



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 20 December 2017

Time: 2.30 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

Corporate Director for Strategy and Resources

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

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| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTERESTS | |
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| 4 | PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER | |
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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

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT WWW.NOTTINGHAMCITY.GOV.UK. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

NOTTINGHAM CITY COUNCIL

PLANNING COMMITTEE

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 15 November 2017 from 2.31 pm - 3.37 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cheryl Barnard
Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Michael Edwards (substitute)
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Sally Longford
Councillor Brian Parbutt
Councillor Andrew Rule
Councillor Mohammed Saghir
Councillor Malcolm Wood
Councillor Steve Young

Absent

Councillor Cat Arnold
Councillor Wendy Smith
Councillor Linda Woodings (Councillor Michael Edwards attending as substitute)

Colleagues, partners and others in attendance:

Matt Gregory - Growth Point Planning and Planning Policy Manager
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Chief Planner
Nigel Turpin - Team Leader, Planning Services
Zena West - Governance Officer
Tamazin Wilson - Solicitor

34 CHANGES TO MEMBERSHIP

RESOLVED to note:

- (1) the appointment of Councillor Barnard as a member;**
- (2) the removal of Councillor Urquhart as a substitute member;**
- (3) the appointment of Councillor Power as a substitute member.**

35 APOLOGIES FOR ABSENCE

Councillor Cat Arnold – work commitments
Councillor Wendy Smith – work commitments
Councillor Linda Woodings – work commitments (Councillor Edwards as substitute)

36 DECLARATIONS OF INTEREST

None.

37 MINUTES

The minutes were agreed as a true record and signed by the Chair.

38 PLANNING APPLICATIONS: REPORTS OF THE CHIEF PLANNER

a 109-113 AND LAND TO REAR RUDDINGTON LANE (Agenda Item 5b)

Rob Percival, Area Planning Manager, introduced application 17/01760/PFUL3 for planning permission to demolish number 111 Ruddington Lane, and the development of 21 dwellings, comprising apartments, 1, 2, 3 and 4 bedroom houses, together with groundworks, landscaping and other associated works. The application is brought to Planning Committee at the request of Ward Councillors. An update sheet was circulated in a supplementary agenda. The following points were highlighted:

- (a) there is reference in the report to an outline application given historically on the site for a slightly smaller area. In the emerging Local Plan it is an allocated housing development area, but on a slightly larger site;
- (b) Ruddington Lane recreation ground is to the north of the site, and the Compton Acres tram stop is nearby;
- (c) the proposed development is for 21 units - 12 houses and 9 flats, with a bespoke single storey unit at the entrance to the site;
- (d) the site will achieve access by removal of an existing semi-detached property on Ruddington Lane, which would make the remaining semi-detached property into a detached house;
- (e) some of the 2 storey houses use the roof space as accommodation. The apartment block is 3 storeys. There are attempts in the layout to make use of the existing track between the gardens and have properties facing onto it. At the moment it is used purely for access to the rear gardens. It will be appropriately surfaced along the stretch where the development is;
- (f) the 2 storey houses are of a comparable height and scale to existing properties on Ruddington Lane. Some units have been revised and the height brought down;
- (g) as a result of concerns raised in relation to its proximity to neighbouring properties, the single storey unit at the entrance to the site has been redeveloped. It is now an L-shaped unit orientated towards the access road, and no longer overlooks any other property's garden;

- (h) with the exception of the single storey unit, all units have pitched roofs. There is a common architectural language throughout the scheme, but with a variety of styles. The scheme includes a communal parking area;
- (i) trees will be kept in front of the apartments, with pedestrian access through the site onto Ruddington Lane from the park, the tram stop, and the cycle and footpath network beyond.

The Committee had a number of comments and questions, and further information was provided in response:

- (j) some Councillors felt that the proposed access onto the side road off Ruddington Lane would not be adequate, and would cause further congestion on the side road. They requested that the access road go through the grass verge directly on to Ruddington Lane instead, particularly if this scheme is to be expanded in future with additional properties added. Highways colleagues have identified concerns with going across that verge and its proximity to the existing access point in the light of the current proposal;
- (k) the parking provision for the scheme was felt to be positive. Committee members noted the retention of trees on the park boundary was positive, but it was suggested that maintenance of the trees, along with provision and maintenance of street furniture such as bins should be added as a condition. It is intended that the road would be adopted, so maintenance of street furniture would fall under the Council's responsibility in future;
- (l) some Councillors questioned the inclusion of the single storey unit at the entrance, whilst acknowledging the work done to reconfigure it. Its inclusion requires the loss of a large eucalyptus tree, and some Councillors felt this building did not add anything to the scheme;
- (m) the City Council Ecologist has been involved with the planning application, and their comments are included within the report. A survey is yet to be completed, but as part of the conditions this will be done before any work starts;
- (n) if approved, the planning permission will be subject to a report back from the Biodiversity Officer. No unusual findings are expected, given the location of the development;
- (o) upon removal of 111 Ruddington Lane, the neighbouring semi-detached property (109 Ruddington Lane) will become detached. This will be appropriately finished, using bricks from the demolition of 111 Ruddington Lane if possible, with a fully hipped roof, and a condition will ensure control of the finished look of 109 Ruddington Lane;
- (p) a condition has been included in the draft decision notice concerning construction management, with the aim of reducing noise and nuisance impact on neighbouring properties during construction;
- (q) it is intended that the access road will be adopted, and so maintenance of it will be the responsibility of Nottingham City Council. Conditions have been

included in the draft decision notice regarding landscaping and boundary treatments, and high quality finish and materials are vital;

- (r) the small road towards the south of the site would allow for potential future expansion. The allocation of land to the south in the emerging Local Plan is for housing, it is envisaged that there is potential for expansion of the scheme if those strips of land can be purchased in future;
- (s) materials have yet to be agreed, there has been no negative feedback from the industry regarding concrete tiles, they are commonly used without issue.

RESOLVED to:

- (1) grant planning permission subject to:**
 - (a) Prior completion of a planning obligation which shall include;**
 - (i) a financial contribution towards off-site public open space;**
 - (ii) a financial contribution towards off-site education provision;**
 - (b) The indicative conditions listed in the draft decision notice at the end of the report, an additional condition to seek further details of the changes to 109 Ruddington Lane and any additional conditions arising from consultation advice from Nottingham City Council's Biodiversity Officer;**
- (2) delegate authority to the Chief Planner to determine the final details of the conditions and the obligation;**
- (3) agree that Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development;**
- (4) agree that Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

Councillor Andrew Rule asked that his vote against the decision be recorded.

- b LAND TO REAR OF AND INCLUDING BANTON HOUSE, MEADOW LANE (Agenda Item 5a)

Martin Poole, Area Planning Manager, introduced application 17/01720/PVAR3, by Hunter Page Planning Ltd. on behalf of Elevate Property Group, for variation of condition S1 of planning permission reference 13/02877/PFUL3, revised development block elevations and plans, with modifications to siting, materials palette and landscaping. The application is brought to Committee because it is for the variation of a major application that has been previously determined by Planning

Committee and relates to a prominent site where there are important design considerations:

- (a) planning permission was previously granted for comprehensive redevelopment of the site. The buildings have been cleared now and some preparation work is underway with a view to getting started. This application is to vary the conditions of that previous permission, seeking to substitute a different design scheme where the elements such as number of dwellings and retail space are essentially the same, but the buildings are of a different design and configuration;
- (b) 2 blocks on the riverfront have been amalgamated into 1 larger block. The original re-submission included a rectangular block on one end of the scheme, but that has now been reconfigured with an angled block instead, addressing the concerns raised by planning colleagues;
- (c) the architect has gone to considerable lengths to work on the details of the scheme to ensure that they are of a high quality. With that attention to detail, it is now felt that this is a scheme that planning colleagues can recommend.

There were a number of questions and comments from Councillors, and Martin Poole and Nigel Turpin provided some additional information:

- (d) there was some disagreement from Councillors regarding the aesthetics of the new scheme. Some Councillors felt that it was very unattractive, whilst others disagreed with this assessment and felt that the re-submission is an improvement on the previously agreed scheme;
- (e) some Councillors felt that the proposed colour blocks of the scheme gave it a brutalist feel, and that the colours of the scheme should be re-assessed. The message can be fed back to check the colour palette once the brick details are received;
- (f) some Councillors felt sufficiently reassured by the strong river view of the scheme, and the details produced by the developers;
- (g) the detailing on the balconies, the fluted brickwork, and the recessed elements give the face some interest, and the details are what will make the scheme successful;
- (h) the road towards the river side of the scheme does have some on-street parking and so is not merely a service road. It may also be used for access should any future scheme be proposed in the neighbouring dairy site. Some Councillors proposed that the road would benefit from a little more greening, and this will be fed back;

RESOLVED:

- (1) to grant planning permission subject to:**

- (a) prior completion of a variation of the Section 106 Agreement dated 28 October 2015 relating to planning permission 13/02877/PFUL3 to make it also apply to this application and permission;**
 - (b) the indicative conditions listed in the draft decision notice at the end of the report with the power to determine the final details of the conditions to be delegated to the Chief Planner;**
- (2) that Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is**
 - (a) necessary to make the development acceptable in planning terms;**
 - (b) directly related to the development;**
 - (c) fairly and reasonably related in scale and kind to the development;**
- (3) that Councillors are satisfied that the section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.**

Councillors Joshua Cook, Michael Edwards, Andrew Rule and Malcolm Wood asked that their votes against the above decision be recorded.

WARDS AFFECTED: Arboretum

Item No:

**PLANNING COMMITTEE
20th December 2017**

REPORT OF CHIEF PLANNER

The Christian Centre, 79-85 Talbot Street

1 SUMMARY

Application No: 17/01620/PFUL3 for planning permission

Application by: Franklin Ellis Architects on behalf of RedOak Project E.S.A.

Proposal: Demolition of former school and car showroom buildings.
Construction of student accommodation development (of up to 9 storeys) comprising cluster flats and accessible studios, with communal facilities and a landscaped central courtyard.

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

To meet the Council's Performance Targets this application should have been determined by 23rd October 2017. An extension of time has been agreed until 19th January 2018.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 (a) prior completion of a Section 106 planning obligation to secure:
 - (i) a public open space contribution of £69,573.90 towards restoration and landscape improvement works at Highfields Park and;
 - (ii) a student management plan, to include restrictions on car use.

(b) 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 both of the conditions and the section 106 obligation to be delegated to the Chief Planner.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.
- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site is located towards the top/northern end of Talbot Street and Wollaton Street, having frontages to both streets. The site is currently occupied by a former garage/car showroom and a former schoolhouse. The garage/car showroom was constructed in the 1960's. Its Talbot Street elevation is predominantly single storey and is set back from the street behind an area of forecourt car parking. Its roof is also used for car parking. The showroom elevation to Wollaton Street is two storeys high and abuts the footway. The remainder of this frontage is a substantial stone retaining wall which distinguishes the significant difference in levels between Wollaton Street and Talbot Street. The former schoolhouse building dates from around 1850 and is constructed in red brick, with stone detailing and steeply pitched roofs. Also being set back from Talbot Street, it sits above the stone retaining wall on Wollaton Street.
- 3.2 Planning permission has been previously granted twice for the comprehensive redevelopment of the site and construction of a new Christian Centre/Conference Centre, the first in 2007 and then again in 2011 for a revised scheme. Both planning permissions allowed for the demolition of the existing buildings and construction of substantial auditorium buildings and have since expired without any development having commenced.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the demolition of former school and car showroom buildings and the redevelopment of the site with a student accommodation development (of up to 9 storeys as revised) with communal facilities and a landscaped central courtyard. The proposed accommodation would be in both cluster and studio flats with a total of 330 student bedrooms being provided. The primary entrance to the development would be off Talbot Street, with a large reception and café/communal space at ground floor. There would be a secondary alternative entrance off Wollaton Street at lower ground floor level, which also provides access to the bin and cycle stores at this lower ground floor level. There would be a central courtyard space providing communal access between these levels and to the stair and lift cores.
- 4.2 The plan of the proposed development illustrates a series of interconnected blocks with a central courtyard space and areas of semi-public open space onto Talbot Street. The proposed elevation to Talbot Street would be five storeys plus two set back upper storeys above the principal sweeping curved element. There is also a transitional step and set back element as the elevation approaches the adjacent villas on Talbot Street. The proposed elevation to Wollaton Street would range from seven storeys to nine storeys and would include the reconstruction of the existing Bulwell stone wall as the principal existing feature of this street scene. Tall arched openings would be formed in the reconstructed stone wall with accommodation behind. Above the plinth wall would be the new blocks of accommodation, arranged in a series of bays and with a physical break in the elevation to allow sunlight and daylight penetration in to the central courtyard.
- 4.3 The development is proposed to be constructed in a primary buff brick and a secondary dark brown/grey brick, with deep reveals to the fenestration openings and a dark grey framed curtain walling system.

- 4.4 The developer has indicated that they will work with the Council's Employment and Skills team in relation to the use of local labour for the construction phase of the development and is prepared to commit to this via the S106 agreement.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

A total of 40 neighbouring and surrounding properties have been individually notified of the application proposals, including those on Talbot Street, Wollaton Street, Derby Road, and within Imperial House and Regent Mews.

