7.22 A more detailed assessment of the impact upon heritage assets, townscape, visual impact and key views is contained within paragraphs 7.26 to 7.53 of the report.

Socio Economic Impact Chapter

- 7.23 The Socio Economic chapter of the ES established the baseline position in terms of Socio-Economic conditions and has drawn upon a range of sources including nationally published and Local Authority data. The assessment considers the potential Socio-Economic effects of the development and their significance during construction and once operational. During construction the development would have a short term moderate beneficial effect on generating new construction employment and economic output. Once fully operational the development is anticipated to have a permanent and minor beneficial effect on housing, increased local expenditure and job creation. The development could also act as a catalyst in support of other regeneration proposals across the regeneration area.

Cumulative Effects Chapter

- 7.24 The Cumulative Impact chapter of the ES has considered the additional impacts from the proposed development alongside either committed developments or those that are the subject of current planning applications in terms of the townscape and visual cumulative effects, heritage impact and socio economic impact. It concludes that the development would not give rise to an unacceptable cumulative impact when the proposed development is considered alongside others in the surrounding area.
- 7.25 Overall, it is considered that the environmental information provides an adequate basis for understanding the main likely effects of the development on the environment. Without prejudice to the consideration of section (iii) below, it is considered that policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP and the relevant sections of the NPPF are satisfied in this regard.

Issue (iii) Design considerations, impact upon the adjacent conservation areas, the setting of nearby listed buildings and key views (Policies 10 and 11 of the ACS, policies DE1, DE2 and HE1 of the LAPP, the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990)

- 7.26 It is considered that the key material planning consideration for the proposed development concerns the impact of the height and scale of the 17 storey tower on the setting of important heritage assets including Nottingham Castle and the Ducal Palace, the Castle Conservation Area and the former Inland Revenue listed

buildings.

- 7.27 The existing site is of poor townscape quality and the proposed development would result in significant change to the area, with the potential for considerable townscape enhancement. Traffic Street is characterised by large scale modern buildings which are predominantly 5 to 7 stories with taller buildings landmarking each end of the street. Unity Square, occupied by HMRC, is a 10 storey office building that sits adjacent to Sheriffs Way and Carrington Street, at the eastern end of Traffic Street. Planning permission has also been granted for phase two of this development, which is for a slightly taller office building to be positioned immediately adjacent. At the western end of Traffic Street, opposite the site, The Vantage building rises from 5 to 12 stories at the prominent junction of Queens Drive, Waterway Street West and Wilford Road.
- 7.28 It is generally recognised that corner points at key junctions provide an opportunity to step up in scale and are appropriate for greater height than their immediate surroundings. These are often the sites for 'landmark' buildings, particularly when such sites are of significance in urban design terms to support a strategic land use policy, as is the case here with the Canal Quarter Regeneration Zone. The site and surrounding area were previously within the former Southside Regeneration Zone and identified as being capable of accommodating a large building, designed to create a focal point on this approach into the City Centre. The City Centre Urban Design Guide has also identified the application site as falling within a 'Zone of Reinvention' where it is expected that a new urban form would emerge, through the introduction of high quality gateway buildings, whilst respecting the wider historic context, and in particular views to/from the Castle. The ES includes images illustrating the impact of the development from a number of key verified viewpoints, including from the Castle and longer distant views from the south, together with the heritage impact assessment and TVIA.
- 7.29 The development has been the subject of significant and lengthy negotiations over a 5 year period concerning its scale, massing and architectural treatment, including the use of 3D contextual modelling. Great weight has been given to its relationship with the Castle and its Conservation Area, the development along Traffic Street and railway to the north, when viewed from Queens Drive, and the recently listed former Inland Revenue buildings. This has resulted in the scheme passing through numerous iterations to reach the proposal now presented for consideration at Planning Committee.
- 7.30 In terms of its scale, form, architectural treatment and materials, it is considered that the latest October 2023 iteration presents a building of appropriate quality which responds to both its historic setting and meets the aspirations of the City Centre Urban Design Guide. The height and position of the tower element reflects its key position and together with The Vantage would create a complementary pair of landmark buildings which would act as a gateway on what is a primary route into the City from the south west. The facades of the building have been designed to have a clear base, middle and top and incorporate a balanced composition of horizontal and vertical detailing to break up its mass and reduce apparent scale. The proposed materials are considered to sit well within their surroundings and take clear reference from neighbouring buildings, resulting in a development which would positively contribute to the character and appearance of this regeneration area and the setting of surrounding heritage assets.

7.31 It has not been possible to position the main entrance from Wilford Road at existing pavement level due to the significant level change on the site and the need for the building to also address the lower frontage to Traffic Street. However, it is felt that both external amenity spaces work well with their respective frontages, and that the level change from Wilford Road is appropriately addressed with steps integrated within the landscaping that would also serve as a seating area.

7.32 Some of the notable design features of the latest revised scheme include:

- A distinct oval form to the main body of the building with the curved aesthetic carried through on the lower wings fronting Traffic Street. This, along with other stylistic elements of the building, has taken reference from the former inland Revenue buildings, designed by Hopkins and now listed.
- The crenulated gold/bronze 'crown' to its top 3 floors references the Nottingham Contemporary and Nottingham's lace history.
- The height and form of the building have been development to create a unified composition with The Vantage. In the primary view along Queens Drive from the west it intentionally presents a slim form that does not unduly intrude on the setting of the Castle and former Inland Revenue buildings to the north.
- The creation of a clear break between the tower and lower element on the building's northern elevation to the railway, allowing the tower to be read as a distinct form.
- The use of a simple pallet of materials – predominantly red brick with stone banding and bronze/gold aluminium cladding featuring as accent materials.
- The creation of hard and soft landscaped courtyards which would further enhance the frontages to both Wilford Road and Traffic Street.
- The incorporation of landscaped roof terraces to each wing.

7.33 The NPPF Glossary Appendix 2 'The setting of a Heritage Asset' states that *"The setting of a heritage asset is the surroundings in which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.

7.34 The significance of the setting of Nottingham Castle and Ducal Palace is defined by its commanding topographical position being situated on Castle Rock with far reaching views over the low lying River Trent and towards the Nottinghamshire Wolds. The historic siting of the Castle is fundamental to its purpose in the Medieval period and the understanding of its historical function. Views to and from the Castle are intrinsic to the understanding of this significance.

7.35 By virtue of the scale and height of the proposed tower, it is recognised that there would be an impact on the setting of the Grade I and Scheduled Nottingham Castle, Ducal Palace, the Castle Conservation Area and setting of the former Inland Revenue buildings. The impact on the wider townscape, city skyline and key views have also been considered in detail in the TVIA chapter of the ES.

7.36 In the TVIA chapter (10.14 to 10.23), when considering the townscape and visual effects as a whole, the majority have been found to be negligible, minor beneficial or to have no effect. As a result, the overall impact has been deemed to be negligible to minor beneficial.

