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**Nottingham
City Council**

Nottingham City Council Planning Committee

Date: Wednesday, 18 December 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 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes**
 - a Of the meeting held on 20 November 2024 (for confirmation) 3 - 8**
 - b Of the amended minutes of the meeting held on 23 October 2024 (for confirmation) 9 - 12**
- 4 Planning Applications: Reports of the Director of Planning and Regeneration**
 - a Island Quarter Development Site City Link Nottingham 13 - 38**

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 Loxley House, Station Street, NG2 3NG, on 20 November 2024 from 2.00 pm - 2.44 pm

Membership

Present

Councillor Leslie Ayoola (Chair)
Councillor Kirsty L Jones (Vice Chair)
Councillor Graham Chapman
Councillor Imran Jalil
Councillor Anwar Khan
Councillor Gul Nawaz Khan
Councillor Zafran Khan
Councillor Pavlos Kotsonis
Councillor Sam Lux
Councillor Samina Riaz

Absent

Councillor Kevin Clarke
Councillor Sam Harris
Councillor Faith Gakanje-Ajala

Colleagues, partners and others in attendance:

Laura Alvarez - Senior Principal Heritage and Urban Designer
Mike Carey - Governance Officer
Jennifer Curry - Senior Planning Officer
Matt Gregory - Greater Nottingham Planning Manager
Matt Ralfe - Interim Head of Development Management
Tamazin Wilson - Solicitor

29 Apologies for Absence

Councillor Kevin Clarke - work commitments.

30 Declarations of Interests

None.

31 Minutes

The Committee requested corrections to Minute 25 for the meeting held on 23 October 2024.

32 Greater Nottingham Strategic Plan Publication Draft 2024

Matt Gregory, Head of Planning, Strategy and Building Control, presented the report on the Greater Nottingham Publication Draft Strategic Plan (the plan') which has already been presented to Executive Board and is open for consultation until 16 December 2024. The following points were highlighted:

- (a) Executive Board is responsible for adopting the plan, but as part of the consultation stage it is presented to the Planning Committee for comments.

The plan has been produced through a partnership between Nottingham City, Broxtowe Borough, Gedling Borough, and Rushcliffe Borough Councils. After several rounds of consultation, the process for agreeing the plan is at the Regulation 19 pre-submission stage, the formal consultation before the plan is submitted to the Secretary of State for examination along with all representations made;

- (a) policies in the plan are presented according to four themes: Sustainable Growth, Places for People, Our Environment, and Making It Happen;
- (b) compared to the Greater Nottingham Aligned Core Strategies document from 2014, the plan has a stronger focus on urban living and urban development, but not at the expense of quality of life. There is a stronger promotion of blue-green infrastructure, alongside or enhanced through new development, and more emphasis on climate change. In terms of spatial strategy, the plan aims to build on existing infrastructure rather than providing new settlements requiring a new range of infrastructure. The plan promotes 'compact development', which enables people to access services and facilities locally, within walking distance;
- (c) for the first time, as part of Policy 1 related to climate change and carbon neutral development, the plan sets a standard for improving emissions rates in new developments above current building regulations;
- (d) the spatial strategy shows where development is anticipated. There are not a lot of new sites in the plan, and none in the city boundary. However, the plan for Broad Marsh has changed substantially since there is no prospect of the site returning to its previous retail use;
- (e) the plan sets a housing target of nearly 55,000 new homes across the four authority areas up to 2041, with 26,690 of those to be delivered in the city. That is a challenging target, and is in the upper regions of what has been achieved in recent years, but is right for the city to address housing issues and drive regeneration;
- (f) in terms of employment, the plan is informed by the D2N2 Local Enterprise Partnership (LEP) Strategic Economic Plan and plans to meet the most ambitious scenario outlined by the LEP. The function has now been taken over by the East Midlands Combined County Authority (EMCCA), but they have not yet produced a new economic strategy. Significant new office space is planned for (particularly in the city), as well as industrial and warehousing space (mainly in Rushcliffe), and logistics and strategic distribution space. The plan identifies important strategic development sites to strengthen and diversify the local economy, building particularly on the science and knowledge-based sectors;
- (g) the Places for People and Our Environment sections include policies on the natural environment, enhancing biodiversity, protecting and enhancing heritage assets, and making the best of environmental assets. These are an important strand of policy to sit alongside the growth elements of the plan, to

ensure sustainable development and good growth rather than just growth, creating places that people will enjoy living in;

- (h) the Making It Happen section looks at infrastructure developments through S106 contributions and particular strategic allocations, with 500 homes being used as a benchmark for what is identified as a strategic site. For Nottingham City these are the former Stanton Tip, Broad Marsh, and the Boots site. Other sites will be developed through the subsequent Local Plan;
- (i) the consultation closes on the 16 December 2024 at 5pm. Committee Members and members of the public are urged to access the plan through the Greater Nottingham Planning Partnership website and to contribute to the consultation.

In the discussion which followed, and in response to questions from the Committee, the following points were made:

- (j) individual members complimented numerous aspects of the plan, including:
 - i. the focus on creating balanced communities, with appropriate balance between the transient and the permanent, to create communities that are stable but not fixed;
 - ii. the strength of the plan on sustainability, biodiversity and ecology;
 - iii. the ambition to set the housing target above the government assessment, as a crucial factor in economic development;
 - iv. setting building emissions standards higher than current building regulations;
 - v. the strong focus on local centres and particularly Nottingham City centre, as sites of economic development, leisure, and culture;
 - vi. the approach to transport, and developer contributions to infrastructure;
 - vii. the strategic allocation sites, particularly the plans for Broad Marsh;
 - viii. securing cooperation among the involved local authorities to create a cohesive plan;
- (k) there are references to affordable housing for older residents and other specialist housing for residents with particular needs and disabilities, including in Policy 8 and Policy 19. This could be strengthened to reflect the pressure to secure housing that accommodates a rising older population. The plan could make links to the Market Position Statement developed by Nottingham City's Adult Social Care department, and Priority 4 in Nottingham's Housing Strategy, 'Homes fit for the future';
- (l) in line with the ambition to increase the housing stock in the city given the constricted space, there could be more attention to tall buildings in the plan. 'Tall buildings' are referenced in Policy 6, but there are other opportunities throughout the document to use and explain the term;
- (m) there are potential risks in the plan for the City Council, including:
 - i. having lots of family housing situated on the outskirts may promote the drift of families out of the city;

- ii. potential lack of transport links to new developments like the Stanton site by junction 25. Without strong transport links, the city may miss retail trade and job opportunities;
- iii. there is a concern that development might be hampered by tight green conditions, which would impact on developer contributions and may put other aspirations at risk.