The application has also been advertised by press and site notices.

The following comments have been received:

Neighbour: Size will cause a significant overshadowing and loss of light for the residents at Regent Mews. Wollaton Street is already a dull, overshadowed area and to allow a building of more than double the height of those which surround it would have a detrimental effect on the area. Adding a large number of residences to the area as proposed, will bring with it the inevitable increase in traffic. The current student population in the area causes significant noise and disturbance, throughout the academic year. The further increase in student numbers would drastically aggravate this. There are already a plethora of residences and amenities for students in this area and in Nottingham as a whole, to the point where it is impossible for private individuals to find accommodation and make a home for themselves in the City Centre. Finally, the replacement of the current stone wall with the proposed building (which currently runs alongside Wollaton Street) would affect the landscaping of the street and the old school building adds a certain character to the area.

Neighbour: Would like to see old school building incorporated into the design

Neighbour: Need affordable housing not more student accommodation. Also systematically destroying our heritage to accommodate students and universities.

Additional consultation letters sent to:

Environmental Health: No objections subject to planning conditions requiring contamination remediation and verification; environmental noise assessment and sound insulation including any commercial plant and equipment; ventilation and fume extraction details; and air quality assessment and management.

Highways: No objection subject to conditions. The proposal is a car free development, which is welcomed for this central location. Dedicated service bays being proposed are not able to be provided but an alternative TRO restriction may be possible provided that the existing level of on-street parking is maintained or compensation is provided for any lost. Recommend conditions requiring details of a Construction Traffic Management Plan, reinstatement of redundant vehicle accesses, and management of student arrival/departures.

Drainage: No objection. Satisfied with the applicant's proposed drainage strategy subject to implementation in accordance with this approach.

Biodiversity: No objection. The ecological appraisal and bat survey does not identify any constraints to development or recommends any further survey work.

English Heritage: This area is undergoing change and presents an opportunity for a high quality development which creatively transforms this site. However, do not support the demolition of the school and strongly encourage consideration of incorporation of this building as part of a wider redevelopment for this site.

The proposed building line is set proud of the villas on Talbot Street to create a 'focal point' which in our view will block and dominate the villas and views along the street. Recommend the building line is set back to align with the building line of the villas. We are concerned that this development, in overall massing will dominate the townscape, resulting in a loss of human scale along the streetscene. Current views along Talbot Street and towards Stanley House will be blocked. Overall we believe the development will create an overbearing and bulky development and the introduction of another large structure will exacerbate the dominance of such 21st century structures on the surrounding coherent historic townscape and appreciation of the designated heritage assets.

If this is considered to be an appropriate location for the proposed height, massing and scale, the proposal needs to set exemplary standards in design. We are not convinced by the quality and innovation of the design. Unfortunately it is neither remarkable nor exceptional and is not locally distinctive.

As there is clearly scope for development on this site, we believe the development needs to be reduced and contextual appraisals undertaken to establish a more appropriate scale, a revised building line, and breaking down the massing within each block to create a more interesting skyline and architectural form.

Nottingham Civic Society: Has reservations about the scale of the scheme within the Canning Circus Conservation Area. Proposed building seems much too large in some parts, dominating surrounding buildings, some of which contribute positively to the character of the conservation area. The new building should step down in mass from taller buildings at Canning Circus. This scheme would also visually coalesce with the taller elements of the Talbot House development.

The redevelopment would result in the demolition of the former characterful Victorian school building. Whilst the original Victorian church on the site is cited as a precedent for a focal building which would have dominated its immediate neighbours, the Civic Society does not feel that the current scheme has demonstrated why such a dominating building is justified in the case of student housing. The adjacent Victorian villas on their stone podium would be overwhelmed by this scheme.

There are however some design features of note, such as the curved reclaimed Bulwell stone podium fronting Wollaton Street to replicate the removal of the Bulwell stone retaining walls. This element of the design is supported, as is the predominant verticality in its elevations. Construction in Nottingham red bricks is preferred.

Nottingham Trent University: Consider that there is already an oversupply of student accommodation in the City Centre, which although to be reflected in the revised Local Plan, accept that this is not yet adopted. The oversupply is damaging the economy of NTU without assisting in the release of private housing. If further

accommodation is continued to be encouraged under present policy, then NTU expect schemes to be well designed and appealing to returning students, e.g. with appropriate ancillary services and cluster units of say 6 or fewer bedrooms per shared living space, and generous space standards and good natural light.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Paragraphs 126 to 141 of the NPPF set out the government's approach to conserving and enhancing the historic environment. Of particular relevance to this application, paragraph 131 requires authorities to take into account:
- the desirability of sustaining and enhancing the significance of heritage assets (including conservation areas and listed buildings) and putting them to viable uses consistent with their conservation,
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.7 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

BE12 - Development in Conservation Areas.

BE13 - Demolition in Conservation Areas.

H6 - Student Housing.

NE9 - Pollution.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 5 - Nottingham City Centre

Policy 10 - Design and Enhancing Local Identity.

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Demolition of existing buildings.
- (ii) Use for student accommodation and amenity of neighbouring occupiers.
- (iii) Scale and design of proposed development and impact on the character and appearance of the Canning Circus conservation area.
- (iv) Highways

Issue (i) Demolition of existing buildings (BE13)

- 7.1 The application site falls within the Canning Circus Conservation Area. Whilst the vacant garage/car showroom has no individual merit, the adjacent former schoolhouse is considered to make a positive contribution to the character and appearance of the Conservation Area. This building is particularly visible on Wollaton Street, being elevated from the street behind a high stone retaining wall.
- 7.2 The former schoolhouse building has been previously extended and altered. It also appears somewhat isolated within a context of much larger office block buildings. Whilst the combination of its individual form and elevated setting contributes to its presence within the street scene, it is the stone retaining wall onto Wollaton Street

that is considered significant to this effect. The demolition of the former schoolhouse building has been previously granted as part of the previous permissions for the redevelopment of the site as a Christian Centre/Conference Centre. The merits of the proposed development are discussed below, and the incorporation of a salvaged stone plinth detail to the Wollaton Street elevation of the scheme is noted. It is therefore considered that Policy BE13 is addressed in the context the assessment of the merits of the proposed development.

Issue (ii) Use for student accommodation and amenities of neighbouring occupiers (Policy H6, Policy 10 and Building Balanced Communities Supplementary Planning Document)

- 7.3 The application site has remained underused for many years and, despite planning permission for its redevelopment for a Christian Centre/Conference Centre having been granted, its significant potential has remained unrealised.
- 7.4 The concept of a 'student quarter' being developed on Talbot Street is now well established, with a number purpose built/conversion student accommodation developments having been completed in recent years, the most recent being the redevelopment of Talbot House (Nova) which was completed and opened this year. The application site is conveniently located within a short walking distance of Nottingham Trent University campus and city centre amenities. It is considered that the provision of further good quality purpose-built accommodation on this street will attract students that would otherwise occupy houses of multiple occupation outside of the city centre. Accordingly, it is considered that the proposed student accommodation use complies with the Building Balanced Communities Supplementary Planning Document and Policy H6 regarding the location of student accommodation development.
- 7.5 As NTU note, emerging policy HO5 of the emerging Land and Planning Policies Development Plan Document (LAPP) is seeking to introduce a requirement for developers to evidence the need for student accommodation as part of their application. However, this policy has received a number of representations that have yet to be considered, and so little or no weight can be given to it in the determination of this application. Furthermore, whilst NTU's views about the oversupply of student accommodation are noted, it is considered that this is not borne out by recent vacancy surveys that show low levels (<2%) of vacancy within purpose-built student accommodation (PBSA). The LAPP notes that at the time of publication (September 2017), just under half of students' accommodation needs are met by the general housing stock. It is considered that this supports the view that there is currently a need for additional PBSA in the city, if the council's aspirations to reduce student numbers in general housing stock are to be met.
- 7.6 There are no private residential properties on this section of Talbot Street, with neighbouring properties being in student accommodation use (Talbot Studios, Talbot Point, Mansion Studios and Nova), HMO use (adjacent villa properties at 87-93 Talbot Street), offices (Chaddesden House, Lambert House), and church use (Christian Centre). The response from the residential neighbour at Regent Mews on Wollaton Street is acknowledged. The main entrance to the proposed development is to be off Talbot Street and the majority of pedestrian movements between the accommodation and university are expected to be along this street. A secondary entrance is provided on Wollaton Street and is expected to benefit student circulation as well as providing necessary access to the proposed bin and cycle stores. Whist a student management scheme is required under the provisions of the

S106, the existing potential for noise and disturbance along Wollaton Street as a primary vehicular and pedestrian route into and out of the City Centre is also recognised. Therefore, on balance it is considered that the proposed development will not significantly impact upon the amenity of neighbouring occupiers in accordance with Policy H6, Policy 10 and the Building Balanced Communities Supplementary Planning Document.

Issue (iii) Scale and design of proposed development and impact on the character and appearance of the Canning Circus conservation area (Policy BE12 and Policy 10)

- 7.7 The application site occupies significant lengths of frontage on both Talbot Street and Wollaton Street and the topography and transition between Talbot Street and Wollaton Street gives the site a dramatic visual appearance, including views from Canning Circus. With the exception of the noted character of the former schoolhouse building and stone retaining wall onto Wollaton Street, the site is considered to be generally poor in its appearance and it is considered that there is an opportunity to redefine these streets with a high quality new development.
- 7.8 The City Centre Urban Design Guide identifies the application site as falling within the 'Zone of Repair' where it is expected that new development will respect and repair the historic character of the area. Although the historic character of Talbot Street and Wollaton Street had been significantly eroded by 1970's developments that had little or no regard to this character, recent developments between both streets have begun to repair the urban form of the area, reinstating the building line with a scale of development that has helped to redefine these streets as a distinctive 'student quarter'. Accordingly, the scale of development between Talbot Street and Wollaton Street has been justified as being taller than the norm for the area where the extent of erosion of its character has been significant. Nevertheless, the scale and design of proposed development has also been reduced and revised during the course of the assessment of the application in response to officer advice and consultee responses.

Talbot Street

- 7.9 The amended scale of the proposed development on Talbot Street is now considered to be consistent with other recently constructed developments on this street. Whilst providing a definitive building line to the street, the proposed elevation has also now been set sufficiently far to back from the street edge to maintain the good height to street width ratio that characterises the street at this point as well as maintaining the important view down Talbot Street towards the landmark clock tower of Stanley House. The scale relationship of the proposed development to the adjacent villas has also improved as a result of the amended siting and provision of a curved glazed corner that visually eases the transition between the buildings.
- 7.10 Initially proposed as a tower element which was intended to reflect the historic precedent of the church tower that occupied the site, the main entrance element of the proposed development has also been significantly modified. This element is now presented as sweeping curved brick elevation that will have a significant presence in views up Talbot Street whilst being more sensitive to its context with its two curtain wall glazed upper floors being set sufficiently back from the parapet edge of the brick elevation to visually reduce the scale of the building when viewed from lower down Talbot Street. The elevation to Talbot Street also includes a

transitional step and set back upper floor to break its length and to reduce the scale of development in relation to the adjacent villas.

- 7.11 The elevations are presented with a hierarchy of openings, with vertical emphasis and modelling being provided through the use of recessed panels of curtain walling. Section and axonometric drawings of the elevations have been provided to illustrate the proposed details. The buildings are proposed in a buff brick with dark grey window frames and curtain wall panels. A sample panel of precedent materials will be presented to Committee.

Wollaton Street

- 7.12 There are two principal blocks to the proposed development onto Wollaton Street, both resting on top of a tall stone wall plinth as a reconstructed key element of the existing street scene. The shorter of the two blocks would act as a transition between the development and the adjacent villas, with the villas being set back further from the edge of Wollaton Street and thereby making the upper corner and return elevation of this lower block prominent in views from Canning Circus. The taller and longer of the two blocks would then read as the principal element in the street scene. This larger block is then broken mid-section with a recessed element that visually splits the length of the block, providing rhythm and a vertical emphasis onto Wollaton Street. This rhythm and vertical emphasis is carried down to street level with deep arched openings being created within the stone wall section. As per Talbot Street, the elevations of the blocks onto Wollaton Street are given vertical emphasis and modelling through the use of recessed panels of curtain walling. The blocks are also proposed in a buff brick with a dark grey brickwork lower floor above the stone plinth and dark grey brickwork panels within the recessed panels across the elevations.
- 7.13 Whilst it is recognised that the scale of the Wollaton Street elevation would represent a significant change to the existing street scene of the area and therefore the character and appearance of the Conservation Area, it is considered that the amended scale and design of the proposed development demonstrates that its scale and appearance would be appropriate in views both up and down Wollaton Street, including Canning Circus. It is therefore considered that that the proposed development would enhance the character and appearance of the Canning Circus Conservation Area, particularly through the redevelopment of this longstanding underused site.