7.37 The proposed development would have a marked improvement on the

appearance and townscape contribution that this currently vacant and hoarded site makes to Traffic Street and its immediate environs. The conclusion was that there would be a moderate beneficial townscape effect on the canal regeneration area as a result.

- 7.38 A moderate adverse townscape effect was identified in relation to the Castle character area, with the main visual impact resulting from the tower and its change to the skyline. However, in southern views from the Castle it was felt that the compositional change is proportionally small when the overall extent of the view is considered.
- 7.39 The Heritage chapter of the ES and its Heritage Impact Assessment (HIA) consider the impact of the development on identified heritage assets. Overall, the development is seen to have no or negligible effect upon their significance.
- 7.40 It is acknowledged that the development would introduce a further tall building in addition to Unity Square into the urban setting of the Castle and Ducal Palace. However, the character and nature of that setting would lead to a change of negligible degree only and would not hinder the ability to experience the long-distance views from the Castle.
- 7.41 In relation to the Castle, Station and Canal Conservation Areas and associated listed buildings, the HIA notes that their historic setting has always captured areas of urban development to the south of the City. Within this context the impact of the proposed change is considered to be negligible.
- 7.42 Finally, in relation to the recently listed Inland Revenue buildings and within the context of the regeneration that has taken place along Traffic Street, including a building of the scale of The Vantage, the change to their setting is considered to be negligible.
- 7.43 Whilst registering concern in relation to earlier iterations, the Conservation Officer is supportive of the current scheme. They conclude that this would have low 'less than substantial harm' in relation to how the height of the building punctures the horizon when viewed from the Castle terrace.
- 7.45 Whilst the scale of the lower elements of the building would be commensurate with the adjacent developments on Traffic Street, it is acknowledged that the 17 storey tower would have a degree of adverse impact on the setting of the Castle and to a lesser extent the former Inland Revenue buildings. However, it is felt that the development would be sufficiently distant from both, particularly the Grade I Castle, to ensure their significance is not undermined and can still be appreciated. The Castle is not dominant in a single view from the south that is aligned with the proposed development, but rather it is seen in views of varying degree within a wide arc from east to west when approaching the southern side of the City Centre. Within this context the proposed development would not diminish an appreciation of its prominence on the City skyline.
- 7.46 Within the panoramic view from the Castle terrace, the development would be seen as one of a limited number of high-rise developments, including Unity Square and The Vantage, rather than forming part of wall of similarly scaled development. The setting of the Castle is now informed by a dynamic urban context of varying scale, with the wider views of the Trent plain and horizon beyond. This would remain the case with the proposed development in place.

- 7.47 It is noted that Historic England in its last response recommend a reduction in the height of the development to 12 stories. This has been their first reference to a specific height reduction despite the original application proposal, submitted in 2022, being greater in height and massing. For the reasons outlined above, officer's assessment is that the impact of the height of the tower would result in low 'less than substantial harm'.
- 7.48 Para 208 of the NPPF advises that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Therefore, any consideration of the proposal should weigh harm identified to the setting of the Castle, its Conservation Area and the former Inland Revenue buildings against the public benefits derived from the proposal.
- 7.49 It is also important to note the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a duty to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historical interest which it possesses. The duty requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings including Grade II, however, it does not create a bar to the granting of planning permission. A balancing exercise must be undertaken between the harm caused and the benefit the development will bring. (Additionally, section 72(1) of the Act states that there is a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any building or land in a conservation area.
- 7.50 In this case Section 5 of the applicant's Planning Statement sets out that the less than substantial harm would be outweighed by the social, economic and environmental contributions that the development would make. There are clear benefits to be derived from a scheme that would deliver considerable regeneration benefits. It would see the delivery of this allocated site in the Canal Quarter Regeneration Zone, also designated as a Zone of Reinvention in need of transformation and where development of greater density and scale is appropriate. Whilst there are clearly sensitivities in terms of the proposed development's impact upon heritage assets, its positive impact in townscape terms must also be recognised. Following a lengthy period of significant design development, the resulting scheme is felt to be of considerable architectural merit and a positive solution for this long term vacant site that is befitting of a landmark, gateway building.
- 7.51 Furthermore, it would provide public benefit through housing delivery and the continuing need for PBSA as an alternative to the use of the City's family housing as students HMOs. It would deliver high quality student accommodation for both universities. The economic benefits include capital investment, job creation and an uplift in economic output throughout the build period. The environmental benefits of the scheme include the regeneration of a longstanding brownfield site, the provision of new housing in a sustainable location, the delivery of biodiversity net gain and a development with multiple sustainability and/or carbon reduction features.
- 7.52 In conclusion, it is considered that cumulatively these represent a level public benefit that can be weighed against the development's 'less than substantial harm', as set out in Paragraph 208 of the NPPF, and the requirements of sections

66 (1) and (72) 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.53 The proposed development is therefore in accord with policies 10 and 11 of the ACS, Policies DE1, DE2 and HE1 of the LAPP, the NPPF, and enables the duties placed by sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 to be met.

Issue (iv) Impact on neighbours and future occupants (Policy 10 of the ACS, Policies DE1, HO4, HO6 and IN2 of the LAPP)

- 7.54 The scheme has been designed to ensure that there is sufficient distance between habitable rooms windows in the new building and neighbouring properties so as not to cause any undue impact on privacy and light levels, including the adjoining development being constructed on the former Enterprise car hire site and The Vantage PBSA on the opposite side of Traffic Street.
- 7.55 Two roof terraces are proposed for occupants of the building above floors 7 and 12. Access arrangements to these terraces remains to be determined by the applicant however, given the limited size of these spaces and the managed nature of the accommodation, is not considered that they would adversely impact upon the amenities of neighbouring businesses/occupants.
- 7.56 The applicant recognises that there is need for strong management arrangements with PBSA. Accordingly, a management plan is proposed as part of the S106 Planning Obligation to negate issues regarding vehicle ownership and anti-social behaviour within the locality. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation.
- 7.57 The proposal has been reviewed by Environmental Health colleagues in relation to land contamination, noise and air quality. Subject to the submission of further details which would be secured via condition, it is not considered that the development would significantly impact upon future occupants or the amenity of the surrounding area in this regard.
- 7.58 The proposed accommodation incorporates studios and cluster bedrooms of an appropriate size, and additionally occupants would benefit from the communal indoor and outdoor facilities. The level of amenity provided for occupants complies with policies DE1 and HO6 of the LAPP. Additionally, a condition is proposed to ensure the development meets the requirements of Policy HO4 for accessible and adaptable rooms.
- 7.59 The proposal is therefore in accord with policy 10 of the ACS and policies DE1, HO4, HO6 and IN2 of the LAPP.