In light of these and other potential risks, a City Council-specific risk analysis would be welcome; similarly, it would be useful to establish a City-specific set of priorities, which could be achieved through the Local Plan or through side policies;

- (n) the plan may be presented to the Committee a further two times before implementation: firstly, if changes are made before the examination in response to this consultation period, and secondly, to report on main modifications that are proposed during the examination period. A City-specific risk assessment and analysis of the City's priorities will be presented to the Committee alongside one of these reports, to ensure the Committee retains oversight of the risk assessment process;
- (o) in Nottingham, the Local Plan currently includes the Aligned Core Strategies (Part 1), which sets the high level strategy for the Greater Nottingham area, the Nottingham Local Plan (Part 2), Land and Planning Policies Development Plan (LAPP), which sets out site allocations and Development Management policies, the Waste Core Strategy, which is currently being updated in cooperation with Nottinghamshire County Council, and other supplementary documents. Planning decisions are made considering all documents comprising the Local Plan. When finalised, the plan will replace the Aligned Core Strategies document as part of the Local Plan;
- (p) at the moment, the authority does not have any policy basis to refuse development which does not have desired sustainability credentials, as there is no policy in the Aligned Core Strategies document or the LAPP which enables this. The plan does include a specific policy on sustainability so, if adopted without amendment, this may be given weight in decisions once in force, taking the Development Plan as a whole and other material considerations into account which may balance against the policy;
- (q) 'value engineering' to promote objectives like flood resilience and a stronger green policy through development can be complex. Sometimes, permission is granted for plans that include these elements and later the developers will argue that they have become unviable. These arguments must be assessed on their merits and sometimes scaling back must be accepted pragmatically, but the existence of specific policies in the plan does give more weight to these objectives in negotiations with developers;
- (r) as well as encouraging high standards, it is important to ensure the city has future-resistant homes, which can be adaptable as residents age and needs change. The plan promotes resilience through climate change policies which mean developments are operationally carbon neutral and which will significantly reduce bills, and the plan stipulates that all new dwellings should

not only meet national space standards but be adaptable to meet future needs. There are three recognised levels of accessibility – visitable dwellings M4(1), accessible and adaptable dwellings M4(2), and wheelchair user dwelling M4(3). Currently most dwellings are M4(1) standard, but the Policy 8 determines that all new dwellings should comply with M4(2);

- (s) modern methods of construction (MMC) may become more important over time, depending on how the housing market develops. The decision to use MMC cannot be set in planning policy. When using modern methods, factory sites are needed close to the development sites, and while the city does not have much land available for industrial use, there is land available for this purpose in the boroughs;
- (t) there are no plans to alter the green belt boundary in Nottingham City, but there are limited proposals to alter it in the boroughs. The majority of the land included in the plan already has planning permission or is being brought forward from previous plans, so those decisions have largely already been taken.

Resolved to note the Draft Greater Nottingham Strategic Plan (as appended to the report) and for members to submit any further comments through the consultation.

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Nottingham City Council

Planning Committee

Minutes of the meeting held at Loxley House, Station Street, NG2 3NG, on 23 October 2024 from 2.02 pm - 2.50 pm

Membership

Present

Councillor Leslie Ayoola (Chair)
Councillor Kirsty L Jones (Vice Chair)
Councillor Kevin Clarke
Councillor Sam Harris
Councillor Imran Jalil
Councillor Pavlos Kotsonis
Councillor Sam Lux

Absent

Councillor Graham Chapman
Councillor Faith Gakanje-Ajala
Councillor Anwar Khan
Councillor Gul Nawaz Khan
Councillor Zafran Nawaz Khan
Councillor Samina Riaz

Colleagues, partners and others in attendance:

Councillor Dr Nayab Patel - Ward Councillor for Sherwood
Mark Leavesley - Governance Officer
Tahira Lee - Solicitor
Rob Percival - Area Planning Manager

24 Membership

Noted.

25 Apologies for Absence

Councillor Chapman) personal
Councillor G Khan)
Councillor Z Khan)
Councillor A Khan) leave
Councillor Riaz)

26 Declarations of Interests

None.

27 Minutes

The Committee agreed the minutes of the meeting held on 18 September 2024 as a correct record and they were signed by the Chair.

28 23A Private Road, Nottingham, NG5 4DD (2x applications)

Prior to consideration of the items, Councillor Dr Nayab Patel addressed the Committee in her capacity as a ward councillor and, following a short video shown to the Committee, made the following comments:

- a) I am here to reiterate and represent residents' objections to the application, the video shown was for a better understanding of the situation, and the main focus of objecting to the road adoption by 23a Private Road is one of safety for road users;
- b) as seen in the video, the area in question is at the top of a hill on a blind corner where Mapperley Street, Hood Street and Crich View meet, along with two existing driveways;
- c) Mapperley Street is effectively a single lane road because one side is used by parked cars, as is the case with many roads in Sherwood. The unadopted triangle of land is used as a passing point multiple times a day, with vehicles meeting at the top of Mapperley Street reversing into it. Without this access, the corner would become extremely dangerous as vehicles would need to reverse uphill around a blind corner where three roads meet;
- d) as stated in the report, Paragraph 135 (f) of the National Planning Policy Framework (NPPF) states that *'planning policies and decisions should ensure that developments 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'*. This development fails on that measure as it will create an unsafe place for existing road users;
- e) further, the NPPF also states in Paragraph 116 (a) *'Applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas'*. The removal of a passing point compromises pedestrian safety, especially in a residential area where children live and play;
- f) Policy TR2 of the Nottingham Land and Planning Policy (LAPP) states that *'Planning permission will not be granted for developments which would prejudice the efficient and safe operation of the existing highway network'*. The proposed development limits access and reduces safe manoeuvring space, especially for large vehicles such as delivery trucks and emergency services. This will have a detrimental impact on highway safety, regardless of whether the triangle of land itself is adopted highway or not;
- g) residents would like to know why safety implications of the development have not been duly considered, as required by the NPPF and Nottingham's own LAPP, and the balance seems to be in favour of granting planning permission when (a) the majority of Mapperley Street has raised valid safety concerns due to their lived experience, which appear to have been ignored, (b) 23a Private Road already has planning permission for a detached property containing two parking spaces within its boundary, meaning this development is not needed for that purpose, and (c) maintaining the status quo (i.e. do not do anything and leave the area as unadopted) would ensure safety for all road users - how can the benefit of one be to the detriment of the many?;