Courtyard and Other Spaces

- 7.14 The proposed layout provides a courtyard space between the blocks. This space would function as a circulation space for student occupants. The formation of the courtyard will allow sunlight and daylight to penetrate the scheme as well as providing an outlook for accommodation within the centre of the site. It is considered that the extent of separation across the courtyard space will provide an appropriate level of amenity for student residents. Other semi-public spaces are created at the proposed main entrance to the building on Talbot Street and fronting onto Talbot Street.
- 7.15 The City Council's 3D model of the City Centre has been used to determine the key aspects of building massing and impact on the street scenes of Talbot Street and Wollaton Street. Accordingly, the siting, scale and design of the proposed development has been considered further in relation to its impact upon the adjacent

villas on Talbot Street and view towards Stanley House clock tower, and the massing and form of the development onto Wollaton Street has also been redesigned to a more consistent scale and rhythm to offset previous concerns that officers shared over its scale and impact in significant views, for example, from Canning Circus. Consequently, it is considered that the scale and design of the revised proposed development has been significantly improved by these changes, which are also now supported by further detailed design work on the elevations.

- 7.16 Nottingham Civic Society have subsequently advised that their views are unchanged by the revised plans. The further response of Historic England is awaited and will be reported to Committee. The reservations and recommendations of Historic England and Nottingham Civic Society are noted and have been considered as part of the review and revision of the scale and design of the application proposals. However, in accordance with the above assessment and subject to conditions, it is considered that the scale and design of the proposed development would be appropriate to the city centre and neighbouring properties, in accordance with Policy BE12 and Policy 10.

Issue (iv) Highways (Policy T3)

- 7.17 The proposed development makes no provision for on-site parking. Highways welcome this and recognise that the surrounding highway is highly restricted by Traffic Regulation. There are pay and display car parks in the vicinity of the site that will allow the families of students to park off-street at the beginning and end of terms. It is recognised that amendments to existing Traffic Regulation Orders are likely to be required in order to facilitate the general servicing of the proposed development and this is to be agreed with Highways. Planning conditions, including the management of student arrival/departures, are also recommended in the interests of highway safety and these are included in the draft decision notice that is attached to this report.
- 7.18 Obligations within the S106 agreement aim to ensure that student occupants do not keep or use their cars within the City. This has become a successful deterrent to student car use and is common to all major student accommodation developments within and around the City Centre. It is therefore considered that the proposed development accords with Policy T3.

Other Matters (Policies NE9 and R2)

- 7.19 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG it is intended that the Section 106 planning obligation secures a public open space contribution of £69,573.90 towards restoration and landscape improvement works at Highfields Park. This would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.
- 7.20 Pollution Control advises that they have no objection subject to conditions. In accordance with Policy NE9, it is therefore recommended that conditions relating to air quality assessment, site investigations relating to any contaminaton, implementation of sound and acoustic ventilation measures, and maximum noise levels in relation to any plant equipment are attached to a consent.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1)

The city centre location of the application site is inherently sustainable with good access to local services and public transport. The energy report submitted with the application advises that a 'fabric first' approach will be used to minimise the building's operational energy demand. Combined heat and power units are also intended to be used as a sustainable and efficient technology for a student accommodation development. It is therefore considered that the proposed development accords with Policy 1.

9 FINANCIAL IMPLICATIONS

A financial contribution of £69,573.90 will be negotiated in accordance with the Open Space Supplementary Planning Guidance.

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

Securing training and employment for Nottingham citizens through the construction of the development.

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: 17/01620/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTFFENLYMKI00>

2. Neighbour, 31.7.17

3. City Archaeologist, 31.7.17

4. Neighbour, 1.8.17

5. Drainage, 2.8.17

6. Drainage, 10.8.17

7. Highways, 13.9.17

8. Neighbour, 22.8.17

9. Biodiversity, 13.9.17

10. Nottingham Civic Society, 7.9.17
11. Historic England, 15.10.17
12. Environmental Health, 25.10.17
13. Nottingham Civic Society, 4.12.17

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
Building Balanced Communities Supplementary Planning Document
Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance
Nottingham City Centre Urban Design Guide

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.


Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

NOMAD printed map



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Key
 City Boundary

Description
 No description provided

My Ref: 17/01620/PFUL3 (PP-06174752)
Your Ref:
Contact: Mr Jim Rae
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

Franklin Ellis Architects
FAO Mr Andy Dowding
The Old Pumphouse
5 The Ropewalk
Nottingham
NG1 5DU
United Kingdom

Date of decision:

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

Application No: 17/01620/PFUL3 (PP-06174752)
Application by: RedOak Project E.S.A.
Location: The Christian Centre, 79-85 Talbot Street, Nottingham
Proposal: Demolition of former school and car showroom buildings. Construction of student accommodation development (of up to 9 storeys) comprising cluster flats and accessible studios, with communal facilities and a landscaped central courtyard.

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. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan 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 Construction Traffic Management Plan 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.



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Nottingham
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DRAFT ONLY

Not for issue

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Continued...

3. Details of the proposed means of support to the highway for any excavations greater than 1.35m depth adjacent to the highway shall be submitted to and approved by the Local Planning Authority prior to the commencement of any excavation works of this nature. The approved means of support shall be provided at all times throughout the construction period of the development.

Reason: In order to protect the structural integrity of the highway.

4. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and groundwater contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Remediation Plan, based on 'Phase 2 Geo-Environmental Assessment' by BWB dated Feb 2017 (ref BIM Document Ref: TBS-BWB-00-XX-EN-RP-0001_Ph2_P1 Project Number: NTE2310), 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 a) above are complete.

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

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

5. Prior to the commencement of the development, an air quality management scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include shall include a whole building ventilation scheme and design techniques and/or other physical measures which reduce the exposure of future residents to poor air quality.

The air quality management 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 that the site can be developed without health or safety risks to the users of the development in accordance with Policy NE9 of the Nottingham Local Plan.

6. Prior to the commencement of the development, a sound insulation scheme shall be submitted to the Local Authority for approval based on the measurements undertaken in the 'Noise Assessment' by SLR dated July 2017 (ref 403.07302.00001) and 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:
- Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
 - 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,
 - Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

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

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

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

7. Prior to the commencement of the development, a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by any odour from the proposed cafe element development shall be submitted to and be approved in writing by the Local Planning Authority.

The submission shall include an odour risk assessment, the design configuration, odour abatement technology and specification for the scheme for the ventilation and means of discharging and dispersing fumes from development.

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience odour nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

8. No above ground development shall commence until a large scale sample panel of all proposed external materials to be used in the construction of the approved development has been submitted to and approved by the Local Planning Authority in writing before any above ground development commences. The development shall thereafter be carried out 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.



9. Notwithstanding the details included on the approved drawings, no above ground development shall commence until further detailed drawings (scale 1:10/1:20) and specifications for the following elements have been submitted to and approved in writing by the Local Planning Authority:

- i) the aluminium curtain walling windows, including framing and opening elements;
- ii) the detailed construction and specification of the reconstructed natural "Bulwell" stone wall onto Wollaton Street, including a coursing, mortar, and arched window head details;
- iv) the front boundary wall and railings onto Talbot Street.

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

Reason: In order to ensure the quality of appearance of the development and in accordance with Policy 10 of the Aligned Core Strategy.

10. A detailed landscaping scheme for the development indicating the type, height, species and location of proposed planting (trees and shrubs), shall be submitted to and approved by the Local Planning Authority before any above ground development is commenced. The scheme shall also include full details of the tree pit construction, with particular attention to these details being required for trees on the frontage of the site to Talbot Street.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

Pre-occupation conditions

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

11. The approved development shall not be occupied until the existing vehicle accesses that are made redundant as a consequence of the implementation of the approved development have been reinstated with full height kerbs and footways in accordance with details that are to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of ensuring that these works are carried out in association with the approved redevelopment of the site and in the interests of highway safety and amenity in accordance with Policy 10 of the Aligned Core Strategies.

12. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

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 site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

13. Prior to first occupation of the development, verification that the approved air quality management 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 that the site can be developed without health or safety risks to the users of the development in accordance with Policy NE9 of the Nottingham Local Plan.



14. Prior to first occupation of the development, verification that the approved sound insulation 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 that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

15. The applicant shall submit 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 have been implemented prior to occupation of any part of the development.

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

16. Prior to first occupation of the development, verification that the approved scheme for the ventilation and means of discharging and dispersing fumes and prevention of odour nuisance 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 the residential occupiers and neighbouring properties to the development do not experience odour nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

17. The approved student accommodation shall not be brought into use until traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the accommodation at the start and finish of the academic terms has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

Regulatory/ongoing conditions

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

18. The approved development shall be implemented in accordance with the details included in the "Drainage Strategy and SuDS Statement" (July 2017) that is an approved document of this consent unless otherwise varied with the written consent of the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Nottingham Local Plan.

19. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any trees 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 will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

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:
As listed on Drawing Issue Sheet
Other reference DRAINAGE STRATEGY AND SUDS

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. Archaeology

Should any caves be encountered during the development the City Archaeologist must be contacted immediately (Scott Lomax, Tel: 0115 876 1854)

4. 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 Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

5. The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

6. 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 on 0115 8765293 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. 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.

7. Amendments to existing Traffic Regulation Orders on Wollaton Street and Talbot Street are likely to be required in order to facilitate the general servicing of the proposed development. and this is to be agreed with Highways Network Management on 0115 8765293, who will instigate this process. All associated costs will be borne by the developer.

8. Contaminated Land & 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' 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
- 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 and groundwater contamination of the site.

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.

9. Air Quality

The development is located either within or on the boundary of 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.

While no air quality assessment is required in this situation, an air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish which floors of a multi-storey building do not require an appropriate ventilation scheme.

The air quality management scheme shall include the design and configuration specification of the whole building ventilation scheme and ensure that:

- Exposure of sensitive receptors to poor air quality shall be reduced as far as practicable;
- The location of clean air intakes for the scheme shall be located so as to maximise the vertical and horizontal distance between the clean air intakes and the primary source of poor air quality / air pollution;
- The discharge of ventilation air shall be from the building façade facing the primary source of poor air quality;

The approved whole building ventilation scheme [including any additional mitigation measures], shall be shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Consideration will also be given to alternative equivalent measures to reduce exposure to poor air quality. However these may require the support of an air quality assessment to demonstrate their effectiveness.

The combined noise from the whole building ventilation scheme, any other environmental noise and noise from plant and equipment must not exceed NR 25 in bedrooms between the hours of 23.00 and 07.00 or NR 30 for living rooms and bedrooms between the hours of 07.00 and 23.00.

10. 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.

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

11. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

12. Control of Odour & Provision of Adequate Ventilation

The design of the approved scheme for the ventilation and means of discharging fumes shall have regard to the Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust Systems (Defra, 2005).

The approved scheme shall be designed to provide for ventilation and means of discharging and dispersing fumes, the prevention of odour nuisance and the minimisation of the risk of ducting fires. The approved scheme must be maintained, serviced and operated in accordance with manufacturer's recommendations and other authoritative guidance while the development continues to be occupied.

Fire safety advice for restaurants, fast food outlets and take away shops may be obtained from Nottinghamshire Fire & Rescue Service (email: fireprotectionsouth@notts-fire.gov.uk). (NB Cheshire Fire & Rescue Service have useful advice on their website See - <http://www.cheshirefire.gov.uk/business-safety/fire-safety-guidance/restaurants-fast-food-outlets-and-take-away-shops>).

The approved scheme must be kept under review by the operator and alterations or improvements may be required to prevent odour nuisance where any subsequent significant change to the operation of the development is proposed which may affect the control of odour or risk of fire:

Significant changes to the operation of the development which may affect the control of odour include:

- i. The intensification of use of the kitchen,
- ii. The nature of the food prepared, served or cooked on site
- iii. The method of preparation and cooking of the food served or cooked on site
- iv. The extension of operating times

It is the duty of the operator to design, install and maintain the ventilation system to prevent an odour nuisance. Adequate measures must be taken to prevent nuisance due to odours passing through windows, floors or walls etc. into adjoining properties.

Adequate Ventilation

The operator of any cooking appliance must ensure that there is effective and suitable ventilation in order to enable the effective combustion of fuel and the removal of the products of combustion. The specification of a ventilation system shall be determined on the basis of a risk assessment, taking account of factors such as the cooking arrangements taking place and the need to replace extracted air.

The ventilation system must be designed, installed and maintained in accordance with manufacturer's instructions. Guidance on the design specifications of kitchen ventilation systems is contained within "DW/172" produced by the Building and Engineering Services Association (formerly the Heating and Ventilating Contractors Association). Supporting guidance has been published by the Health and Safety Executive (HSE) within Catering Information Sheet 10 (CAIS10), available at <http://www.hse.gov.uk/pubns/cais10.pdf> .

Gas appliances are subject to specific legislation and standards. Newly installed gas appliances should be fitted with an interlock to shut the gas supply off in the event of a failure to the ventilation system. Further guidance on gas safety in catering is available within Catering Information Sheet 23 (CAIS23), available at <http://www.hse.gov.uk/pubns/cais23.pdf> .

The onus for ensuring that the system does not cause odour nuisance or present a risk of fire rests with the operator. If the system is found to be causing an odour nuisance or a risk of fire at any point, then suitable modification works will be required to be carried out and an enforcement notice may be served.