(v) Other matters

Highways (Policies 10 and 14 of the ACS, Policy TR1 of the LAPP)

- 7.60 The site is in a sustainable location close to the train station, tram, bus stops and public car parks. In addition, the scheme incorporates a secure and easily accessible cycle parking facility at lower ground level. There is no parking provision for this development and there would be a restriction within the S106 Planning

Obligation to prevent residents from keeping vehicles within the City. A condition is recommended with regard to student drop-off and pick-up arrangements, which can be adequately managed given the nature of Traffic Street and the limited number of properties that it serves. Highways are satisfied that the proposed development would not pose a risk to highway safety.

7.61 As with other new development along Traffic Street, the agreed S106 contribution towards the improvement of open space/public realm would be directed towards the completion of the recent upgrading of Traffic Street to a more pedestrian friendly environment. This would include re-design of the turning head at the western end of Traffic Street, to create a cohesive area of public realm between the proposed development and The Vantage. Final details of these public realm works would be dealt with by condition, alongside the completion of the necessary highway agreements.

7.62 The requirement for a construction traffic management plan together with other matters requested by Highways can be addressed by condition. The proposal therefore complies with Policies 10 and 14 of the ACS and Policy TR1 of the LAPP.

Archaeology (Policy 11 of the ACS and HE1 of the LAPP)

7.63 A programme of archaeological works would be required as a condition of planning permission, in accord with policy 11 of the ACS and policy HE1 of the LAPP.

Contamination (Policy IN2 of the LAPP)

7.64 Environmental Health have raised no objection and have requested standard conditions to deal with the risks associated with ground, groundwater and ground gas contamination of the site. Policy IN2 of the LAPP is therefore satisfied.

Flood Risk (Policy 1 of the ACS, Policy CC3 of the LAPP)

7.65 The site is located within Flood Zone 2 in accordance with the Environment Agency Flood Map. The Environment Agency (EA) have raised no objections to the proposal regarding flood risk subject to a condition requiring the development being carried out in line with the Flood Risk Assessment and its specific requirements. No objection to the proposed development has been raised by Drainage colleagues, subject to the imposition of conditions relating to the final details of the surface water drainage strategy being agreed, along with details of surface water management during construction. The proposal is therefore in accord with policy 1 of the ACS and policy CC3 of the LAPP.

Fire Safety

7.66 The Health and Safety Executive (HSE) are satisfied with the submitted Fire Strategy Report for the revised scheme.

Issue (vi) Planning obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP and the Open Space SPD and PBSA Affordable Housing Contributions SPD)

7.67 A policy compliant S106 Planning Obligation for the proposed development would be expected to meet the following requirements:

- A financial contribution of £860,532 in lieu of on-site affordable housing provision
- A financial contribution of £520,471 towards the enhancement of public open space/public realm in the surrounding area, in lieu of on-site provision
- Local employment and training opportunities in both the construction and operational phases of development, including a financial contribution of £122,207 towards their delivery
- A student management scheme, to include a restriction on car usage by occupants within the City

7.68 The applicant has agreed to meet these requirements and the scheme is therefore to be fully S106 compliant.

8. Sustainability / Biodiversity (Policies 1 and 17 of the ACS and Policies CC1 and EN6 of the LAPP, and the Biodiversity SPD)

8.1 The site has minimal existing ecological value so the development would not be harmful in biodiversity terms. However, there is scope to improve the biodiversity of the site, including the provision of bird and bat boxes, which can be secured by condition, along with a Construction Environmental Management Plan to safeguard the biodiversity of the Tinkers Leen. An informative is proposed to make the applicant aware of the presence of Japanese Knotweed on the adjacent site. The scheme therefore accords with Policy 17 of the ACS and Policy EN6 of the LAPP.

The following sustainability measures are to be incorporated into the scheme:

- Betterment (%) above Building Regulations - The proposal will achieve 4% betterment above Part L Building Regulations.
- BREEAM rating (commercial buildings only) - Excellent.
- Renewable / low carbon energy - Heating and Hot Water to be via Air Source Heat Pumps.
- SUDs / water re-cycling - 72m³ of cellular storage (SuDs) is to be provided for surface water attenuation. The surface water discharges from site into the existing STW network on Traffic Street are to be restricted to 5.0l/s using a Hydro-brake installed in a Flow Control Chamber, including 100-year plus 40% Climate Change rainfall events. The discharge rate is currently subject to LLFA/LPA approval.
- Reduced water consumption - Water consumption is to be reduced to 110 litres per person/per day through use of low flow sanitaryware, in line with Policy CC1 of the LAPP.

Transport

- Number of parking spaces - No car parking spaces are to be provided.
- Number of EVCPs – None, given no car parking spaces.
- Number of cycle parking spaces - 86.

Waste

- Re-cycling facilities - Refuse store to be provided with 16no. 1100L bins, with an appropriate proportion of these being for recycling.

8.2 The proposal is therefore in accordance with policy 1 of the ACS and policies CC1 and CC3 of the LAPP.

9 Financial Implications

Financial contributions detailed above are in accordance with policy 19 of the ACS and policy IN4 of the LAPP, and the relevant Supplementary Planning Documents.

10 Legal Implications

Under s66 of the Planning (Listed Building and Conservation Area) Act 1990, in determining an application which affects a listed building or its setting, the local planning authority, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The duty in s66 of the Planning (Listed Building and Conservation Area) Act 1990 must also be considered as a material consideration in the planning balance.

The Committee must afford considerable importance and weight to the "desirability of preserving... the setting" of listed buildings when weighing this factor in the balance with other "material considerations" which have not been given this special statutory status.

A finding of harm to the setting of listed buildings is a consideration to which the Committee must give "considerable importance and weight, when weighing up the harm, against any benefits or countervailing factors. However, that does not mean to say that a strong presumption against granting permission for development that would harm the listed building and or its setting, cannot be outweighed by substantial public benefits so as to rebut that presumption.

It is also necessary for a Local Planning Authority, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, as designated heritage asset, under s72 of the Planning (Listed Building and Conservation Area) Act 1990, when determining a planning application within a conservation area.

While the duty with regard to preserving or enhancing may only require that no harm should be caused, it nonetheless creates a "special presumption" and "considerable weight and attention" as a material planning consideration, should be given to any harm found to arise with regard to the character or appearance of the area.

The above duty means there is a strong statutory presumption against granting planning permission which does not so preserve or enhance. This must be placed in the planning balance in determining the application. However, that presumption may be outweighed by other material considerations great enough.

The weight to be attached to each of the relevant historic dimensions or ingredients of the judgment is a matter which s72 clearly leaves to the decision-maker in each individual case.

Aside from the main EIA consideration addressed within this report, on determination of the application, regulation 30(1) of the 2017 Regulations requires

that the Secretary of State and consultation bodies be informed of the decision in writing, the decision has to be advertised and a statement made available for inspection. The statement must include a range of elements specified in the 2017 Regulations but particularly the main reasons and considerations on which the decision was based, a summary of the results of consultations undertaken and information gathered and how those results have been incorporated or otherwise addressed.