- h) Mapperley Street is one of the oldest roads in Sherwood and has been in existence for over 150 years. There are residents who have lived there for over 40 years, and no one was aware of the concept of 'adopted highways' up until recently, let alone knew that part of the street was unadopted. It has been used regularly by all traffic, not just Mapperley Street residents, for over a century, and should therefore be maintained as a right of way through long use;
- i) I would urge the committee to listen and act upon residents' legitimate concerns.

Rob Percival, Area Planning Manager, presented applications by Michael Flint-Bush for use of unadopted adjacent land as follows:

- j) 23/01000/PFUL3 - as an extension to a driveway, including construction of facing brick and cast iron boundary wall (maximum height 2.4m), incorporating pedestrian and vehicular gate, with border hedge planting;
- k) 23/01001/PFUL3 - to be maintained as an extension to outdoor amenity space and construction of close boarded timber fencing to existing shared boundaries where required.

A presentation was made, which included photos of the roads area and, in the discussion which followed, the following points were made:

- l) applications such as these would not normally be brought to Committee, however, as there is significant local interest in the applications, a Committee decision was requested;
- m) planning permission was granted in 2021 (reference 21/00322/PFUL3) for the construction of a new dwelling on the land, which forms the continuation of Mapperley Street to the north of the site;
- n) the applications today are for access to, and to form the outdoor space (garden area) for, the new dwelling;
- o) there is no public right of way or adopted highway in respect of the proposed area;
- p) the applicant has shown due diligence in the search for any owners of the land, and, to date, none have been found or come forward.

Resolved, in respect of both applications, to grant planning permission subject to conditions substantially in the form of those listed in the draft decision notice at the end of the report, with power to determine the final details of the conditions delegated to the Director of Planning and Transport.

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Wards Affected: Castle (May 2019)

Item No:

Planning Committee

Report of Director of Planning and Transport

Island Quarter Development Site, City Link

1 Summary

Application No: 24/00281/PFUL3 for planning permission

Application by: Axis on behalf of Conygar Nottingham Ltd

Proposal: Construction and operation of Purpose-Built Student Accommodation (PBSA) and associated hard and soft landscaping, foul and surface water drainage and utility infrastructure. Phase 2B of the Island Quarter.

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

To meet the Council's Performance Targets this application should have been determined by 16th April 2024. An extension of time has been agreed to cover the period until determination, including the completion of the S106.

2 Recommendations

2.1 To **GRANT PLANNING PERMISSION** for the reasons set out in this report, subject to no material objections being raised by the Environment Agency and the following:

(i) prior completion of a Section 106 Planning Obligation to secure the following:

- a financial contribution of £856,186 towards affordable housing in lieu of on-site provision;
- a financial contribution of £517,842 towards the provision or enhancement of off-site Public Open Space or Public Realm, in lieu of on-site provision;
- Local Employment and Training opportunities, including a financial contribution of £124,514
- 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

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

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

- 3.2 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 Background

- 3.1 The application relates to the south eastern corner of the wider Island Site and is bounded by the Phase 2A purpose built student accommodation (PBSA) scheme (Winfield Court) to the north, Manvers Street to the east and City Link to the south. The site is currently free from built development having been cleared of site management facilities following the completion of Phase 2A.
- 3.2 The application site falls within the defined city centre area of the adopted Land and Planning Policies Development Plan Document - Local Plan Part 2 (LAPP) and the defined Canal Quarter/Creative Quarter area of overlap. It also forms part of the larger Island Site allocation for mixed-use development (Site Ref: SR59 - Canal Quarter - Island Site).
- 3.3 In its association with the larger Island Site, which is also within the applicant's ownership, the application site has a varied planning history reflecting various phases of piecemeal development. However, most relevant to this application is the Outline Planning Permission granted for the large-scale mixed-use redevelopment of the Island Site on 1 June 2020 (under planning reference 18/01354/POUT). This permission included floorspace allowance for PBSA.
- 3.4 Phase 2A of the Island Quarter Development is a PBSA scheme which stands to the north of the current application site. The scheme was approved in September 2021 under planning permission reference 21/01032/PFUL3 and the building is now completed and occupied.
- 3.5 The current application represents the second phase of this PBSA development (phase 2B) and like phase 2A, is intended to respect the design principles and concepts established as part of the outline planning application process.

4 Details of the proposal

- 4.1 The application, as amended, proposes PBSA comprising 394 student bedspaces arranged within a 'V' shape building split into 4 adjoining 'blocks' of between 7 (G + 6) and 11 (G + 10) storeys. The building would stand at the back edge of City Link and Manvers Street with a private courtyard to the rear. A pedestrian link from the wider site to Manvers Street would be provided between phases 2A and 2B.
- 4.2 Of the 394 bedspaces proposed, 313 of these would be provided within cluster flats and the remaining bedspaces within single occupancy studios.
- 4.3 The building height, massing and design have evolved considerably through an extensive negotiation.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

174 Neighbouring properties were notified by letter, site and press notices published. The overall expiry date was 08.04.2024.

Two representations from neighbouring residents have been received which raise objection to the construction of a 10 storey high building as it would result in overbearing impact, loss of privacy and impact upon views for occupiers of properties on Newark Crescent.