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: 17/01620/PFUL3 (PP-06174752)

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

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

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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WARDS AFFECTED: Radford And Park

Item No:

**PLANNING COMMITTEE
20th December 2017**

REPORT OF CHIEF PLANNER

Site Of The Sandfield Centre, Sandfield Road

1 SUMMARY

Application No: 17/01772/PFUL3 for planning permission

Application by: Persimmon Homes Nottingham

Proposal: Erection of 95no. residential dwellings (C3) and associated infrastructure, site access and landscaping

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

To meet the Council's Performance Targets this application should have been determined by 7th November 2017, but an extension of time has been agreed to 19th January 2018.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

- a) Prior completion of an agreement under section 111 of the Local Government Act 1972 to secure a section 106 planning obligation upon the subsequent disposal of the site to the developers, the planning obligation shall include;
 - (i) financial contribution towards public open space of £130,605 for infrastructure improvements at Ronald Street Play Area, Lenton Recreation Ground and Radford Recreation Ground;
 - (ii) financial contribution towards primary and secondary school education of £466,186 for Lenton Primary Schools and Nottingham University Academy of Science and Technology;
 - (iii) 20% on-site provision of 19 affordable housing (19 units).
- b) The indicative conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions, the section 111 agreement and the obligation to be delegated by the Chief Planner.

- 2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

- 2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 This is an irregular but largely oblong shaped parcel of 1.85 hectares located between Lenton Boulevard and Cottesmore Road. The site is bounded by Ashburnham Avenue to the north, whilst the road known as Sandfield Road terminates at the sites main entrance located to the south off Derby Road. The site has been cleared of all the buildings that were used as Council offices (The Sandfield Centre). There are site level differences between Lenton Boulevard and Cottesmore Road, and the site contains a number of trees. Along Lenton Boulevard is an attractive Bullwell Stone wall which has a number of decorative archways within it.
- 3.2 To the north of the site is the Radford Recreation Ground, to the east are the residential properties of Cottesmore Road, to the south is Derby Road which has a mix of residential, commercial and community facilities, and to the west is the Marcus Garvey Business Centre (located off Lenton Boulevard).

4 DETAILS OF THE PROPOSAL

- 4.1 Permission was initially sought for 96 residential units comprising 9 x 2 bed apartments, 19 x 2 bed houses, 48 x 3 bed houses, 18 x 4 bed houses and 2 x 5 bed houses. Changes have been made to the design and layout of the scheme which have resulted in the loss of one unit and a change to the mix of units. Now 95 units are proposed comprising 3 x 1 bed apartments, 6 x 2 bed apartments, 18 x 2 bed houses, 48 x 3 bed houses, 18 x 4 bed houses and 2 x 5 bed houses.
- 4.2 The apartments would be provided in a 3 storey building located on the corner of Lenton Boulevard and Ashburnham Avenue. Along the rest of Ashburnham Avenue are proposed a row of 3 terraced properties and a detached property, both 2 and 3 storeys in height. Sandfield Road would be extended from the south allowing access through to Ashburnham Avenue. To the north east side of the new street would be small area of landscaping to the rear of properties fronting Cottesmore Road. Along the rest of the new street are proposed a mix of detached and semi-detached 2 storey properties. A mix of detached and semi-detached 2 storey properties are also proposed along the southern part of Cottesmore Road where the site directly fronts this street. New dwellings are proposed along Lenton Boulevard but these would be set back from the Boulevard and would be accessed via entrances through the existing Bullwell Stone wall. The new properties along Lenton Boulevard would be provided in small terraces and semi-detached properties of 3 storeys in height.
- 4.3 The dwellings are largely traditional in form but with contemporary design and are proposed to be constructed in brick facades with some elements of render and dark cladding.
- 4.4 Each of the dwellings have at least one off-street parking space; for the houses these would be provided either to the side or front the properties. The apartment building would having car parking located to its east.

- 4.5 Properties would be provided with a range of frontage enclosure, largely railings and hedges. Street trees are proposed as part of the scheme and changes have been made to retain two Birch trees located on Cottesmore Road. As indicated above the Bullwell stone wall running along Lenton Boulevard would be retained as part of the redevelopment.
- 4.6 As part of the development package the developer has offered to deliver local employment and training opportunities during the construction of the development, including a financial contribution towards pre-employment training and recruitment costs. This will be secured through the Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

122 neighbouring residents located on Lenton Boulevard, Derby Road, Cottesmore Road and Ashburnham Avenue were notified of the application. The proposal was also publicised through press and site notices. As a result of this publicity 7 representations were received.

The representations welcome the provision of family houses in the area and the affordable units. The proposal is seen as bringing balance and life back to the community in area that has high levels of student housing. Comments have been received advising that the housing should not be converted to student housing and a query has been raised as to whether Sandfield Road needs to be extended to Ashburnham Avenue.

In response to these comments the housing would be classified as C3 residential dwellings and therefore planning permission would be required for a change use of any of the properties to houses in multiple occupation (C4 use).

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection. Require conditions to address potential contamination, the submission of a noise assessment and sound insulation scheme, and vehicle charging points.

Highways: No objections. The highway authority have no objections in principle to the development subject to conditions securing:

- a construction management plan;
- reinstatement of footpaths to redundant footway crossings;
- details related to the road layout geometry with tracking, signing, lining and alterations, 'Swept Path Analysis', visibility splays and initial Safety Audits; and
- the provision of travel packs to the first new residents of the development.

It is also requested that the applicant investigate TRO's on the adjacent Lenton Boulevard and implement any TRO's required to protect the accesses and provide for highway safety considerations, both within and off-site, with all costs borne by the applicant.

Drainage: No objections subject to compliance with the drainage details provided.

Tree Officer: There are 4 good trees on site comprising 2 young Oaks with high amenity potential, and 2 Birches with present high value along the Cottesmore Road frontage.

The 2 Oaks are suitable for retention within a large rear garden, although they are not suitable for a TPO in that position since future amenity would be low. They would be suitable for retention and TPO within a small open space or children's playground where the benefit of shade is very desirable for public health reasons.

The 2 Birch are handicapped by an abrupt change of level from pavement to site but this could probably be overcome with detailing.

There are other trees on site that do at first glance appear capable of being retained.

New planting along the Lenton Road frontage must take account of street tree canopies, which are a constraint. Tree pit details will be required for different ground treatments and should be represented by engineering drawings. The provision of a wide highway verge with native tree planting along the extended Sandfield Road would achieve the provision of a green way through part of the site.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 – Density.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

NE5 – Trees.

NE9 - Pollution.

NE12 - Derelict and Contaminated Land.

Aligned Core Strategy (September 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 19: Developer Contributions.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development;**
- (ii) Density, layout and design considerations; and**
- (iii) Impact on residential amenity.**

i) Principle of the development (NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, and H2 of the Local Plan)

- 7.1 The site is cleared and vacant brownfield land within a Primarily Residential Area and the proposed residential use is considered to be acceptable in principle. The proposal would provide an opportunity to enhance the built environment and assist in the development of a sustainable community within the surrounding area.
- 7.2 The NPPF, Aligned Core Strategy and Local Plan policies support the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. The NPPF states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. It is considered that the proposed range of house types would contribute towards the City Council's strategic objectives to create sustainable balanced communities and a varied mix of housing options.
- 7.3 The size and layout of the units are considered to be appropriate and would provide a high quality scheme with a good degree of amenity in terms of space and outlook. Additionally, the development is located in a sustainable location, close to local facilities.
- 7.4 The proposal therefore accords with the NPPF, Policies A, 10 and 8 of the Aligned Core Strategy, Policies ST1, H2, and H5 of the Local Plan.

(ii) Density, layout and design considerations (NPPF, Policy 10 of the Aligned Core Strategy and Policy NE5 and H2 of the Local Plan)

- 7.5 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.6 This is a relatively high density development which responds positively to site constraints/opportunities and level changes, to create a distinctive scheme. 3 storey buildings are proposed to provide a strong built frontage and to allow the development to sit comfortably along Lenton Boulevard, which is a wide road. The provision of 3 storey buildings also responds well to the height of the Marcus Garvey Centre opposite. Along Cottesmore Road the 2 and 3 storey dwellings respond appropriately to the Victorian, Edwardian and modern buildings found along this street. The dwellings have also been provided with frontages to reflect the layout of the existing properties on this street. Alterations have been made to the scheme along Cottesmore Road to enable two Birch trees to be retained. The extended Sandfield Road area of the development creates a quiet street environment. As a result of site level changes and to provide appropriate interface distances the street does curve in contrast the Victorian grid layout of the surrounding streets. However, due to the sites topography and to allow the development to front the existing main streets, the character of this new street is appropriate and will add interest. The changes made to the internal street alignment have enabled a wider grass verge to be provided to the rear of the properties on Cottesmore Road and also some deeper frontages to some of the properties on the new street, which together enable a green landscape theme to be provided along the street. This achieves an aspiration for the site to provide a green route through to the Radford Recreation Ground.
- 7.7 The site level differences within the site have not made it possible to retain any existing trees within the scheme other than the two Birch trees to Cottesmore Road. Additional tree planting is proposed as part of the redevelopment.
- 7.8 The development has also been designed to enable the retention of the existing Bullwell stonewall to the Lenton Boulevard boundary, which further assists to enhance the character and appearance of the development.
- 7.9 The scheme has been designed to provide active frontages, surveillance over the streets and secure private rear gardens. The new family dwellings would be two and three storeys in height and a mixture of semi-detached and short terraces, to reflect the context of the surrounding residential properties, yet also creating their own distinctive character. Bin stores are primarily proposed to be located in rear gardens but where this is not possible they are accommodated close to properties in purpose designed stores. Railings and hedges will provide an added level of privacy and protection to the fronts of dwellings. Details of hard surfacing, landscaping and means of enclosure would be dealt with by condition.
- 7.10 The design aesthetic of the development is contemporary and simple in form. The elevational treatment, together with the palette of materials, would create a clear and cohesive architectural language. The final details of the materials would be dealt with by condition.

7.11 Overall the scale/density, layout and design of the buildings are considered to be a positive and well considered response to the site and its context, and accord with the NPPF, Policy 10 of the Aligned Core Strategy and Policy NE5 and H2 of the Local Plan.

(iii) Impact on residential amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)

7.12 Changes have been made to the proposed layout to ensure that the scheme has been designed to take into account existing residential properties which abut the site and ensure that there would be no adverse impact upon the amenities of existing residents or future occupants of the new development, in terms of light, outlook and privacy.

7.13 The development therefore accords with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan in this regard.

Other Matters (Policies NE9 and NE12 of the Local Plan)

7.14 A remediation strategy to deal with ground contamination and a noise assessment and insulation scheme to protect future occupiers of the site would be secured by condition. The proposals are therefore in accordance with Policy NE9 and Policy NE12.

Planning Obligations (Policies R2 and H5 of the Local Plan and Policy 19 of the Aligned Core Strategy)

7.15 The City Council is the current land owner of the application site. In order to secure the appropriate s106 obligations, an agreement under section 111 of the Local Government Act 1972 is needed, which will require the developer to enter into a subsequent s106 planning obligation at such time as it acquires an interest in the land.

7.16 A s106 obligation to secure policy-compliant contributions for a development of this scale will be sought, as follows:

- Public Open Space (£130,605)
- Education (total £466,186 - Primary £237,172 and Secondary £229,014)

7.17 The section 106 obligation will also secure the provision of 20% on-site affordable housing comprising 2 x 2 bed apartment, 9x 2 bed houses and 8 x 3 bed houses.

7.18 It is proposed that the public open space contribution would be used towards infrastructure improvements at the Ronald Street Play Area (£50,000), Lenton Recreation Ground (£50,000) and Radford Recreation Ground (£30,605).

7.19 It is proposed that the primary education contribution of £237, 172 would be used towards pupil places at primary schools within the Lenton Primary School Area which comprises Dunkirk, Edna G Olds, Mellers and Radford Primary schools.

7.20 The secondary education contribution of £229,014 would be used towards pupil places at Nottingham University Academy of Science and Technology (NUAST).

- 7.21 In relation to all of the above purposes (including each named school within the Lenton Planning Area), the Section 106 obligations sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.
- 7.22 The obligations proposed would accord with Policy R2 and H5 of the Local Plan and Policy 19 of the Aligned Core Strategy.

8. SUSTAINABILITY / BIODIVERSITY

The development is to be constructed following a 'fabric first approach' with the aim of achieving equivalent or better carbon emission values than those required by the current Part L of the Building Regulations. The 'fabric first approach' is to be achieved through appropriately insulated walls, floors and roofs. Furthermore, as the majority of properties are orientated to the west and east they are largely orientated to make best use of solar gain and natural daylight.