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

11 Equality and Diversity Implications

The proposed development has been designed to be compliant with current Building Regulation standards in terms of accessibility and requirements under the Disability Discrimination Act. The building will have accessible doors and corridors suitable for wheelchair users and lifts are proposed at every stair core.

12 Risk Management Issues

None.

13 Strategic Priorities

Neighbourhood Nottingham: Redevelopment of a brownfield site with a high quality, sustainable and mixed-use development.

Safer Nottingham: The development enhances the surrounding pedestrian environment and incorporates active ground floor frontages that would contribute to a safer and more attractive neighbourhood.

Working Nottingham: Ensuring Nottingham's workforce is skilled through Local Employment and Training opportunities.

14 Crime and Disorder Act implications

The development would enhance natural surveillance in and around the site.

15 Value for money

None.

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

1. Application No: 22/00188/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R6DGGQ2LY0MC00>

17 Published documents referred to in compiling this report

NPPF (2023)

Aligned Core Strategies – Local Plan Part 1 (2014)

Land and Planning Policies – Local Plan Part 2 (2020)

Biodiversity (2020) SPD

The Provision of open Space in New Residential and Commercial Development
(2019) SPD

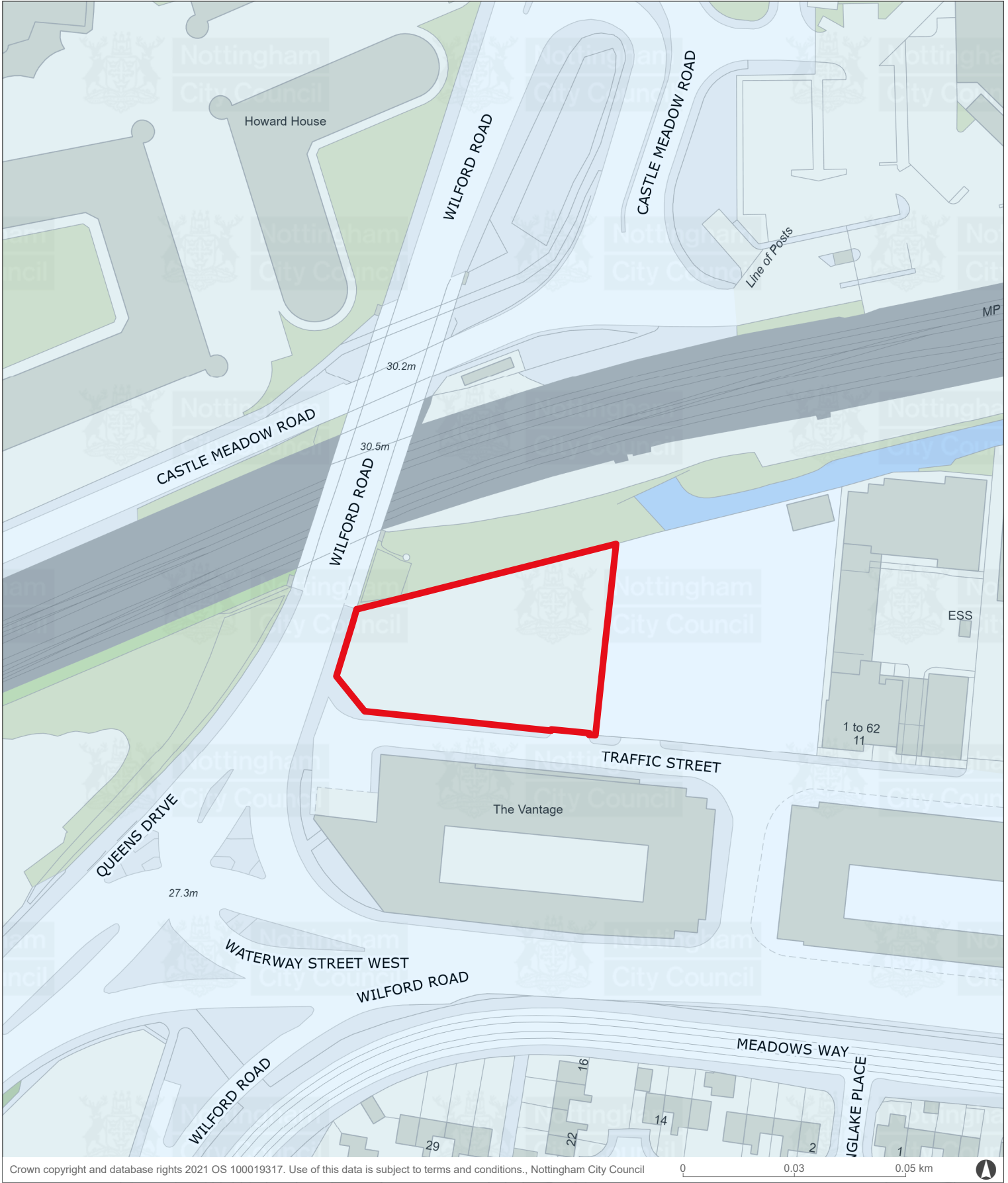
Affordable Housing Contributions Arising from Purpose Built Student
Accommodation (2021) SPD

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk Telephone: 0115 8764041

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0 0.03 0.05 km



Key

 City Boundary

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Description

A map printed from Nomad.



My Ref: 22/00188/PFUL3 (PP-10541570)
Your Ref:
Contact: Mrs Jo Bates
Email: development.management@nottinghamcity.gov.uk

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

Harriet Nind
Pure Offices
Lake View Drive
Nottingham
United Kingdom
NG15 0DT

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Date of decision:

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

Application No: 22/00188/PFUL3 (PP-10541570)
Application by: Jensco (Wilford Road) Limited
Location: Cleared Site At Junction Of Traffic Street And Wilford Road, Site Of Laboratories
Corner Traffic Street, Wilford Road
Proposal: The erection of a part 7, part 12 (excluding lower ground level), and part 17
storey building comprising student accommodation and associated access, open
space and ancillary communal facilities

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

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

DRAFT ONLY
Not for issue

2. No development shall commence, including site set up and preparation works, until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall be carried out in full accordance with the approved Written Scheme of Investigation.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with policy HE1 of the LAPP.

3. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Provision shall be made for all site operatives, visitors and construction vehicles loading and offloading at the site during the construction period. The Plan shall also include a construction traffic routing agreement and adequate precaution taken to prevent the deposit of mud and similar debris on the adjacent public highway.

The development shall be constructed in accordance with the approved Plan.

Reason: To ensure that the construction of the development has no adverse impact on the local highway network and has no significant impact on neighbouring properties to accord with policies 10 and 14 of the ACS and policies DE1, IN2 and TR1 of the LAPP.