The Nottingham Civic Society (regarding the initial scheme) objected to the height of development fronting Manvers Street and facing towards Sneinton. At ten and eleven storeys high, the densely aligned blocks of student accommodation conflict with the advice in the Adopted City Centre Urban Design Guide which recognised that taller new buildings within the 'Tall Buildings' Zone' should not only be reduced in height on the edges adjoining traditionally scaled residential areas, but should also avoid presenting a solid wall of development to these communities. The combination of the tall buildings already under construction as phase 2A of the Island Quarter, with the height and solidity of this phase 2B scheme, would result in Sneinton residents in Manvers Street experiencing the overbearing effect of the continuous wall of towering buildings.

In addition, too little space is being left undeveloped facing Manvers Street to allow for sustainable tree and shrub planting, as only six small trees are proposed in the landscaping scheme for this main road approach to the development. The trees are to be positioned close to the tall buildings, so they are unlikely to thrive or to have a significant mitigating effect on the dominating appearance of the buildings. Whilst more generous landscaping is proposed within the Island Quarter as part of this development, the landscaping supporting the outward-facing public realm in Manvers Street looks meagre and should be supplemented to enhance the scheme's appearance in its wider context.

The University of Nottingham raised objection to original proposals for a mix of 70% clusters and 30% studios.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection. Standing advice to cover conditions relating to ground, groundwater and ground gas contamination, an environmental noise assessment and sound insulation scheme, ventilation and noise from plant equipment.

Environment Agency: Awaiting response

Highways: No objection. Conditions relating to Construction Traffic Management, vehicular access, street furniture, refuse collection, travel packs and cycle parking are recommended.

City Archaeologist: no objection. Recommends a condition requiring submission of a programme of archaeological work including a Written Scheme of Investigation, prior to the commencement of development.

Drainage: Submitted Drainage Strategy is acceptable. Detailed drainage designed should be required by condition.

Carbon Neutral Policy Team: Lots of positive elements noted and the Team

support this scheme. Substandard cycle parking and no native species within landscaping scheme are noted.

6 Relevant policies and guidance

National Planning Policy Framework (2023)

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, beautiful 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.

Aligned Core Strategies

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 17: Biodiversity

Policy 19: Developer Contributions

Land and Planning Policies Development Plan Document - Local Plan Part 2

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy DE2: Context and Placemaking

Policy EE4: Local Employment and Training Opportunities
Policy EN2: Open Space in New Development
Policy EN6: Biodiversity
Policy EN7: Trees
Policy HE1: Proposals Affecting Designated and Non- Designated Heritage Assets
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 IN2: Land Contamination, Instability and Pollution
Policy IN4: Developer Contributions
Policy RE2: Canal Quarter (overlap)
Policy RE3: Creative Quarter (overlap)
Policy SA1 - Site Allocations (SR59: Canal Quarter - Island Site)
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)

Island Site Nottingham Supplementary Planning Document (April 2016) – provides guidance for the delivery of a high quality mixed use development to bring this brownfield site back into use. Development should incorporate office, leisure and residential uses (including student accommodation), providing employment opportunities and enhancing footpaths and cycle routes to improve connectivity with the city centre.

7. Appraisal of proposed development

Main Issues

- (i) Principle of student accommodation and impact of the use
- (ii) Scale, layout and design, impact upon the amenities of neighbouring occupiers and the quality of accommodation for future occupiers
- (iii) Landscaping, public realm and cycle parking

Issue (i) Issue (i) Principle of student accommodation and impact of the use (ACS Policy 5, LAPP Policies RE2, RE3, HO5, HO6, IN2 and SA1 and the Island Site SPD)

- 7.1 The application site is part of an allocated larger development site in the LAPP (Policy SA1, Site Ref: SR59 - Canal Quarter - Island Site), to comprise a mix of residential, commercial, education and leisure uses. The development principles to be applied to this allocation refer to the need for a comprehensive masterplan to enable the accelerated delivery of an attractive mixed use community, to include new open space and cycling and walking routes linking to the surrounding area. Policy RE2: Canal Quarter also repeats the need for a mixed use community in line with an agreed masterplan.

- 7.2 Whilst the development being proposed by this application is independent of the previously granted outline planning permission, the applicant has stated their commitment to the design principles that were established as part of the outline planning process, in accordance with Policy SA1 of the LAPP and the Island Site Supplementary Planning Document.
- 7.3 The application site is located in the City Centre and within convenient distance of the Nottingham Trent University campus (including Confetti on Lower Parliament Street/Huntingdon Street), City Centre amenities and public transport routes to the University of Nottingham's Highfields and Jubilee campuses. Policy 5 of the ACS also supports City Centre living initiatives including student housing where appropriate.
- 7.4 Policy HO5 of the LAPP acknowledges that PBSA of an appropriate scale and design will be encouraged within the City Centre boundary, subject to accordance with site and area specific policies.
- 7.5 Policy HO6 of the LAPP states that planning permission will be granted for purpose built student accommodation where this does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. In assessing the development's impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard is to be given to a range of criteria including student concentration, but with exceptions being made for those sites within areas identified in Policy HO5 where new PBSA is to be encouraged. The application site, being within the City Centre, complies with this exception and is therefore considered to be appropriate in principle for this development, in accord with Policies HO5 and HO6 of the LAPP. PBSA is also compatible with the Canal (RE2) and Creative (RE3) Quarter policies.
- 7.6 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. The strategy to meet this on-going supply has been to focus upon the provision of high quality PBSA within the City Centre and other appropriate locations, to attract students that would otherwise occupy traditional on-street housing.
- 7.7 The previously granted outline planning permission for the Island Site makes provision for up to 27,030 sq m of student accommodation (totalling 666 units) within the total quantum of floorspace allowed. The principle of accommodating large scale student accommodation provision has therefore already been reviewed and accepted. It is acknowledged that the number of bedspaces in the current proposal, when added to the existing 693 bed spaces within Phase 2A, is greater than that in the Outline permission, but given that this is contained within the same area of the site and will be subject of a Student Management Scheme, this is considered acceptable.
- 7.8 The layout and mix of studio and cluster flat accommodation has been revised to increase the number of cluster flats. As amended, the provision would achieve the target ratio of 80:20 (with the greater number being clusters) as set out within the Student Living Strategy, thus overcoming the University of Nottingham's initial objection.
- 7.9 Whilst the potential for antisocial behaviour will always exist in student

developments of the scale being proposed, a student management plan is a requirement of the S106 agreement. This would include a commitment for an operator to work proactively with the local community, including 24 hour on-site management and community liaison. It is also considered that such on-site management would be capable of ensuring responsible behaviour within the communal courtyard space to be provided within the scheme.