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

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

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: 17/01772/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OUB6VHLYH8500>

17 **Published documents referred to in compiling this report**

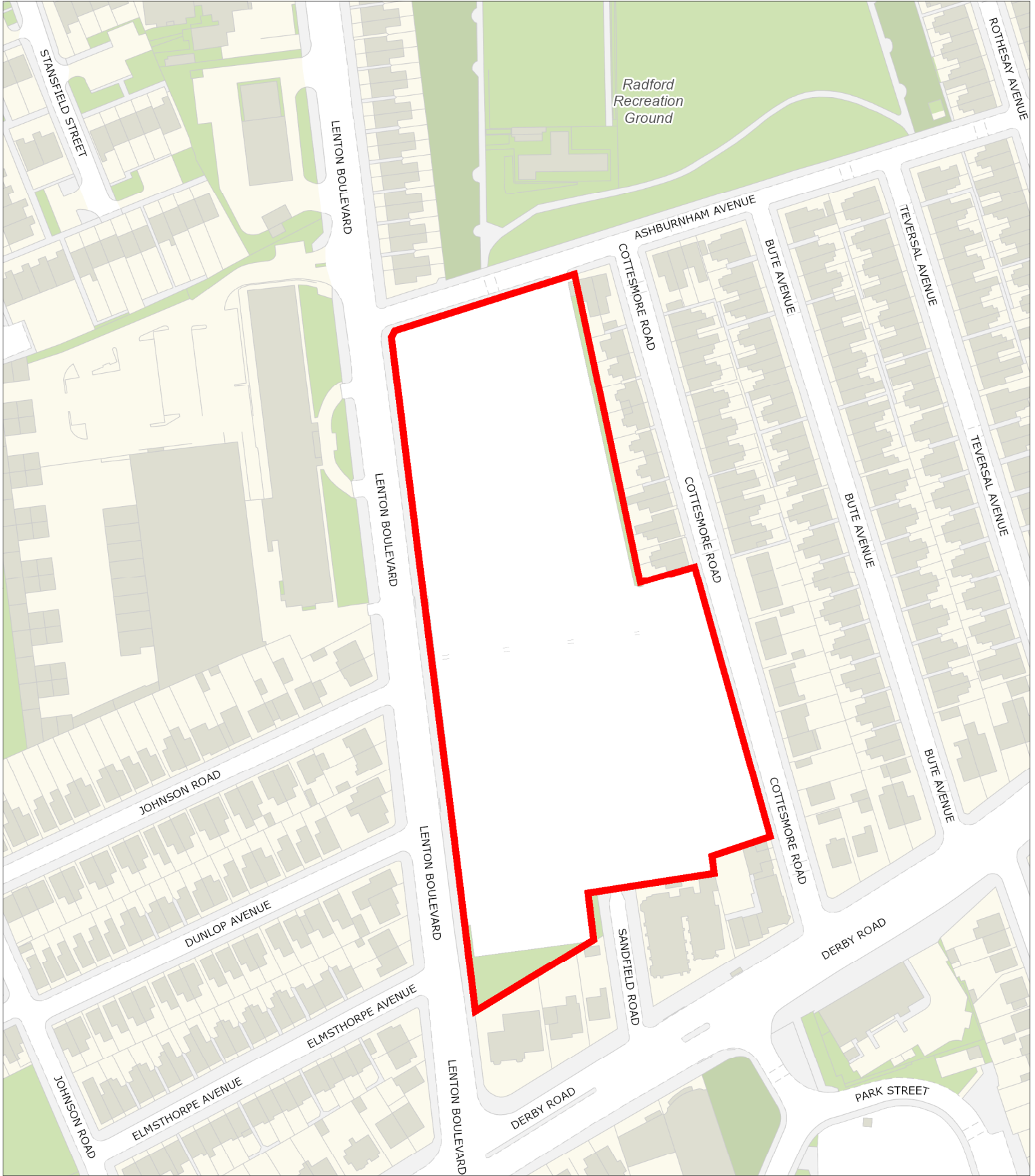
Nottingham Local Plan (November 2005)

Contact Officer:

Miss Jenny Cole, Case Officer, Development Management.


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NOMAD printed map



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Key
 **City Boundary**

Description
 No description provided

My Ref: 17/01772/PFUL3 (PP-06255388)
Your Ref:
Contact: Miss Jenny Cole
Email: development.management@nottinghamcity.gov.uk



**Nottingham
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Persimmon Homes Nottingham
FAO Mr Chris Gowlett
Fountain House
Southwell Road West
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NG18 4LE

Date of decision:

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

Application No: 17/01772/PFUL3 (PP-06255388)
Application by: Persimmon Homes Nottingham
Location: Site Of The Sandfield Centre, Sandfield Road, Nottingham
Proposal: Erection of 96no. residential dwellings (C3) and associated infrastructure, site access 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 details of existing and proposed site levels including cross sections shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved proposed site level details.

Reason: To ensure that the appearance of the development is satisfactory and residential amenity is respected in accordance with Policy 10 of the Aligned Core Strategy.



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Continued...

3. Prior to the commencement of development details related to the road geometry of site layout including details of tracking, signing, lining and alterations, a 'Swept Path Analysis', visibility splays and a stage I/II Safety Audit, shall be submitted to and agreed in writing by the Planning Authority.

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

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

4. Prior to the commencement of 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 include the impact of any local events, transportation noise, 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 plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical 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 more than 45dB LAmax(5 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 development shall be completed in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

Reason: To protect the living conditions of occupiers and neighbours in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.



5. Prior to the commencement of the development 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 Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: To safeguard the health and residential amenity of the occupants of the proposed development in accordance with Policy NE12 of the Nottingham Local Plan.

6. Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall provide for:
- a. The type, size and frequency of delivery to/from the site;
 - b. The parking of vehicles of site operatives and visitors;
 - c. Loading and unloading of plant and materials;
 - d. Storage of plant and materials used in constructing the development;
 - e. Wheel washing facilities;
 - f. Measures to control the emissions of dust and dirt during construction;
 - g. Routing agreements.

The Construction Method Statement shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and the amenity of surrounding occupants in accordance with Policy 10 of the Aligned Core Strategy

7. Prior to the commencement of development the two Birch trees (along the Cottesmore Road frontage), shown to be retained on the approved plan, shall be protected until the completion of the development as follows:
- a) No equipment, machinery or materials shall be brought onto the site in connection with the development unless all trees shown on the approved plan to be retained have been protected with fencing in the positions shown on a plan to be submitted and approved by the Local Planning Authority. The fencing shall be in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendation. The protective fencing 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.
- b) No work or storage of materials (including the removal or deposit of top soil), or excavations, shall be carried out within the fenced area(s) without the prior written permission of the Local Planning Authority.
- c) Poisonous or noxious materials e.g. oil, bitumen, cement shall not be stored or discharged, and no concrete mixing shall take place within 10 metres of any tree shown on the approved plan to be retained.
- Reason: To protect the future health of the trees in accordance with Policy NE5 of the Nottingham Local Plan.*

8. Notwithstanding the submitted plans, above ground development shall not commence until full details of external materials for the buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include material samples and details of windows and reveals.
- The development shall thereafter be carried out in accordance with the approved details.
- 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.*

9. The hard surfacing of all external areas shall not be commenced until details of the materials to be used have been submitted to and agreed in writing with the Local Planning Authority.
- The development shall then be carried out in accordance with the approved details.
- Reason: In the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy.*

Pre-occupation conditions

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

10. Notwithstanding the approved drawings, the development shall not be occupied until retaining walls, boundary treatments and enclosures to the site and plot boundaries have been erected in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- The development shall then be carried out in accordance with the approved plans.
- Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.*

11. Notwithstanding the approved drawings, the development shall not be occupied until a landscaping scheme for the site, including details of the street trees, has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, height, species and location of the proposed trees, the tree pits/trenches and aeration pipes and, a timetable for the implementation of the scheme. Thereafter the landscaping scheme shall be carried out in accordance with the approved details and timetable. 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the development in accordance with Policy 10 of the Aligned Core Strategy.

12. The development shall not be occupied until electric vehicle charging points have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

i) For Residential Development, 1 electric vehicle charging point per domestic unit (i.e. dwelling with dedicated off street parking), and 1 electric vehicle charging point per 10 parking spaces (unallocated parking);

ii) For Anticipated Future Demand and to prepare for increased demand in future years, appropriate cable provision shall be included in the scheme design and installed as part of the development in agreement with the Local Planning Authority.

Reason: To encourage more sustainable modes of transport in accordance with paragraph 35 of the National Planning Policy Framework.

13. All of the dwellings shall not be completed until the following have first been submitted and 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 safeguard the health and residential amenity of the occupants of the proposed development in accordance with Policy NE9 of the Nottingham Local Plan.

14. All of the dwellings shall not be completed until written verification that the approved sound insulation scheme has been implemented and is fully operational have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development in accordance with Policy NE9 of the Nottingham Local Plan.



15. The development shall not be completed until all redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway Safety in accordance with Policies 1 and 10 of the Aligned Core Strategy.

16. Each dwelling shall not be occupied until all car parking spaces and turning areas to serve that dwelling have been provided in accordance with the approved plans.

Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.

17. No dwellings fronting Lenton Boulevard and within the Apartment building shall be occupied until a details of the bin storage collection areas to serve these properties have been submitted to and approved in writing with the Local Planning Authority.

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

Reason: In the interests of Highway Safety and sustainable development in accordance with Policies 1 and 10 of the Aligned Core Strategy.

18. The dwellings fronting Lenton Boulevard shall not be occupied until details of the vehicular access points to be created in the retained Bulwell Stone Wall along Lenton Boulevard, together with details of pedestrian access points and any remedial/rebuilding work required to the wall, have been submitted to and approved in writing with the Local Planning Authority.

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

Reason: In the interests of Highway Safety and to ensure that the wall is retained to enhance the character and appearance of the development in accordance with Policies 1 and 10 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

19. The development shall not be occupied until details of a Residential Travel Pack, including the mechanisms for their distribution and obtaining of bus passes, have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the Residential Travel Packs shall be distributed in accordance with the approved details.

Reason: In the interests of promoting more sustainable forms of travel in accordance with Policy 10 of the Aligned Core Strategy.

20. The development shall be carried out in accordance with section 7 of the submitted Flood Risk Assessment reference 17037 prepared by Travis Baker dated 14th July 2017.

Reason: In the interests of managing flood risk in accordance with Policy NE10 of the Nottingham Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other



documents comprising the application as validated by the council on 8 August 2017.

Reason: To determine the scope of this permission.

Informatives

1. 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' and other authoritative guidance. The Remediation Strategy must also provide details of:

'Cut and fill' operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

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

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

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

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

A key theme of the National Planning Policy Framework (DCLG 2012) is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) charging points, should be provided (paragraph 35).

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 committee report, enclosed herewith and forming part of this decision.

3. 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.

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. 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 Highways Network



Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.

The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

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 on 0115 8765293 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. 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 applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottingham City Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Network Management on 0115 876 5293.

The Highway Authority 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. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

Please contact our drainage experts Paul Daniels 0115 8765275 or Nick Raycraft 0115 8765279 to discuss requirements to satisfy the condition related to drainage.

For TRO advice and further information the applicant is advised to contact Scott Harrison on 0115 8765245.

Please contact Robert Smith 0115 8763604 robert.smith3@nottinghamcity.gov.uk to discuss sustainable transport, and the Travel Plan and measures.

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: 17/01772/PFUL3 (PP-06255388)

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.

REPORT OF CHIEF PLANNER

Site Of 1 To 27 Bedford Row And 57 To 117, Brook Street

1 SUMMARY

Application No: 17/00751/POUT for outline planning permission

Application by: Mr Matthew Letts on behalf of Mr Alec Hamlin

Proposal: Outline planning application for the development of up to 43 houses, apartments and duplexes with shared facilities and external courtyards, including details of access, layout and scale.

The application is brought to Committee because it is a major development where there are important design and heritage considerations. Also, officers may recommend that policy compliant S106 contributions be waived or reduced on the grounds of viability, depending on the awaited conclusions of the District Valuer.

To meet the Council's Performance Targets this application should have been determined by 19th September 2017, but an extension of time has been agreed to 19 January 2018.

2 RECOMMENDATIONS

GRANT OUTLINE PLANNING PERMISSION subject to:

a) Prior completion of an agreement under Section 111 of the Local Government Act 1972 to secure a Section 106 planning obligation upon the subsequent disposal of the site to the developers, which shall include:

- (i) a financial contribution towards off-site public open space;
- (ii) a financial contribution towards off-site affordable housing;
- (iii) a financial contribution towards education uses.

Subject to the conclusions of the District Valuer's independent assessment of the developer's viability appraisal as to whether the whole or part of the policy compliant section 106 contributions should be required

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

Power to determine the final details of the conditions, the section 111 agreement and the planning obligation to be delegated to the Chief Planner and subject to satisfaction that the obligation sought complies with the provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly

related to the development and (c) fairly and reasonably related in scale and kind to the development.

- 2.3 That Councillors are satisfied that the section 106 obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site is located between Bath Street and Brook Street and has been previously developed, being part of the former Victoria Leisure Centre prior to its redevelopment and with four short terraces of Council housing that were accessed off Brook Street. There are remaining sections of terraced housing to the west on Brook Street. Bedford Row and The Ragged School (listed Grade II) and Victoria Leisure Centre and clock tower are to the east. Park View Court flats (listed Grade II) and Sutherland House School are to the north. The Royal Mail city delivery office and the Hockley Point and iQ student accommodation buildings are to the south.
- 3.2 The northern/Bath Street area of the application site falls within the Sneinton Market Conservation Area. This area also remains as an allocated mixed use development site (MU5.1) as part of the current Local Plan. The remainder of the site has no allocation. The entire site is being proposed for residential (Class C3) development within the Land and Planning Policies Document – Local Plan Part 2 (Revised Publication Version), but it is to be noted that this proposed allocation currently carries no planning weight. The application site also falls within the Eastside Regeneration Zone.