4. Prior to the commencement of the development, and further to the Phase 1 Site Assessment by Curtins dated 19/11/2018 and the Phase 2 Site Investigation by Curtins dated 19/11/2018, the ground gas monitoring on site shall be completed and a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

- a. A Remediation Plan, based on the 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).
- b. 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 proposed development poses no contamination risks to accord with policy 1 of the ACS and policies CC3 and IN2 of the LAPP.

DRAFT ONLY

Not for issue

5. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail.

The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the construction of the development has no adverse impact on the adjacent railway line and embankment to accord with policies 10 and 14 of the ACS and policies DE1, IN2 and TR1 of the LAPP.

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

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

Reason: To ensure that the proposed development poses no contamination risks to accord with policy IN2 of the LAPP.

7. The development shall not be commenced until details for the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority.

The management of surface water for the development shall be implemented in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with policy 1 of the ACS and policy CR3 of the LAPP.

DRAFT ONLY

Not for issue

8. The development shall not be commenced until details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment to be provided to the Local Planning Authority.

Where a sustainable drainage scheme is to be provided the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface sewers;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure operation of the scheme throughout its lifetime.

Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems in accordance with policy 1 of the ACS and policy CR3 of the LAPP.

9. Prior to the commencement of above ground 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).

The sound insulation scheme 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 an appropriate noise environment for future and neighbouring occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

DRAFT ONLY

Not for issue

10. Prior to the commencement of above ground development, an finalised environmental noise assessment and sound insulation scheme which has regard to the Noise Impact Assessment by BWB Consulting dated Sept 2023 shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from fixed plant and equipment, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition, it shall include predicted noise levels for any [relevant premises which may not currently be operating, and] plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas, commercial / residential separation).

The sound insulation and ventilation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation and ventilation scheme 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 an appropriate noise environment for future occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

11. Prior to the commencement of above ground development, a large scale sample panel of all proposed materials to be used on the external elevations of the approved development shall be constructed on site and shall be reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before above ground development commences.

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

Reason: To ensure an appropriate quality of finishes and in the interests of the appearance of the development in accordance with policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP.

DRAFT ONLY

Not for issue

12. No above ground development shall be commenced, other than construction of the concrete frame of the building hereby approved, until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) Large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements of the extension and new building:

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

b) Roofs: including edges, parapets and plant enclosures;

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

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policies 10 and 11 of the ACS and policies DE1 and HE1 of the LAPP.

13. Notwithstanding the approved drawings, no above ground development shall be commenced until a scheme of Accessible and Adaptable units to be provided within the development has been submitted to and approved in writing by the Local Planning Authority.

Thereafter that the development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the accommodation is designed to meet all accessibility needs, in accordance with policy HO4 of the LAPP

Pre-occupation conditions

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

14. The development shall not be brought into use until the public realm enhancement works to the Traffic Street/Wilford Road have been completed in accordance with details that have first been submitted to and agreed in writing. Details shall include the following:

- existing and proposed ground levels along the frontage
- relocation, repair replacement of new items of street furniture, bollards, lighting columns and road signs
- the retention of walls or other boundary treatments
- hard surfacing materials
- tree specifications
- demarcation of adopted highway and privately maintained public realm
- maintenance proposals

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 ACS and Policies DE1 and DE2 of the LAPP.

DRAFT ONLY

Not for issue

15. The development shall not be brought into use until a landscaping scheme (both hard and soft landscaping including surfacing and means of enclosure), including details to enhance biodiversity and a management strategy relating to on-going maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of proposed trees, shrubs, planters and other planting. The proposed boundary treatment shall include trespass proof fencing along the northern boundary with the railway line.

The approved hard surfacing shall be carried out prior to first occupation of the development. The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of that phase of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within five years following the occupation of development, 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 secure a development of satisfactory appearance that accords with policies 10 and 17 of the ACS and policies DE1, DE2 and EN6 of the LAPP

16. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 2 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, The details of which shall be submitted to and approved in writing with the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with policy HE1 of the LAPP.

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

Reason: To ensure that the proposed development poses no contamination risks to accord with policy 1 of the ACS and policies CC3 and IN2 of the LAPP.

18. The development shall not be brought into use until the applicant has submitted written verification to the Local Planning Authority that the approved mechanical services plant or equipment (including any air handling plant) specified to serve the development including any mitigation measures has been implemented.

Reason: To ensure that an appropriate noise environment for future occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

DRAFT ONLY

Not for issue

19. The development shall not be brought into use until a scheme of ecological enhancement measures, including those integrated within the fabric of the building, has been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation in accordance with policy EN6 of the LAPP and policy 17 of the ACS.

20. The development shall not be brought into use until a verification report carried out by a qualified drainage engineer has been submitted to and approved by the Local Planning Authority. This shall demonstrate that the drainage system has been constructed in accordance with the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements such as but not restricted to: surface water attenuation devices/areas, flow restriction devices and outfalls.

Reason: To ensure the drainage system is constructed to the National Non-Statutory Technical Standards for SuDS and to accord with policy 1 of the ACS and policy CR1 and CR3 of the LAPP.

21. Each phase of the development shall not be occupied until secure cycle 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 and policy TR1 of the LAPP.

22. The development shall not be brought into use until a Flood Management Plan (FMP) shall be submitted to and approved by the Local Planning Authority.

The operation of the PBSA shall be carried out in full accordance with the approved Flood Management Plan for the life of the development.

Reason: To reduce the risk to future occupants in the event of a flood in accordance with policy 1 of the ACS and policy CC3 of the LAPP.

23. Prior to the occupation of the development a detailed Noise Management Plan shall be submitted to and be approved in writing by the Local Planning Authority.

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

- Minimise noise arising from operational activities by technical and physical means, and through management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from any residents
- Regularly review the Noise Management Plan.

Reason: To ensure an appropriate noise environment for neighbouring and future occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

DRAFT ONLY

Not for issue

<p>24. Prior to the first occupation of the development, draft designs for amendments to Traffic Regulation Orders in the area shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The developer shall thereafter pursue an application for the proposed amendments, prior to first occupation of the dwellings.</p> <p><i>Reason: In the interests of Highway Safety and sustainable development in accordance with policies 10 and 14 of the Aligned Core Strategy and policy TR1 of the LAPP.</i></p>
<p>25. The development shall not be brought into use until a Waste Management Plan has been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include provision for the management, storage and collection of waste arising from the development.</p> <p>The development shall thereafter be carried out in full accordance with the Plan.</p> <p><i>Reason: To ensure waste arriving from the development is dealt with in an appropriate manner to safeguard the amenities of the future and neighbouring occupiers in accordance with policy 10 of the ACS and policy DE1 of the LAPP.</i></p>
<p>26. The development shall not be occupied until details of a Student Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term, has been submitted to and agreed in writing with the Local Planning Authority.</p> <p>The Traffic Management Plan shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.</p> <p><i>Reason: To avoid prejudice to traffic conditions within the vicinity of the site and in the interest of highways and pedestrian safety in accordance with policy 10 and 14 of the ACS and policy TR1 of the LAPP.</i></p>
<p>27. External lighting shall not be installed other than in accordance with details that have first been submitted to and approved by the Local Planning Authority.</p> <p><i>Reason: In order to ensure that the external public spaces of the approved development are appropriately lit having regard to public safety in accordance with policies 10 of the ACS and policies DE2 and EN6 of the LAPP.</i></p>
<p>28. Prior to the first occupation of the development, any redundant footway crossings and/or damaged or altered areas of footway or other highway street furniture shall be reinstated or relocated in accordance with details that have first been approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure that any redundant crossings or damaged crossings are reinstated appropriately to safeguard highway safety and to accord with policy 10 of the ACS and policy TR1 of the LAPP.</i></p>
<p>Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)</p>

DRAFT ONLY

Not for issue

29. The food and drink provision in the café shall be consistent to a 'coffee shop offer' and shall not require the ventilation and odour abatement systems associated with a commercial kitchen.