- 7.10 Restrictions on keeping private vehicles within the city would also be applied and has been a proven deterrent to the potential impact of car parking associated with students. Cumulatively these student management measures would minimise any impact of the proposed PBSA on the local community, in accordance with Policy HO6 of the LAPP.
- 7.11 Accordingly, it is concluded that the proposed scheme complies with Policy 5 of the ACS and Policies RE2, RE3, HO5 and HO6 IN2, and SA1 of the LAPP.

Issue (ii) Scale, layout and design, impact upon the amenities of neighbouring occupiers and the quality of accommodation for future occupiers (ACS Policy 10, LAPP Policies DE1, DE2 and SA1)

- 7.12 The masterplan approved as part of the outline planning permission for the wider Island Site is continuing to evolve through ongoing discussions with the developer. This design evolution has seen a greater importance given to the value of public realm, green space and connectivity. As a result, the arrangement and footprint of the PBSA has changed from that approved under the previous outline permission. This second phase of the PBSA responds to the existing and proposed development on this part of the Island Quarter in terms of its layout, scale, height and mass, and would create improved connectivity within and beyond the site. The development would also provide a good standard of living environment for students in terms of the indoor and outdoor amenity space.
- 7.13 In the City Centre Urban Design Guide the site forms part of a zone of reinvention, and is also within the Tall Buildings zone at its easternmost edge, in close proximity to a site identified for a taller building. The height of the buildings proposed is therefore felt to be appropriate and justified. The Civic Society's comments are noted in relation to the guidance in the City Centre Design Guide. However, it is considered that the location of the site in the Tall Buildings Zone, the relationship with former industrial buildings opposite, the higher ground levels of Newark Crescent, and the character of Manvers Street (a wide arterial route into the City Centre), provides an appropriate context for buildings of the height proposed. The concerns raised by local residents are also noted. However, the nearest properties on Newark Crescent are approximately 50m distant and at an elevated ground level on the opposite side of Manvers Street. As such, it is not considered that the development would have any significant impact upon the amenities of the occupiers of these properties.
- 7.14 The proposed buildings would sit comfortably against the recently completed phase 2A scheme, defining the periphery of the wider Island site along the Manvers Street frontage. The changes to the design and massing of the building on the south eastern corner, particularly the introduction of a curve and improved articulation between the adjoining 'blocks', would be an appropriate response to the prominence of this site when approaching from the south.

- 7.15 The palette of materials has been simplified to include contrasting brickwork; a condition would be added requiring a sample panel of materials to be agreed prior to their use.
- 7.16 Rooms within the accommodation and the communal areas, both internal and external, are of a generous size and an acceptable level of outlook is provided throughout, offering a good quality living environment for future occupiers.
- 7.17 In view of the above it is considered that the development proposed complies with Policy 10 of the ACS and Policies DE1, DE2 and SA1 of the LAPP.

Issue (iii) Landscaping, public realm and cycle parking (Policies DE1, DE2, EN7 and TR1 of LAPP)

- 7.18 The overall objective for the Island Quarter is to achieve a coherent, high quality, attractive, clutter-free and safe public realm environment. The proposed PBSA scheme will include a pedestrian link between phases 2A and 2B and amendments have been secured to improve the interface with Manvers Street, where enhanced landscaping would create a buffer between the public footway and the building. Landscaping along the City Link frontage has also been improved with additional planting and trees added.
- 7.19 Landscaping proposals are considered to be broadly acceptable however, a full landscaping scheme is to be requested by condition. A condition requiring the submission of an Arboricultural Method Statement in relation to the protection of street trees during construction, is recommended. It is considered that the proposals comply with Policies DE1, DE2 and EN7 in this regard.
- 7.20 Current NCC standards for student accommodation stipulate a minimum of 1 cycle parking space per 4 bedrooms, plus 1 space for visitors for every 5 beds. The current scheme provides 98 spaces within the integral secure cycle parking area. This is sufficient for occupiers but represents a shortfall of 78 spaces for visitors. This has been raised with the applicant and an update will be provided in advance of the Committee meeting.

Other Matters

Flood risk and drainage (Policy 1 of the ACS, Policy CC3 of the LAPP)

- 7.21 The site is located within Flood Zone 1 in accordance with the Environment Agency Flood Map. The Environment Agency (EA) have been consulted but their response has not yet been received. The EA did not object to phase 2A and as such it is not anticipated that any significant objection would be raised in relation to the current application. A summary of any comments from the EA will be provided in advance of the Committee meeting.
- 7.22 A sustainable surface water drainage strategy has been provided and reviewed by the Council's drainage team, who consider the proposals to be satisfactory. A condition requiring details of the design and associated management and maintenance of the drainage proposals is recommended. Subject to condition, and assuming no significant issues are raised by the EA, it is considered that the development complies with Policy 1 of the ACS and Policy CC3 of the LAPP.

Contamination (Policy IN2 of the LAPP)

7.23 Contaminated land reports have 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 in this regard.

Planning obligations (Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP, the Open Space SPD, Affordable Housing Contributions arising from Student Accommodation SPD)

7.24 A policy compliant planning obligation for the proposed development is required to provide the following contributions, totalling £1,487,849:

- Affordable Housing - £856,186
- Public Open Space - £ 517,842
- Local Employment and Training - £124,514

7.25 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.

7.26 The applicant has committed to meet the above obligations and the recommendation to grant planning permission is subject to completion of the associated s106 agreement. The proposed development therefore complies with Policy 19 of the ACS, Policies IN4, HO3, EN2 and EE4 of the LAPP, and the Open Space SPD.