4 DETAILS OF THE PROPOSAL

- 4.1 The outline planning application is for the development of up to 43 houses, apartments and duplexes with shared facilities and external courtyards, including details of access, layout and scale. The proposed housing layout follows the pattern of the established road layout, the completion of a recent partially formed link road between Bath Street and Brook Street, and thereby splitting the site into three parcels or phases of development. The proposed layout reinstates the site frontages to Bath Street and Brook Street, with houses also fronting onto the completed link road. The scale of development is proposed as being two, three and four storeys, with a massing model and associated Design Code indicating how the proposed scale and future design of the buildings are to be regulated having regard to their context with neighbouring buildings. The dwellings are primarily arranged around communal courtyard spaces, with short adjoining private spaces to each dwelling. Car parking is proposed to be created on-street along the completed link road and on an associated new section of Bedford Row.
- 4.2 The developer has indicated that they will work with the Council's Employment and Skills team to meet employment targets relating to construction jobs for residents and trainees.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

35 – 57(o) Brook Street
The Ragged School, Brook Street

Victoria Leisure Centre, Gedling Street
Flats, 13 Gedling Street
1 – 80 Park View Court, Bath Street
Sutherland House School, Bath Street
44 – 46 Bath Street
Flats, 48 – 50 Bath Street
52 Bath Street
Bath Inn and Flats 1 & 2, 1 Handel Street
Flats 1 – 10 Hockley Point, 2 Boston Street
1 Lower Parliament Street

The application has also been advertised by press and site notices.

The following comments have been received:

Nottinghamshire Wildlife Trust, The Old Ragged School: Recommend that the LPA requests an ecological assessment is undertaken with the report submitted for review before this application is determined. Disappointed to note the minimal soft landscaping proposed, with the site largely paved and only a small number of trees to be planted. This early phase of development provides the opportunity to ensure that measures which benefit biodiversity and green infrastructure for example, are incorporated within the final plans.

NWT has numerous building access points to the rear off Bedford Row and require continued vehicle and pedestrian access to these points during and post any development of the site. Wish to highlight the Grade II listed sensitivity of our building. Any new development in this area should make provision for parking, so that it does not add to the already serious parking problems in the area.

Nottingham Civic Society: Has some reservations about the density and scale of part of the residential development, part of which is located in the Sneinton Market Conservation Area and affects the setting of two Grade II listed buildings - the former Ragged School and Park View Court flats. Whilst it is recognised that the siting and scale have taken some account of sensitive neighbouring context including the listed buildings, the Design Code does seem somewhat weak in its safeguarding of the setting of the Ragged School on Brook St/Bedford Row. There also appears to be scope for a wide range of different materials, notwithstanding the qualified conservation area / listed building-facing sub-sections of the Code. This may not result in a very harmonious or contextually respectful overall composition. Some tightening up of the wording of the Design Code would be welcomed to safeguard the listed buildings and conservation area character in this outline application process.

Additional consultation letters sent to:

Environmental Health: No objection subject to conditions requiring contamination remediation and verification, and environmental noise assessment and sound insulation

Highways: No objection subject to conditions, including a Construction Traffic Management Plan. Proposed on-street car parking provision may be part of any residents parking scheme. The Traffic Regulation Orders on the surrounding highway network may require alterations to support the development and all costs for investigation and implementation must be borne by the applicant.

Drainage: As this site is a brownfield development, a minimum reduction of the surface water run-off by 30% is required. In order to demonstrate this the applicant will need to undertake run-off rates of the existing site in addition to the proposed run-off rates of the new site to ensure that they are proposing a 30% betterment. Sustainable drainage measures should be provided as part of this approach, including a maintenance schedule for these features.

Biodiversity: The indicative landscaping plans shows individual trees, which would provide a complimentary habitat to those at in the neighbouring Victoria Park and St Marys Rest Garden. The provision of trees would provide an extension to the habitats and add additional roosting opportunities for nesting birds. Any fencing installed as part of the development should be hedgehog friendly.

City Archaeologist: An archaeological evaluation at the form site has been completed and a report is being produced. Archaeological remains, consisting of ditches of uncertain date, were found. It is quite likely these are medieval or, at the latest, post-medieval in date and they are therefore of archaeological interest. It is possible that post-excavation analysis will offer some clues as to their date and function. Small pits and possible postholes were also found. These were generally believed to be of modern or late post-medieval date and, in the main, are of very limited interest. There is, nonetheless, some archaeological potential across much of the site and this will warrant an archaeological watching brief, as a condition, during groundworks.

A small area of the site (largely part of the proposed Phase 2) has greater archaeological potential and will require excavation. Therefore a condition will be required to ensure that a programme of archaeological works consisting of a combination of excavation and watching brief is carried out across this area.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Paragraphs 126 to 141 of the NPPF set out the government's approach to conserving and enhancing the historic environment. Of particular relevance to this application, paragraph 131 requires authorities to take into account:
- the desirability of sustaining and enhancing the significance of heritage assets (including conservation areas and listed buildings) and putting them to viable uses consistent with their conservation,
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.7 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

BE10 - Development Around Listed Buildings

BE12 - Development in Conservation Areas

BE16 - Archaeology

H2 - Density.

H5 - Affordable Housing.

NE9 - Pollution.

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategies (September 2014)

Policy 1 - Climate Change

Policy 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 17 - Biodiversity

Other Planning Guidance

Affordable Housing Policy and Developers Contributions Supplementary Planning Guidance

Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

Whether :

- (i) The use, layout and scale of the proposed development is appropriate to its location, without significant impact upon the amenity of neighbouring occupants, and whether the development would preserve or enhance the character or appearance of the Sneinton Market Conservation Area and the setting of adjacent listed buildings.
- (ii) The potential archaeological significance of the site is appropriately understood and preserved and/or recorded.
- (iii) The S106 obligations that would normally be required should be waived or reduced.

Issue (i) Use, layout and scale in relation to neighbouring occupants, the character or appearance of the Sneinton Market Conservation Area, and the setting of adjacent listed buildings. (Policies BE12 and H2 and Policies 8 and 10)

- 7.1 The principle of the redevelopment of this longstanding vacant site for residential use is considered to be compatible in character with the neighbouring residential developments on Brook Street and Bath Street. The residential use of the site is also being proposed within the Land and Planning Policies Document – Local Plan Part 2 (Revised Publication Version), although this proposed allocation currently carries no planning weight. Whilst the density of proposed development is higher than the existing housing on Brook Street, it is also lower than that could have been anticipated for the site at this location on the edge of the city centre and relationship to the high density Park View Court flats. There have been no objections to the proposed residential use of the site.
- 7.2 The layout of the proposed development provides a logical pattern of dwellings that front onto the roads and internal courtyard spaces. Whilst it is recognised that the internal courtyard spaces created are reliant upon a high degree of communal amenity, it is considered that this compact arrangement is appropriate to the site and group custom build model of development that is being presented, whereby each phase of development would commence upon the formation of a group of future residents that are attracted by this model of development and location proximity to local facilities and the city centre.
- 7.3 The layout of the proposed development has been amended during the consideration of the application with a plot/building being omitted that had been positioned proximate to the boundary of the site with the rear garden of the

neighbouring property on Brook Street and rear playground area Sutherland House School on Bath Street. The amended layout is now considered to be appropriate neighbouring developments and wider area, including enhancement of the Sneinton Market Conservation Area.

- 7.4 Whilst the application is for outline planning permission, part of the site falls within the Sneinton Market Conservation Area and the remainder of the site is therefore adjacent to this Conservation Area. In accepting an outline submission, it has therefore been important to establish appropriate scale and design parameters to ensure that subsequent reserved matters submissions are guided towards the quality and level of detailed design that will be expected. The applicant has therefore provided a Design Code document that incorporates a range of key design principles, massing and street scene diagrams, and materials palette that would apply to each phase of development. This includes massing control and enhanced design restrictions where elements of the proposed layout have sensitive relationships with neighbouring buildings including, e.g. the Ragged School, Victoria Leisure Centre clock tower, and Park View Court. For example, the roof profile of the dwelling proposed adjacent to the Ragged School is required to respond to the roofscape of this Grade II listed building and must also include window openings on its eastern elevation to overlook Bedford Row and reflect the scale of openings seen on the Ragged School. Similarly the stepped profile and form of the proposed terrace of dwellings onto Bath Street is also reduced adjacent to the Victoria Leisure Centre, also with roof profile modification to suit. A reduced materials palette is also to be used where dwellings fall within the Conservation Area.
- 7.5 The reservations and further comments of Nottingham Civic Society in relation to the density, scale, and materials palette of the Design Code are noted. It is the case that, as with all outline planning applications, it is not possible to provide complete certainty that subsequent reserved matters submissions will recognise and respond positively to the Design Guide. However, it is considered that there is a good balance between the flexibility of design that is needed to support the group custom build process that is the key driver of the proposed development as well as a sufficient level of control that would ensure that poor design is able to be rejected. Nottingham Civic Society will also have the opportunity to express their further views on individual reserved matters submissions.
- 7.6 It is therefore considered that the proposed development accords with Policies BE12 and H2 and Policies 8 and 10.

Issue (ii) Archaeological significance. (Policy BE16)

- 7.7 An archaeological investigation of the site has been carried out and on the basis of its findings the City Archaeologist has recommended planning conditions requiring an archaeological watching brief for the whole site and a programme of archaeological works consisting of a combination of excavation and watching brief for a specific area of the site (Phase 2 of the indicative phasing plan) where greater archaeological potential has been identified. Subject to these conditions it is considered that the proposed development accords with Policy BE16.

Issue (iii) S111 agreement /S106 Planning Obligation. (Policies ST1, H5, R2 and Policy 8)

- 7.8 The City Council is the current landowner of the application site. In order to secure the appropriate s106 planning obligation, an agreement under section 111 of the Local Government Act 1972 is needed, which will require the developer to enter into a subsequent s106 planning obligation at such time as it acquires an interest in the site.
- 7.9 For this development to be policy compliant the expected planning obligations would be:
- a financial contribution of £53,582.04 towards off-site public open space
 - a financial contribution towards of £322,200 towards off-site affordable housing
 - a financial contribution £145,644 towards education uses
- 7.10 The public open space contribution would be used towards facility improvements at King Edward Park and the education contributions would be used towards William Booth Primary (£81,753) and Nottingham Academy, Sneinton Boulevard site (£63,911).
- 7.11 The applicant has submitted a viability appraisal in support of their assertion that the proposed development would not be viable based upon the provision of the full S106 developer contributions that the scheme would otherwise be required to meet. The appraisal is currently being reviewed by the District Valuer and a recommendation on this independent assessment will be reported in the Committee Update Sheet.
- 7.12 The proposed obligations, as detailed above, are in accordance with planning policies and are therefore reasonable, meeting the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
- 7.13 It is confirmed that neither of the proposed Section 106 obligation(s) sought in relation to public open space or education would exceed the permissible number of obligations for those particular projects pursuant to Regulation 123 (3) of the Community Infrastructure Levy Regulations 2010.

Other Matters (Policy T3)

- 7.14 Highways have no objection to the on-street car parking proposals within the site layout, advising that, subject to the alteration of Traffic Regulation Orders, these are able to become part of the existing residents parking scheme and thereby addressing the concerns over the provision of parking within the development that has been raised by Nottinghamshire Wildlife Trust. The sustainable edge of centre location of the application site is also noted in response to this concern. The access requirements of NWT off Bedford Street would be unaffected by the proposed development. It is therefore considered that the proposed development accords with Policy T3.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

- 8.1 Whilst the comments of Nottinghamshire Wildlife Trust are acknowledged, the site has been substantially cleared with the exception of perimeter vegetation and it is

not therefore considered that full ecological assessment is required in this instance. The Biodiversity Officer is satisfied that the indicative landscaping plan with street tree planting would provide a complimentary habitat to those at in the neighbouring Victoria Park and St Marys Rest Garden, being an extension to these habitats and add additional roosting opportunities for nesting birds. The Biodiversity Officer has also recommended that any fencing installed as part of the development should be hedgehog friendly and this is noted as an informative within the attached draft planning permission.

8.2 The application proposes a 'fabric-first' approach to minimise energy consumption. The Design Code advises that all homes are to achieve a minimum B rating on their Energy Performance Certificate, above the current Building Regulations standards and minimising the heating requirement for the dwellings. Discussions with Enviroenergy are also to be held to determine the practicality and cost of supply to the site.

8.3 It is therefore considered that the proposed development accords with Policies 1 and 17

9 FINANCIAL IMPLICATIONS

For this development to be policy compliant, the expected planning obligations would total £521,426.04 as detailed above. However, a reduction in this overall level of contribution is likely as a result of the assessment of viability that is being undertaken.

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

Ensuring Nottingham's workforce is skilled.

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: 17/00751/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ONVUPSLYMXI00>

2. Drainage, 4.7.17

3. City Archaeologist, 6.7.17

4. Biodiversity, 18.7.17

5. Nottinghamshire Wildlife Trust, 17.7.17

6. Environmental Health, 15.8.17

7. City Archaeologist, 29.11.17

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategies (September 2014)

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.

Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

NOMAD printed map



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Key
City Boundary

Description
No description provided

My Ref: 17/00751/POUT (PP-05955386)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
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Tel: 0115 8764447
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Mr Matthew Letts
Studio 10 Ayr Street Workshops
Ayr Street
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NG7 4FX
United Kingdom

Date of decision:

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

Application No: 17/00751/POUT (PP-05955386)
Application by: Blueprint (FAO Mr Alec Hamlin)
Location: Site Of 1 To 27 Bedford Row And 57 To 117, Brook Street, Nottingham
Proposal: Outline planning application for the development of up to 43 houses, apartments and duplexes with shared facilities and external courtyards, including details of access, layout and scale.

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

Time limit

1. Prior to the commencement of the development, details of the appearance of the buildings and landscaping, indicating the type, height, species and location of proposed trees and shrubs (hereinafter called "the reserved matters") shall be submitted to and approved in writing with the Local Planning Authority. The submitted details shall accord with the approved Design Code, as revised and received by the Local Planning Authority on 15 November 2017.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for the approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

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

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



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Pre-commencement conditions

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

3. No development involving the breaking of ground shall take place, unless a programme of archaeological investigation and works for those parts of the site which are proposed to be excavated below existing ground, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:
- a) arrangements for the excavation of areas where archaeological features are known (from the results of earlier evaluation) to survive, and the implementation of a watching brief during the course of the development;
 - b) arrangements for the recording of any finds made during the investigation and for the preparation of a final report;
 - c) arrangements for the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
 - d) arrangements for the publication of a summary of the final report in an appropriate journal.

The archaeological investigation and works approved under this condition shall be carried out in accordance with the approved programme.

Reason: to ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policies BE15, BE16 and BE17 of the Nottingham Local Plan.

4. Prior to the commencement of the development, 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 Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

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

5. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, 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 plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical 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 more than 45dB L_{Amax}(5 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).

Reason: To ensure that the residential occupiers do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

6. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan 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 Construction Traffic Management Plan 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.

7. Other than demolitions and site clearance works, no development shall commence until further information regarding the disposal of surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Nottingham Local Plan.

8. No above ground development shall commence until sample panels of all proposed external materials to be used in the construction each phase of the approved development has been submitted to and approved by the Local Planning Authority in writing before any above ground development commences. The development shall thereafter be carried out 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.



Pre-occupation conditions

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

9. 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 site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE9 of the Nottingham Local Plan.

10. Prior to first occupation of the development, verification that the approved sound insulation 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 that the residential occupiers do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

11. The access, layout and scale of the approved development shall accord with the approved drawings listed in Condition S1 of this consent and shall also accord with the approved Design Code, as revised and received by the Local Planning Authority on 15 November 2017.

Reason: In the interests of ensuring that the approved development remains in accordance with these approved details and in accordance with Policy 10 of the Aligned Core Strategies.

12. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any trees 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 will be satisfactory in accordance with Policy 10 of the Adopted Core Strategy.

13. If the implementation of the development includes details of any heating and power generating equipment utilising Biomass for heating (and power generation) or any Combined Heat and Power systems (over 60kWe) using natural gas or bio-fuel, the details of the proposed system must be submitted to and approved by the Local Planning Authority prior to its installation on site (with a view to Air Quality).

Reason: To ensure that the site can be developed without health or safety risks to the users of the development in accordance with Policy NE9 of the Nottingham Local Plan.

Standard condition- scope of permission



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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 001 revision Rev A
Drawing reference 002 revision Rev B
Drawing reference 003 revision Rev B
Drawing reference 005 revision Rev B
Drawing reference 010 revision Rev B
Drawing reference 011 revision Rev A
Drawing reference 012 revision Rev A
Drawing reference 015 revision Rev B
Other reference DESIGN CODE revision March 17

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.

0. Construction & Demolition

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

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 off-site 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 measures include;-



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Flexible plastic sheeting
Water sprays /damping down of spoil and demolition waste
Wheel washing.
Periodic road cleaning.

0. As hedgehogs are a NERC Act (2006) Species of Principal Conservation Importance, a suitable 5 inch square gap at the bottom of the fence either side of the garden/boundary throughout a development will improve connecting habitat for hedgehogs and other small mammals.

0. District heating passes through the site and it is recommended that the scope to use this as a heat source is explored with Enviroenergy.

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: 17/00751/POUT (PP-05955386)

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

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

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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WARDS AFFECTED: Radford And Park

Item No:

**PLANNING COMMITTEE
20th December 2017**

REPORT OF CHIEF PLANNER

Land North Of Canal, Castle Boulevard

1 SUMMARY

Application No: 17/00882/PFUL3 for planning permission

Application by: Bricross Developments Limited

Proposal: Erection of purpose built student accommodation scheme and associated works

The application is brought to Committee because it is a major development on a prominent site where there are important land-use and design considerations.

To meet the Council's Performance Targets this application should have been determined by 24th July 2017 but an extension of time has been agreed with the applicant.

2 RECOMMENDATIONS

2.1 GRANT PLANNING PERMISSION subject to:

- (a) Prior completion of a Section 106 Planning Obligation which shall include:
 - (i) A public open space contribution of £13,914.78 towards improvement to play area provision in Highfields Park;
 - (ii) A student management scheme, which shall include a restriction on car usage; and
 - (iii) A public transport contribution of £5,000 towards improved signage of the cycle way along Castle Boulevard.
- (b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of both the terms of the Planning Obligation and the conditions to be delegated to the Chief Planner

2.2 That Councillors are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

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

3 BACKGROUND

- 3.1 The application site is located on the southern side of Castle Boulevard between the public highway and canal. It is a long thin piece of canal bank, with a wide frontage onto Castle Boulevard and a site area of approximately 1,006sqm. The site is 160m long and widest at its centre, where it measures approximately 10m from Castle Boulevard to its southern boundary with the canal. The application site narrows considerably at both its western and eastern boundaries. The site has been cleared and is currently overgrown.
- 3.2 To the immediate east of the site is the Multiyork furniture shop and its car park, whilst to the south is the Nottingham Canal. On the south side of the canal, there is Sainsbury's and the Castle Quay apartment development to the west of this. On the opposite side of Castle Boulevard to the north is the Park Rock apartment development and a vehicle repair garage. Beyond this to the north, and on a higher level, are residential properties within the Park Conservation Area. This section of Castle Boulevard is largely characterised by a mix of residential properties and commercial and retail properties. The canal is a designated Local Wildlife Site (LWS)/SINC and the eastern end of the site abuts the Canal Conservation Area.
- 3.3 Planning permission was granted in 2007 for 4x3 bedroom dwellings with 5 off-street parking spaces within the centre of the development, served by a single access from Castle Boulevard (planning ref: 07/02038/PFUL3). Planning permission for this development was subsequently renewed in 2010 and 2014 (planning refs: 10/03675/PFUL3 and 14/01187/PFUL3).

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission to develop the site for purpose built student accommodation, providing 66 bedrooms. The development consists of two primary blocks positioned at the widest part of the site, opposite Park Rock, both of which would be four storeys in height. A third, smaller three-storey block would be located at the eastern end of the site. All three blocks are sub-divided on a town house arrangement, which incorporates cluster units with their own individual entrance from castle Boulevard. Communal accommodation i.e. kitchen/dining and living rooms would be located on the ground floor with bedrooms located on the upper floors. Each block component would include an internal bin and cycle store.
- 4.2 The blocks would sit at the back of the pavement along Castle Boulevard and extend to the canal edge. Both private external space and new areas of public realm have been incorporated into the scheme. An area of private space sits between the two main blocks and there are two further areas of public realm to allow the public to gain access to the canal edge. The proposed style and appearance of the buildings are distinctive and incorporate large windows with deep reveals and fully glazed access cores. It is proposed to use mainly a high quality red brick, with a contrasting brown/red brick and the use of interdenial brickwork to add further articulation to the facades. The ground floor acts as a plinth for floors above, which will overhang on the Castle Boulevard and end side elevations. The fourth floor of the two main blocks is to be set back from the floors below and clad in zinc.
- 4.3 As part of the development package the developer has offered to deliver local employment and training opportunities during the construction of the development,

including a financial contribution towards pre-employment training and recruitment costs. This will be secured through the Section 106 obligation.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

87 neighbouring properties on the following streets have been notified of the proposal:

Castle Boulevard
Fishpond Drive
Peveril Drive
Castle Quay Close
Park Wharf
Hermitage Walk
Friars Court
Rock Drive
Foxes Close
Castle Bridge Road

The application has also been publicised through the display of a site and press notice.

17 local residents in the Park Rock development and the Park to the north, and Nottingham Action Group on HMOs, have raised concerns about the proposal. They consider that it is not appropriate to the indicated space or locale, and have made the following points/comments:

1. The site is too small for the scale of development proposed and the concentration of new residents planned. It is considered to be over intensive.
2. The development will destroy the amenities of existing residents, e.g. light, noise and rubbish. The front elevation of the Park Rock development is predominantly windows, there is concern that significant overlooking, loss of privacy, and loss of light would be caused. The close proximity of the buildings would be claustrophobic, overbearing and oppressive. The heavy concentration of new residents in such a small space will create untenable noise and filth, e.g. overflowing bins, abandoned shopping trolleys, rats and other vermin, as has occurred at Greystacks (further along Castle Boulevard to the west). It would block views of the canal from the Park Rock development and the Park beyond.
3. Nottingham already has more student accommodation than it needs, particularly in light of university applications falling across the UK. More student flats is not what this area needs. The area already suffers with noise and antisocial behaviour and the development will make it worse. Which students i.e. Nottingham University or Nottingham Trent is this development being marketed towards?
4. Views of the Castle from the canal would be ruined.
5. The development would hamper Castle Boulevard, making it more dangerous for cars entering and exiting along the Boulevard, and further inhibiting the movement of the emergency services. Residents along Castle Boulevard

consider that traffic congestion has been increased since the introduction of the cycleway and the proposed development would exacerbate this. Concerns are also raised about cyclist safety on the cycleway.

6. Concern that no parking is proposed, the assumption being that students would not bring cars to the city. Students in Greystacks are often seen parking opposite on vacant sites.
7. Public transportation (buses) is inadequate and unlikely to be increased (due to the narrowness of the Boulevard for sizeable vehicles). A development of this nature would be better built nearer the tram.
8. Concern that the development would damage the local environment of the canal and destroy the natural habitat it provides for local wild life. Bats have been seen foraging across the site. It forms parts of the City's green infrastructure and as such, the development would be contrary to Policy 16 of the Aligned Core Strategy. This is seen as the only section along Castle Boulevard where the public get close to the canal.
9. The buildings, in terms of their design, would contribute little towards the street scene along Castle Boulevard.
10. Inadequate ground stability and drainage result in an adverse impact on ground stability in the area and increased risk of flooding.
11. The existing planning permission is subject to many - mainly environmental - conditions, and is for only four, much smaller residences. A 3-block, 4-story development with circa 75 residents is outrageous in such a small, confined space.
12. Construction of the development would be impossible on such a small space, without seriously obstructing and/or compromising traffic and cycle/pedestrian usage of Castle Boulevard, over a substantial period of time. Noise levels would be unbearable for existing residents, and the diversion/obstruction of traffic would add to noise and congestion elsewhere. Building works would also adversely affect the boat traffic on the canal, while the parking situation on the Boulevard would similarly be negatively impacted.
13. The development of Greystacks was built on a larger piece of land, yet caused massive disruption on Castle Boulevard and the crossroads to Abbey Bridge. It has become an eyesore, with student detritus visible from the street, overflowing bins attracting rats and other vermin, and abandoned shopping trolleys.
14. There would be no space between the front door and the road and no communal external space to the rear.
15. Devaluation of apartments in the Park Rock development.

The development has been revised and neighbours re-consulted on the final amendments (expiry date 14.12.17). Further comments received will be reported to Committee on the update sheets.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections subject to conditions relating to the agreement of a noise assessment, sound insulation scheme and details of piling or other foundation designs using penetrative methods.

Highways: The principle of the proposed development is considered acceptable, although it is recommended that further consideration is given to the accessibility and design of the cycle storage proposed. It is also recommended that due to site constraints, the applicant should contact Highways Network Management as soon as possible to discuss how the construction will be managed, and to gain further understanding of the information required for a Construction Management Plan. A financial contribution of £5,000 is required for improved pedestrian and cycle signing along the cycleway. The conditions recommended include the submission of a traffic management scheme for residents loading and unloading, a construction management plan, the provision of a temporary access and the provision of secure cycle stores.

Environment Agency: No objections, subject to the development being carried out in accordance with the submitted Flood Risk Assessment and the recommended flood mitigation measures.

Canal and River Trust: Raise issues with regard to the impact of the development on the canal edge and canal structure. They recommend that detailed design of the works to canal edge be secured by condition.

Archaeology: An archaeological watching brief is required during groundworks associated with the development, which can be conditioned. The site lies within the Archaeological Constraint Area known as Lenton Road/Castle Boulevard, The Park. This Archaeological Constraint Area covers the site of the medieval Lenton Hermitage and its immediate surroundings. The caves forming Lenton Hermitage lie approximately 35m north of the proposed development site. The area of the Scheduled Monument starts 25m north of the proposed development site.