Reason: To ensure that an appropriate amenity environment for future occupants and to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

30. The development shall be carried out in accordance with the submitted flood risk assessment (ref WRN-BWB-ZZ-XX-RP-YE-0001_FRA, NTW-2879_FRA, Revision P05, 17/10/2023) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 26.06 metres above Ordnance Datum (AOD) as per section 4.3 of the FRA.
- Flood resilience measures to be designed as per section 3.12 of the FRA.
- No essential infrastructure/sleeping accommodation to be located within the basement of the building.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason(s)

To reduce the risk of flooding to the proposed development and future occupants

Reason: To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere, to ensure no impediment to flood flow across the site, to ensure Risk Management Authorities/future users/owners of the site can access the watercourse, to enable future flood risk improvements in the area and to ensure development is in accordance with policy 1 of the ACS and policy CC3 of the LAPP.

31. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and the Council's Environmental Health department. An investigation and risk assessment must be undertaken in accordance with current guidance and good practice, and where remediation is necessary a remediation scheme must be prepared and be submitted for approval in writing by the Local Planning Authority.

Following completion of remedial measures identified in the approved remediation scheme, a verification report must again be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy IN2 of the LAPP.

32. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

DRAFT ONLY

Not for issue

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 31 October 2023.

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. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

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

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

Sunday: at no time

Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

Equipment

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

Dust/Grit and other fugitive emissions

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

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

Flexible plastic sheeting

Water sprays/damping down of spoil and demolition waste

Wheel washing

Periodic road cleaning

4. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with the Environment Agency's Land Contamination Risk Management guidance published at <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems

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Not for issue

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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 verified
- How compliance with the requirements of the Nottingham City Council - Guidance on Cover Layers & Verification Testing 2019 will be achieved
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

5. Environmental Noise Assessment

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

Verification that the approved sound insulation and ventilation scheme has been implemented shall include;

- The specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme
- Example photographs of the products eg glazing and ventilation units in situ (prior to identifying labels being removed)

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Not for issue

- Photographs, drawings (and where applicable) product data sheets of any other sound insulation measures eg floor joists, floating floors, independent acoustic ceilings or walls etc

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

6. Commercial Noise

The objective of this condition is to prevent background noise creep in the vicinity of the development. 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.

7. Network Rail

A copy of railway standard informative and standard drainage requirements is attached to this decision notice

Given the size of the building and its proximity to the operational railway environment and adjacent railway structures (for example the road bridge over the railway), it will be imperative that the developer engage with our Asset Protection Team at an early stage to ensure that the scheme can be built without adverse impact to operational railway safety. The proposed building is very close to the railway boundary and the developer should give consideration to how the property can be constructed and maintained in the future without access to operational railway land. Should access to railway land be required, this must be arranged in advance and will need to be supervised at all times. This comes with a cost, which can be high especially if a line closure is required to facilitate such works.

Network Rail

In addition, from the design of the active roof plan, it appears that there may be a football goal incorporated into the scheme. We would strongly recommend that this is removed from the scheme and games of this nature are not encouraged on the roof, as a football kicked over the side of the building at that height could have potentially serious consequences for the surrounding area including the railway infrastructure. If this is to remain, sufficient mitigation measures must be included to prevent this from occurring.

Works in Proximity to the Operational Railway Environment

Development Construction Phase and Asset Protection

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

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Drainage

It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. Please note, further detail on Network Rail requirements relating to drainage and works in proximity to the railway infrastructure is attached for your reference.

Boundary Treatments, Landscaping and Lighting

Trespass Proof Fencing

Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

Landscaping

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorn (*Crataegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy Poplar (*Populus nigra var, italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

Lighting

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Condition

Detail of any external lighting should be provided to the Local Planning Authority to be approved in conjunction with Network Rail.

Additional Requirements

Railway Noise Mitigation

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling.

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Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

8. Highways

1. Construction Traffic Management Plan (CTMP) & mud on the road

The applicant should provide a CTMP as conditioned. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Network Management via email highway.approvals@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

2. Highway licences

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 via highway.approvals@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

3. Section 278 agreement - highway works

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

4. Cycle Parking

The applicant is to contact our cycling team CyclingTeam@nottinghamcity.gov.uk to progress the cycle parking provision.

5. Stopping Up Orders

If required, these are to be pursued and agreed by the applicant in consultation with our expert John Lee (Traffic and Safety) John.Lee@nottinghamcity.gov.uk

6. Traffic Regulation Orders (TROs)

Prior to occupation of the consented development, it is necessary to amend and introduce Traffic Regulation Orders. This is a separate legal process and the Order can be made on behalf of the developer by Nottingham City Council at the applicant's expense. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed. For TRO advice and further information the applicant is advised to contact traffic.management@nottinghamcity.gov.uk.

7. Refuse collection

Bins left unattended on our highway are fined and should not block any footway or carriageway. Waste operatives should not need to enter onto private property to carry out refuse collection. The applicant is to contact Jason Martyn Jason.Martyn@nottinghamcity.gov.uk in the first instance to liaise on an acceptable waste management strategy and collection agreement to serve the development with all servicing being carried out within adopted highway. To achieve this the applicant is to pursue TROs to support their requirements and be mindful that planning consent is NOT consent within the adopted highway and TROs are subject to separate consultation and legal process.

8. Sustainable Transport, Travel Plan & Student Traffic Management Plan

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The applicant is to contact Tim Bellenger tim.bellenger@nottinghamcity.gov.uk to gain 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.

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RIGHTS OF APPEAL

Application No: 22/00188/PFUL3 (PP-10541570)

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,

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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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Wards Affected: Sherwood

Item No:

**Planning Committee
19th June 2024**

Report of Director of Planning and Transport

Garages Rear Of 17 To 21 Marshall Street

1 Summary

Application No: 23/00008/PFUL3 for planning permission

Application by: Dominic Harrison

Proposal: Construction of four terraced houses.

The application is brought to Committee as it has raised significant local interest.