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

7.27 The site is within an Archaeological Constraints Area and accordingly, the application is accompanied by an Archaeology and Cultural Heritage Impact Assessment. This identified the potential for harmful contamination, including cyanide, within the deposits in which archaeological remains may survive. As such, conventional archaeological evaluation would not be possible and in this case a purposive borehole survey will provide details of deposits of potential palaeoenvironmental interest.

7.28 The City Archaeologist has been consulted and recommends a condition requiring the submission of a programme of archaeological work including a Written Scheme of Investigation, prior to the commencement of development. The proposal therefore complies with Policy 11 of the ACS and Policy HE1 of the LAPP.

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

8.1 The application is subject to mandatory Biodiversity Net Gain Requirements as set out within Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) which require the developer to deliver a minimum of 10% Biodiversity Net Gain (BNG), measured in units (habitat, hedgerow and watercourse).

8.2 The application is supported by a statutory BNG metric which demonstrates that the

scheme would increase habitat units on the site by 0.38, which equates to a Net Gain of 473.57%. As the delivery of the units is to be on site, this can be secured by condition. The proposal therefore complies with Policies A and 17 of the ACS, Policies CC1, CC3, EN6 of the LAPP and the Biodiversity SPD.

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

Building

- Betterment (%) above Building Regulations – The scheme will achieve 51% betterment above part L Building Regulations
- BREEAM rating - Excellent
- Renewable / low carbon energy – Heating and Hot Water to be via Air Source Heat Pumps.
- *Photo Voltaic Panels* – 190sqm
- SUDs / water re-cycling – 39.3m³ of storage (SuDs) is to be provided for surface water attenuation
- Reduced water consumption - Water consumption is to be reduced to 110 litres per person/per day or less, through use of low flow sanitaryware, in line with Policy CC1 of the LAPP.

Transport

- Number of parking spaces – None (car free)
- Number of EVCPs – N/A
- Number of cycle parking spaces – 98 (currently under review)

Waste

- Re-cycling facilities - Refuse store to be provided with 28no. 1100L bins, with an appropriate proportion of these being for recycling.

9 Financial Implications

Financial contributions detailed above are in accordance with Policy 19 of the ACS and Policies IN4, HO3, EN2 and EE4 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 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 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: 24/00281/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9569ALYH1X00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

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

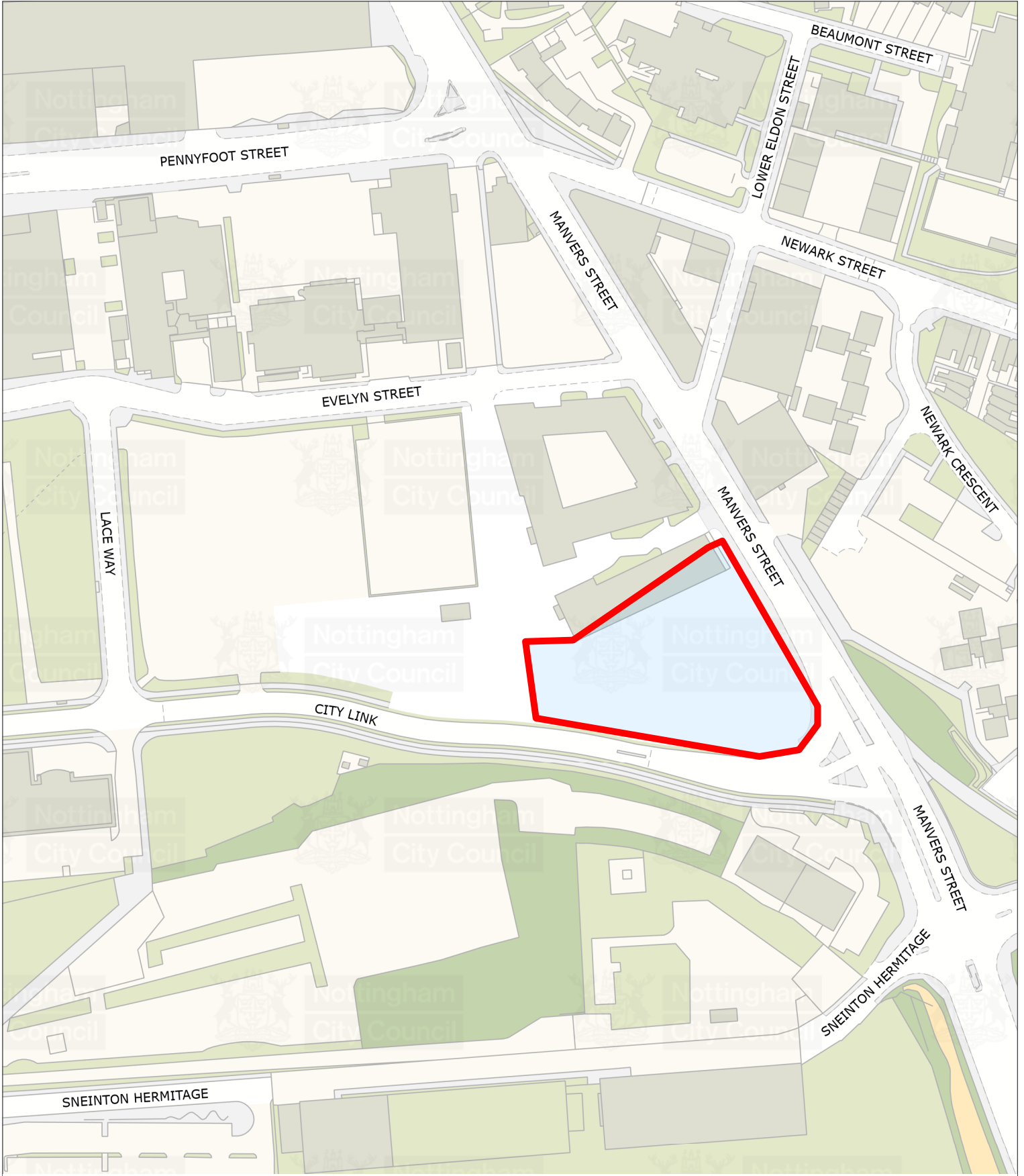
Affordable Housing Contributions arising from Student Accommodation (2021) SPD

Island Site Nottingham Supplementary Planning Document (April 2016)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

Email: zoe.kyle@nottinghamcity.gov.uk. Telephone: 0115 8764059



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0 0.04 0.08 km

Key
 City Boundary

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Description
A map printed from Nomad.