To meet the Council's Performance Targets this application should have been determined by 1st March 2023.

2 Recommendations

GRANT PLANNING PERMISSION subject to conditions substantially in the form listed in the draft decision notice at the end of this report, with power to determine the final details of the conditions to be delegated to the Director of Planning and Transport.

3 Background

3.1 The site is a garage court surrounded by houses. It is accessed from the south from Marshall Street. To the southeast, alongside the entrance, is a children's playground. To the south, on Marshall Street, are semi-detached houses. To the west, on Mansfield Street, are relatively new semi-detached houses. To the north is a pedestrian access only row of terraced houses, Wisa Terrace, the gable end of which forms part of the application site boundary. To the east, on Hood Street, are three storey flats and two storey terraced houses. The area is largely residential.

4 Details of the proposal

4.1 Planning permission is sought for a terrace of four new houses. The houses would run from approximately north to south, detached from but forming an extension of Wisa Terrace. The houses would be two storey with accommodation in the roof, their ridges the same height as Wisa Terrace. The rear of the new houses would be in line with the rear of Wisa Terrace; the first floor front would also be in line, with a ground floor section extending out similar to the Wisa Terrace rear offshoots (although these are 'front offshoots' on the application properties). The houses would have living room and kitchen / dining room on the ground floor, two bedrooms on the first floor and one bedroom in the roofspace. Materials are brick and tile. The four houses would be accessed via a driveway from Marshall Street. There would be a parking space in front of each house with a further three spaces

along the driveway. Bin stores are to be constructed in each front garden. The application has been revised during consideration, revising the scale of the houses and the overall layout.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Twenty-six neighbours were notified of the initial application by letter and again following receipt of revised drawings.

Fourteen representations were received, objecting to the proposal for the following reasons:

- loss of light, privacy and outlook due to scale of new houses and their proximity to the existing surrounding houses;
- loss of view, as above (it is noted that loss of view is not in itself a planning issue, although the slightly different concept of loss of outlook is a planning matter);
- parking problems on surrounding streets, where parking for residents is already problematic;
- highway safety problems from use of the narrow access onto Marshall Street;
- design is not in keeping with surrounding area, particularly the proposed dormers and the large areas of glazing;
- how boundaries are to be treated;
- loss of tree; this is both supported and objected to by different residents (and is not within the application site boundary);
- noise during construction (this is not a planning matter, although controls are in place through environmental health legislation should work and noise take place at unreasonable hours);
- concerns about the impact of the development on flooding in the area.

Following receipt of revised proposals, further letters were sent to neighbours. Six representations were received. These noted that their initial objections to the development remained and that the revised proposals had not overcome the objections.

Additional consultation letters sent to:

Highways: no objection subject to conditions regarding Demolition/Construction Traffic Management Plan and reinstatement of damaged highway.

Drainage: appropriate drainage and flood prevention arrangements can be achieved by condition.

Environmental Health and Safer Places: no objection subject to conditions regarding contaminated land.

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) (December 2023)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 131 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and

development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 17: Biodiversity

Land and Planning Policies (LAPP) (2020)

Policy HO1: Housing Mix

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN6: Biodiversity

Policy IN2: Land Contamination, Instability and Pollution

7. Appraisal of proposed development

Main Issues

- (i) Principle of the development
- (ii) Design and impact on the streetscene
- (iii) Impact on neighbours

(iv) Other matters

(i) Principle of the development (Policy 8 of the ACS and Policy HO1 of the LAPP)

- 7.1 The application site is located within a predominantly residential area. There is therefore no objection in general principle to residential development, provided that the proposal complies with the other policies of the development plan. Policy HO1 (Housing Mix) of the Local Plan encourages the development of sites for family housing, including larger family housing (within use class C3), as opposed to other forms of residential accommodation.

(ii) Design and Impact on the streetscene (Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP)

- 7.2 The proposed houses are considered to be of an appropriate scale and design. The use of brick and tile, and details such as the bays, cills, dentil courses and roof shapes are considered to be part of a high quality design which takes into account local characteristics. Details of materials can be required by condition.

(iii) Impact on neighbours (Policy 10 of the ACS and Policy DE1 of the LAPP)

- 7.3 Having regard to the design, scale, location of and outlook from the proposed development, and the relationship with the site boundaries, it is considered that the proposal in its revised form would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. The southern, side elevation of the new houses would be a little under 15m from the main rear elevation of the existing Marshall Street houses; this is an acceptable distance given that the new house would be to the north and have a blank gable. The west, rear elevation of the new houses would be 24m from the rear of existing houses on Mansfield Street; again, this is considered to be an acceptable distance to avoid any unacceptable loss of privacy. The site is highly sustainable, being in close proximity to Sherwood centre and to excellent public transport services. The development provides off-street parking such that it would not be expected to unduly impact on the highway network. It is noted that there is no objection from the highway team with regard to the access and its relationship with Marshall Street. Details of boundary treatment can be required by condition.

(iv) Other matters (Policy IN2 of the LAPP)

- 7.4 Conditions can ensure that ground, groundwater and ground gas contamination are dealt with appropriately.

8. Sustainability / Biodiversity (Policies 1 and 17 of the ACS, Policies CC1, CC3 and EN6 of the LAPP, and the Biodiversity SPD)

- 8.1 The following is a summary of the sustainability and biodiversity measures to be incorporated into the scheme:

- Betterment (%) above Building Regulations- none noted.
- Renewable / low carbon energy- none noted. PVs would be difficult to accommodate given the number of rooflights.
- Sustainable drainage to be secured by condition.
- Reduced water consumption- to be secured by condition
- Electric Vehicle Charging Points- required under the Building Regulations

- Cycle parking- to be secured by condition
- Biodiversity- The development is not subject to mandatory Biodiversity Net Gain. Redevelopment of the site provides opportunities for biodiversity enhancement through landscaping, hedgehog friendly fencing, swift and bat boxes. The landscaping scheme can ensure the use of native species and planting attractive to pollinators.

9. Financial Implications

None.

10. Legal Implications

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

11. Equality and Diversity Implications

None.

12. Risk Management Issues

None.

13. Strategic Priorities

Neighbourhoods - Better Housing; the provision of new homes.
City - Carbon Neutral City by 2028; supporting energy efficiency and renewable energy generation, supporting biodiversity.

14. Crime and Disorder Act implications

None.

15. Value for money

None.

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

1. Application No: 23/00008/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RNY8XGLYIPSO0>

17. Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)
Land and Planning Policies – Local Plan Part 2 (2020)
NPPF (2021)
Strategic Council Plan 2024-27 refresh

Contact Officer:

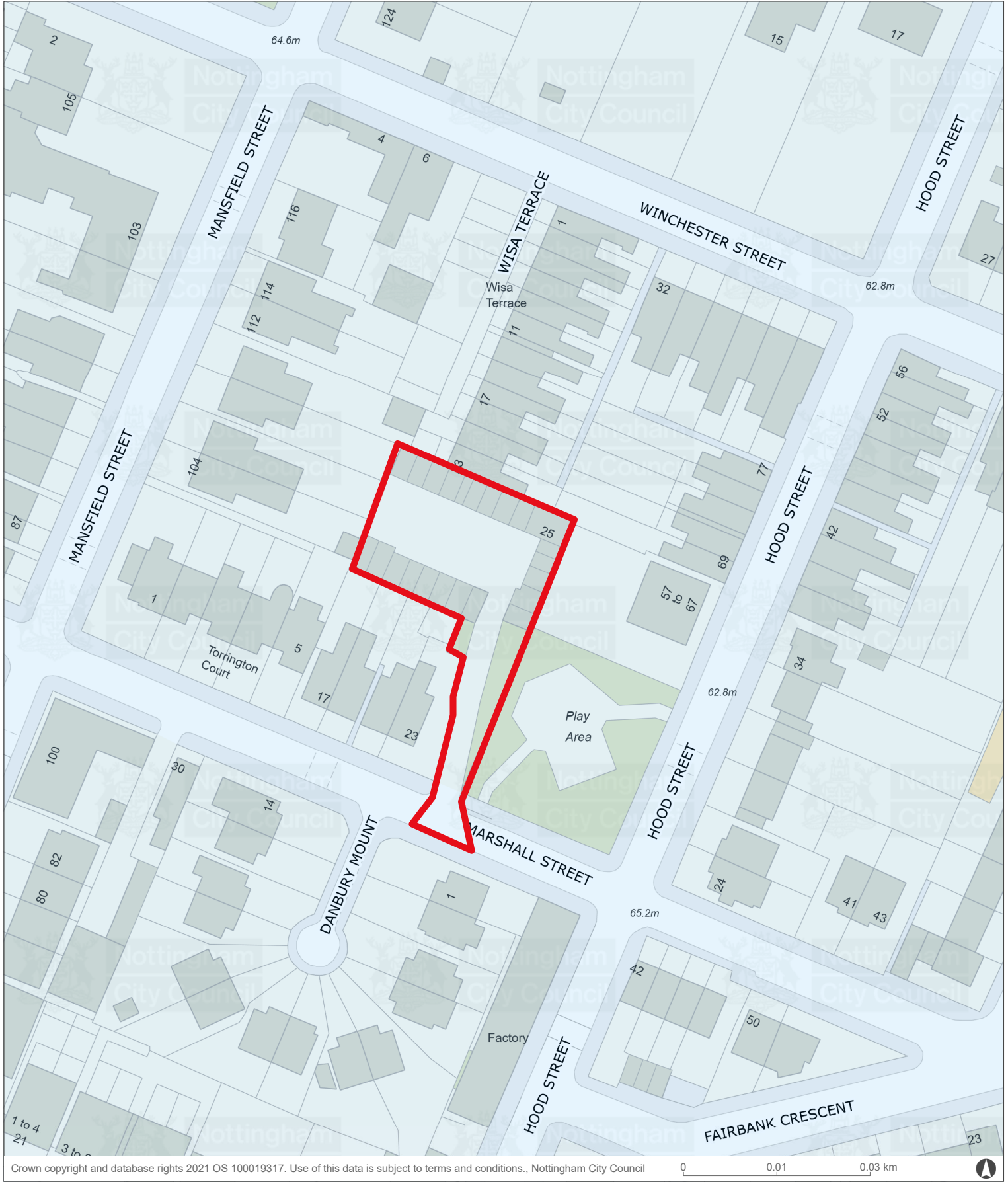
Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk Telephone: 0115 8764076

Site Location Plan

Not to scale

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0 0.01 0.03 km

Key
 City Boundary

Printed map generated by a Nomad user on 10/06/2024. This map is not suitable for publishing, for high quality maps please contact gl@nottinghamcity.gov.uk.

Description
A map printed from Nomad.

My Ref: 23/00008/PFUL3 (PP-11803073)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Mr Harry Sculthorp
12A Hartley Business Centre
Hucknall Road
Sherwood
Nottingham
NG5 1FD
United Kingdom

Date of decision:

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

Application No: 23/00008/PFUL3 (PP-11803073)
Application by: Mr Dominic Harrison
Location: Garages Rear Of 17 To 21, Marshall Street, Nottingham
Proposal: Construction of four terraced houses.

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

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



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2. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:-

- a) Details of the external materials of the buildings;
- b) Details of the enclosure of the site and plots, incorporating hedgehog-friendly design;
- c) Details of the hard surfacing of the site;
- d) Details of the design, materials and appearance of the bin stores;
- e) Details of secure cycle parking for each dwelling;
- f) Details of a scheme for the provision of swift and bat boxes within the development.

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

Reason: To ensure that the appearance of the development and its impact on neighbouring occupiers is satisfactory, in the interests of sustainable development and biodiversity enhancement in accordance with Policies 1, 10 and 17 of the Aligned Core Strategies and Policies CC1, DE1 and EN6 of the Local Plan.

3. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Provision shall be made for all site operatives, visitors and construction vehicles loading and offloading at the site during the construction period. The Plan shall also include adequate precautions to be taken to prevent the deposit of mud and similar debris on the adjacent public highway.

The development shall be constructed in accordance with the approved Plan.

Reason: To ensure that the construction of the development has an acceptable on the local highway network and neighbouring properties to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

Pre-occupation conditions

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

4. The development shall not be carried out other than in accordance with an additional Flood Risk Assessment and Drainage Strategy, taking into account the matters raised in correspondence between the Lead Local Flood Authority and CDS Consulting dated 18 October 2023. No dwelling shall be occupied until the sustainable drainage of the site has been implemented.

Reason: In the interests of sustainable development and to prevent flood risk in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Local Plan.



5. The new dwellings shall not be occupied until appropriate mitigation of ground, ground gas and groundwater contamination of the site has been fully completed. It is the responsibility of the developer to carry out this work. The mitigation shall follow the provision of a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site:
- 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.
 - e) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with contamination of the site has been fully implemented and completed.

Reason: In the interests of public health and safety in accordance with Policy IN2 of the Local Plan - Part 2.

6. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development whichever is the sooner; and
 - c) 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 that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

7. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:
- the access driveway and off-street parking spaces have been surfaced;
 - cycle and bin storage have been provided;
 - Swift and Bat boxes have been provided; and
 - the site and individual plots have been enclosed.

Reason: In the interests of the living conditions of neighbouring and future residents in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan.

Regulatory/ongoing conditions

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

8. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

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 Context Design revision B, received 22 March 2023
Elevations reference House Type revision B, received 22 March 2023

Reason: To determine the scope of this permission.

Informatives

1. 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.

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

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

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- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

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: 23/00008/PFUL3 (PP-11803073)

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

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

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,



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DRAFT ONLY

Not for issue

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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

DRAFT ONLY

Not for issue

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