My Ref: 24/00281/PFUL3 (PP-12743682)
Your Ref:
Contact: Mrs Zoe Kyle
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

Axis
FAO Mr David Jones
Camellia House
76 Water Lane
Wilmslow
SK9 5BB

Date of decision:

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

Application No: 24/00281/PFUL3 (PP-12743682)
Application by: Conygar Nottingham Ltd
Location: Island Quarter Development Site, City Link, Nottingham
Proposal: Construction and operation of Purpose-Built Student Accommodation (PBSA) and associated hard and soft landscaping, foul and surface water drainage and utility infrastructure. Phase 2B of the Island Quarter.

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)



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DRAFT ONLY
Not for issue

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Continued...

2. Prior to the commencement of the development, the following components to deal with the risks associated with ground and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority.
- a) Drawings of how the gas protection measures will be included within the building design must be submitted for approval prior to building commencing on site
 - b) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works agreed upon 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 adequate gas protection measures are implemented in accordance with Policy IN2 of the of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

3. A) No demolition/development shall take place/commence 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.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) 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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy HE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

4. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the CTMP shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of neighbouring developments in accordance with Policy 10 of the Aligned Core Strategies.

5. Prior to the commencement of above ground development details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- (i) a sample panel which shall be made available on site for inspection,
- (ii) specifications of all façade materials to be accompanied by 1:5 or 1:10 details annotating depths of reveals and treatment of material interfaces

Thereafter, the development shall 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 Aligned Core Strategy and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

6. Prior to the commencement of above-ground development a full detailed landscaping scheme, including specification of all hard and soft surfaces and 1:5 details in plan and cross section including full specifications of planting edges, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme unless varied with the prior written consent of the Local Planning Authority.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategies (2014) and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

7. Notwithstanding the submitted details, prior to the commencement of development a detailed Surface Water Drainage Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details for the management and maintenance of surface water drainage provision. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure adequate surface water drainage and ongoing maintenance in accordance with Policy 1 of the Aligned Core Strategies and Policy CC3 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

8. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include the following:
- (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in the interest of safeguarding interests of nature conservation in accordance with Policies 10 and 17 of the ACS and Policies DE1, EN6 and EN7 of the LAPP.

9. Unless otherwise agreed in writing by the Local Planning Authority, No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures for the Street Trees in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy EN7 of the Local Plan.

Pre-occupation conditions

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

10. Prior to the first occupation of the development, notice in writing shall be given to the Local Planning Authority when:
- (a) the HMMP has been implemented;
 - (b) the habitat creation and enhancement works set out in the approved HMMP have been completed.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in the interest of safeguarding interests of nature conservation in accordance with Policies 10 and 17 of the ACS and Policies DE1, EN6 and EN7 of the LAPP.

11. The development hereby permitted shall not be occupied until:

- (a) the habitat creation and enhancement works set out in the approved [HMMP] have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in the interest of safeguarding interests of nature conservation in accordance with Policies 10 and 17 of the ACS and Policies DE1, EN6 and EN7 of the LAPP.

12. The scheme as proposed in "Ventilation Statement" by Chord Consult dated 24/1/24 (project No.23052) shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

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

Reason: To ensure adequate ventilation to mitigate impacts on air quality in accordance with Policy IN2 of the of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

13. 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 contamination of the site has been fully implemented and completed.

Reason: To ensure that the site can be developed without health or safety risks to the environment and/or adjoining occupiers in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

14. The sound insulation and ventilation scheme shall be carried out in accordance with the approved details within "Noise Impact Assessment Island Quarter Phase 2B" by Apex Acoustics dated 7th Feb 2024 (ref 11264.1B Rev B) and "Ventilation Statement" by Chord Consult dated 24/1/24 (project No.23052) unless varied with the express written approval of the Local Planning Authority.

Prior to first occupation of the development, verification that the approved sound insulation and ventilation scheme as described in the documents submitted has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that occupants and neighbouring properties to the development do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).



15. Prior to the first operation of the development, further assessment work is required once the plant that will be used at the development is known and a sound insulation scheme based on the recommendations in the "Noise Impact Assessment Island Quarter Phase 2B" report by Apex Acoustics dated 7th Feb 2024 (ref 11264.1B Rev B) 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).

Prior to first occupation of the development, verification that the approved sound insulation and ventilation scheme as described in the documents submitted has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: To ensure that occupants and neighbouring properties to the development do not experience noise nuisance in accordance with Policy IN2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

16. No part of the development hereby permitted shall be brought into use until cycle parking spaces have been provided in accordance with the approved details.

Reason: To promote sustainable forms of transport and ensure adequate cycle parking is provided in accordance with Policy TR1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020) .

17. Prior to the occupation of the development, details of a student arrival and pick up Traffic Management Plan are to be submitted to and approved in writing by the Local Planning Authority. The plans should provide details of loading and unloading of vehicles collecting and delivering the belongings of students of the proposed development at the start and finish of each academic term.

Reason: In the interests of Highway Safety in accordance with Policy DE1 of the of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

18. Any vehicular gates or security bollards at the access points shall open inwards only or be suitable for safe retraction and physically be set back a minimum of 5 metres from the highway boundary and constructed in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (2020).

Regulatory/ongoing conditions

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



19. The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in the interest of safeguarding interests of nature conservation in accordance with Policies 10 and 17 of the ACS and Policies DE1, EN6 and EN7 of the LAPP.

20. Unless otherwise agreed in writing by the Local Planning Authority, the Biodiversity Gain Plan shall be prepared in accordance with Biodiversity Net Gain Metric completed on 14 February 2024 and prepared by A. Logan MSc MCIEEM and the supplementary Ecological Note prepared on 2 February 2024 and prepared by Avian Ecology.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in the interest of safeguarding interests of nature conservation in accordance with Policies 10 and 17 of the ACS and Policies DE1, EN6 and EN7 of the LAPP.

21. Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in the interest of safeguarding interests of nature conservation in accordance with Policies 10 and 17 of the ACS and Policies DE1, EN6 and EN7 of the LAPP.

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:
Drawing reference amended proposed site plan 04-0001 revision Rev B
Drawing reference amended proposed sections sheet 2 04-2002 revision Rev B
Drawing reference amended proposed sections sheet 1 04-2001 revision Rev A
Drawing reference landscaping 0458-SEW-ZZ-00-DR-L-000100 revision Rev 3
Drawing reference amended proposed roof plan 04-0006 revision Rev A
Drawing reference amended proposed levels 9-10 floor plan 04-0005 revision Rev A
Drawing reference amended proposed levels 7-8 floor plan 04-0004 revision Rev A
Drawing reference amended proposed levels 1-6 floor plans 04-0003 revision Rev A
Drawing reference amended proposed ground floor plan 04-0002 revision Rev B
Drawing reference amended proposed elevations sheet 1 04-1001 revision Rev B
Drawing reference amended proposed elevations sheet 2 04-1002 revision Rev B
Drawing reference amended proposed elevations sheet 3 04-1003 revision Rev B
Drawing reference amended proposed elevations sheet 4 04-1004 revision Rev B
Drawing reference amended proposed elevations sheet 5 04-1005 revision Rev B
Drawing reference amended proposed elevations sheet 6 04-1006 revision Rev B
Drawing reference amended proposed elevations sheet 7 04-1007 revision Rev B
Drawing reference amended proposed context elevations 04-1010 revision Rev B
Drawing reference amended proposed soil depth plan 0458-SEW-ZZ-00-DR-L-000102 revision Rev 2
Drawing reference amended proposed soft landscaping general arrangement 0458-SEW-ZZ-00-DR-L-000101 revision Rev 2
Drawing reference amended proposed landscape plan 0458-SEW-ZZ-00-DR-L-000100 revision Rev 3
Drawing reference site location plan 02-0001 revision Rev A

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. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a Biodiversity Gain Plan has been submitted to the planning authority, and
- the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Nottingham City Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

- The application for planning permission was made before 12 February 2024.
- The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
- The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- the application for planning permission was made before 2 April 2024;
- planning permission is granted which has effect before 2 April 2024; or
- planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

"original planning permission" means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain

Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Definition of Occupation

For the avoidance of doubt and in accordance with the definition of occupation used in the s106 legal agreement, 'occupation' of the development, as referred to in the conditions of this permission, is defined as 'occupation for the purposes permitted by the planning permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations'.

3. Air Quality

The development is located within an Air Quality Management Area declared under the provisions of Part IV of the Environment Act 1995. Air Quality Management Areas are designated where the air quality objectives as set out in the Air Quality (England) Regulations 2000 (as amended) [the Regulations] are not being achieved.

In this context an area of poor air quality means that the air quality objectives for nitrogen dioxide, as set out in the Regulations, are not being met.

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.

Groundwater contamination issues need to be raised with the Environment Agency and it is the developers responsibility to do so and ensure that any groundwater issues are dealt with.

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.

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)
 - 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.

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.

4. 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.

5. Highways

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 MAY be occurring and licences will be required. Please contact them via highway.approvals@nottinghamcity.gov.uk. All costs shall be borne by the applicant.

PREVENTION OF MUD ON THE HIGHWAY

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.

SECTION 278 AGREEMENT

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. The agreement will include details of the relocation of all street furniture affected by the development (street lighting columns, telegraph poles, street signs, cabinets etc).

The applicant is to ensure that the vehicular accesses off Manvers Street and City Link, are provided with sightlines to access, visibility splays, details related to the layout geometry with tracking, signing, lining and alterations, 'swept path analysis', Road Safety Audits I, II and III with pedestrian priority access design to the bellmouth. The access design is to ensure a tight a bellmouth as possible to ensure pedestrian movements across are a priority. The vehicular opening will need to allow for a fixed axle refuse vehicle to access and egress the site in a forward-facing gear without crossing the centre line of the carriageway. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed.

All openings shall open inwards off the adopted highway and no infrastructure shall overhang the footway without a licence and assessment of height, material and impact.

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.

NON-CAR POLICY FOR STUDENTS

All new occupants of this student development shall be discouraged from keeping a motor car within the boundary of the City of Nottingham. This is to discourage car use and promote sustainable forms of transport in accordance with Policy TR1 of Nottingham City Council Development Plan LPP2 (Jan 2020) and Nottingham City Councils Carbon Neutral Action Plan.

BUILDING WORKS SHALL NOT PROJECT OVER THE HIGHWAY

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

TRAFFIC REGULATION ORDERS (TROs)

The applicant is to ensure that TROs are implemented to support any activity on street that is impacted by the development such as loading and unloading, servicing of refuse, parent and student drop off at term time dates with all associated costs to be paid for by the applicant. In this area there may be a requirement for the applicant to pay for a residents parking scheme TRO to ensure that students at the accommodation do not cause an on street parking issue for local residents and businesses. Contact traffic.management@nottinghamcity.gov.uk

CYCLE PARKING

If the applicant requires information on cycle parking including stands and cycle maps please contact the email address requesting support: CyclingTeam@nottinghamcity.gov.uk. All associated costs for cycle storage and promotional material at the applicant's expense.

Local Transport Note 1/20 - Cycling

<https://assets.publishing.service.gov.uk/media/5ffa1f96d3bf7f65d9e35825/cycle-infrastructure-design-ltn-1-20.pdf>

WASTE COLLECTION & BIN STORE

The applicant is to provide adequate bin storage litres to accommodate the student residents and to provide for kerbside collection from an adopted highway at a suitable location. Dropped kerb access and suitable TROs are to be provided by the applicant as part of the S278 process with all costs paid for.

SUSTAINABLE TRANSPORT

For details of the Travel Plan and packs the applicant is to contact Tim Bellenger tim.bellenger@nottinghamcity.gov.uk

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.

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