Drainage: No comments.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

Paragraph 94 advises that local planning authorities should take full account of flood risk when making planning decisions. Paragraphs 100 to 104 set out that local authorities should steer development to areas at least risk of flooding and ensure that flood risk is not increased elsewhere. Local authorities should only consider development appropriate in areas at risk of flooding which are supported by an appropriate flood risk assessment.

Nottingham Local Plan (November 2005):

Policy ST1 – Sustainable Communities

Policy H2 – Housing Density

Policy H6 – Student Housing

Policy BE12 – Setting of an adjacent Conservation Area.

Policy T3 – Car, Cycle and Servicing Parking

Policy NE2 – Local Nature Reserves

Policy NE9 – Pollution

Policy NE10 – Water Quality and Flood Protection

Policy BE 16 - Archaeological Constraint Areas

Aligned Core Strategy (ACS) (September 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 11 – Historic Environment

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

Building Balanced Communities Supplementary Planning Document

Monitoring of Student Households report (November 2016)

Planning Guidance for the Provision of Open Space within Developments,

7. **APPRAISAL OF PROPOSED DEVELOPMENT**

Main Issues

- (i) Principle of student accommodation
- (ii) The design and appearance of the development
- (iii) Amenity of occupiers
- (iv) Impact on amenity of surrounding residents
- (v) Highway considerations
- (vi) Planning obligations

(i) Principle of student accommodation (Policies A and 8 of the Aligned Core Strategy, Policies ST1 and H6 of the Local Plan and the Building Balanced Communities SPD (BBCSPD))

- 7.1 The latest Nottingham Authority Monitoring Report (March 2017) highlights that in last 8 years there has been a significant rise in the number of students nationally and in Nottingham this has resulted in approximately 10,350 additional students (a rise from 42,292 in 2007/08 to 52,636 in 2015/16). The 2015/16 academic year saw the largest number of full time students in the two universities. It is anticipated that the combined numbers of students will remain reasonably static in the foreseeable future with any likely increase in foreign students offset by a reduction in UK students studying in Nottingham.
- 7.2 It recognises that policy guidance contained in the BBCPD and Policy H6 of the Local Plan has been effective in assisting to maintain and promote balanced communities by encouraging well-managed purpose built student accommodation (PBSA) in appropriate locations, with the intention of freeing up other residential properties for occupation by other households. The last few years has seen a significant increase in the supply of PBSA, which reached its highest level in 2016/17 when 1,412 additional bed spaces were made available. Vacancy surveys were undertaken for the academic year 2014/15 and 2015/16 and PBSA providers reported very low vacancy rates of less than 1%. Despite the increase in number of purpose-built student bed spaces, general housing stock in the traditional of areas high student concentration i.e. Dunkirk and Lenton and Radford and Park, remain attractive to students, with little reduction in Council Tax exemptions for student households in these areas. A continued steady supply of new bed spaces in attractive PBSA accommodation will continue to be required if there is to be a significant reduction in these numbers.
- 7.3 The percentage of households being occupied by students in the local vicinity of the proposed development is 8.5%, and adjoining areas 12%. This is well below the 25% threshold included within the Building Balanced Communities Supplementary Planning Document. Consequently, whilst the percentage of households in student occupation would marginally increase, it is not considered that the proposal would adversely affect the balance of the community. The location of the site is detached from the main areas of high student concentration to the west, rather being situated in a mixed-use commercial/residential environment at the periphery of the City Centre. Furthermore, the scheme has been designed to reflect the 'Town House' arrangement of Greystacks with communal living accommodation on the ground

floor and bedrooms on the upper floors. Some of the bedrooms do have kitchen facilities but this is to add flexibility to the marketing model and cater for the wider needs of the student market. This is not a location where the development would be likely to have a detrimental impact on the amenity of existing residents, particularly given the slightly detached nature of the site and its position alongside a busy arterial route into the City Centre.

- 7.4 It is concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Policies A, 8 and 11 of the Aligned Core Strategy, Policies ST1, BE12 and H6 of the Local Plan and the Building Balanced Communities SPD (BBCSPD).

(ii) The design and appearance of the development (Policies 10 and 11 of the Aligned Core Strategy and Policies H2 and BE12 of the Local Plan)

- 7.5 The narrow dimensions of this site, the context of the canal and Castle Boulevard strongly dictate the nature, scale and form the development. The proposed buildings has a frontage of 160m in width (intersected with open areas of private and public realm) and are proposed to be four and three storeys in height. Although this represents a significant amount of development in massing terms, there are a number of features of both the site's location and the design of the scheme that will result in the buildings positively contributing to the Castle Boulevard street scape. Castle Boulevard is a main connection into the City Centre and given its status in the highway hierarchy, it is considered that the principle of three and four storey buildings in this location, subject to detailed design, would not be out of character with the function of the route. Park Rock on the opposite side of Castle Boulevard is of a comparative scale, the proposal for three and four storey buildings is further supported by comparatively recent scale development including Greystacks, the Cornerstone Church and Castle Quay apartments. Furthermore, more traditional buildings to the east along Castle Boulevard are largely three/four storeys and sited adjacent to the road and directly abutting the canal, re-enforcing a sense of built enclosure.
- 7.6 The development has been the subject of significant design amendments in terms of its scale and massing. Great weight has been given to its relationship with Park Rock, the canal and the character of Castle Boulevard. The development started out as five separate 5 storey buildings and through the use 3d contextual modelling and the guidance of the Design Review Panel the scheme has been amended through numerous reiterations to that which is currently being presented to Planning Committee.
- 7.7 An important consideration has been the need to maintain open views of the canal from Castle Boulevard, Park Rock and of the Castle from the canal. For this reason, the Design Review Panel recommended that building at the widest, central part of the site, be reconfigured into two main buildings, with a wider gap in between. This has been further increased through the ground and third floors being recessed to widen the gap. This would form a private area of defensible space for occupants; however a permeable boundary to Castle Boulevard would allow views from the street through to the canal. Two further areas of public realm are also proposed at the narrowest parts of the site, incapable of being built upon. It is proposed that these areas form part of the street to allow the public to directly engage with the canal. The 3D model also showed that views of the castle would be maintained from the canal. These areas of public realm are to be fully landscaped and conditions relating to the treatment of these areas and its management are

recommended.

7.8 Since the submission of the planning application further revisions have been made to the scheme, which are as follows:

- The spacing between the two main buildings at the third floor level has been increased.
- The reduction of the third smaller block to three storeys in height to reduce the visual impact of the development when travelling westwards, away from the city.
- The third smaller building now has a palette of two complimentary bricks. The recessed ground floor plinth has been reduced to avoid the building having a top heavy appearance, and its roof revised to be of a simplified flat roof design.
- Given their back of pavement position, ground floor windows, on all three blocks, have been further recessed to accommodate a brick planter and additional set back from Castle Boulevard.
- Additional verticality has been added to all buildings to negate the length and horizontal form of the buildings. This has been particularly important to the canal elevations of the buildings.
- Accessibility to bin and cycle stores has been improved.
- The elevation treatment of all three buildings has been improved with two complimentary bricks and the upper third floor of the two main buildings having a vertical zinc seamed cladding.
- The introduction of an interdental brickwork to add further articulation to the building's elevations.

7.9 Revisions to the elevational treatment of the ground floors provides a strong plinth for the development and the overhang of the upper floors adds visual interest. The deep reveals of the proposed windows is a further feature of the design and would contribute significantly to breaking up the massing of the building. A simple approach to the palette of materials has been adopted with brick and elements of zinc cladding. Subject to approving samples, it is considered that these materials offer the right basis for ensuring a high quality finish to the development that will complement the form of the buildings.

7.10 In conclusion, it is considered that the design satisfactorily mitigates any potential concerns over the massing of the development and it has been established that the scale is appropriate in this location. It is felt that the proposal would deliver a high quality development that would enhance the existing townscape, in compliance with Policies 10 and 11 of the Aligned Core Strategy and Policy 12 and H2 of the Local Plan.

(iii) Amenity of occupiers (Policy 10 of the Aligned Core Strategy and Policies H2, H6 and NE9 of the Local Plan)

7.11 The internal space standards are generous and would help provide a good standard of amenity for occupiers of the development. Environmental Health and Safer Places has requested a condition to ensure that the noise attenuation is appropriate, bearing in mind the location adjacent to a busy road.

(iv) Impact on amenity of surrounding residents (Policy 10 of the Aligned Core Strategy and Policies H2, H6 and NE9 of the Local Plan)

7.12 A number of residents of Park Rock, The Park and Castle Quay apartments have responded to the consultation process and expressed concern about the impact of

the development on their properties, in terms of loss of privacy, view, outlook and light.

- 7.13 The Park Rock apartments have their main principle windows fronting onto Castle Boulevard. The development would be located to the southern side of Castle Boulevard and given the concerns of neighbouring residents a daylight/ sunlight survey has been submitted. It states that the adjacent properties remain compliant with the Building Research Establishment's (BRE) recommended targets for the Vertical Sky Component test and that no material change in daylight levels would result. The survey concludes that the effects of the proposal would adhere to the BRE guidelines in terms of daylight. Furthermore, all 21 rooms facing the site would retain sunlight levels in excess of the recommended target of 25% total. The effects of the proposal would therefore also fully adhere to the BRE guidelines in terms of sunlight.
- 7.14 A distance of 20m would be maintained between the facing elevations of the proposed development and Park Rock. Given this distance, it is not considered that the proposal would result in a loss of privacy sufficient to warrant refusal of the application.
- 7.15 Furthermore, the development has been reconfigured to consist of two primary blocks at the heart of the site with an additional smaller and more condensed block located in the eastern part of the site. The consolidation of the blocks allows for a more generous gap opposite Park Rock offering greater views of the canal and retaining Castle Boulevard's relationship with the canal.
- 7.16 It should be noted that the loss of a view and property value are not material planning considerations in the determination of planning applications.
- 7.17 It is recognised that there is a need for strong management arrangements with PBSA. In recognition, the S106 obligation includes agreement to a management plan to negate issues regarding waste management and any anti-social behaviour issues within the locality. An integral part of the management plan would be a contact point for local residents to liaise with the management on any anti-social behaviour issues.
- 7.18 On this basis, the design of the scheme and relationship with surrounding properties would ensure that the proposal would not create amenity harm to existing residents or result in the types of issues identified in the Building Balanced Communities document, such as noise and disturbance, poorly maintained properties and inappropriate management of waste disposal. The proposal therefore complies with the requirements of Policy 10 of the Aligned Core Strategy and Policies H2, H6 and NE9 of the Local Plan.

(v) Highways considerations (Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.19 Policy T3 seeks to preclude development that would be detrimental to highway safety. There is no parking provision for this development and there would be a restriction within the Section 106 Obligation to prevent residents from bringing vehicles to the development and surrounding area. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that the proposed development should not pose a risk to highway safety. In addition, the application proposes cycle spaces, pro-rata to the number of rooms proposed, in

accessible and surveyed locations to the front of the properties, which would encourage sustainable travel. In light of these factors, the development is considered to accord with Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.

- 7.20 It is fully recognised that this is a confined site and that a construction management plan is imperative to ensure that its impact on existing residential properties and Castle Boulevard, as a main transport corridor, during construction, is minimised. A requirement for a construction management plan together with other matters requested by Highways can be addressed by condition.

(vi) Planning obligations (Policy A of the Aligned Core Strategy and Policies ST1, R2 and ST19 of the Local Plan)

- 7.21 In order to comply with the requirements of the Supplementary Planning Guidance, the developer is required to enter into a section 106 obligation to secure the following financial contributions:

- Public Open Space £29,364.54
- Highway contribution £5,000
- A student management scheme, which shall include a restriction on car usage.

The total commuted sum contribution is therefore £34,364.54.

- 7.22 The public open space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. This would be directed towards improvements of play facilities at Highfields Park, which are part of a strategic area of public open space readily accessible to the residents of this development.
- 7.23 The proposed highway contribution would be put towards improved signage of the cycle way along Castle Boulevard.
- 7.24 In both cases, it is confirmed that the Section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.
- 7.25 The S106 obligation is currently in the process of being finalised.

OTHER ISSUES

Flood Risk (Paragraphs 101 and 103 of the NPPF, Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan):

- 7.26 The NPPF states that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Authorities should apply a sequential, risk-based approach to the location of development. The site has previously been sequentially tested and is considered acceptable for residential development with appropriate flood mitigation measures.
- 7.27 The site lies within Flood Zone 2, with the part of the southern fringe along the canal edge within Flood Zone 3. The main source of potential flood is seen to be from the River Trent and as such, the application has been accompanied by a

Flood Risk assessment (FRA). The Environment Agency (EA) originally objected to the FRA, on the grounds that it failed to ensure that the development would be kept safe for its lifetime.

- 7.28 A revised FRA was subsequently submitted which revised finished floor levels to meet the modelled level plus climate change, and also incorporated flood resistant construction techniques to provide further protection. Based on the revised FRA and subject to a flood excavation plan for the development, the EA now considers the development acceptable in terms of flood risk.
- 7.29 The proposal therefore accords with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

Archaeology (Policy BE16 of the Local Plan):

- 7.30 As indicated in the consultee comments above the site lies within the Archaeological Constraints Area known as Lenton Road/Castle Boulevard, The Park. The area covers the site of the medieval Lenton Hermitage, caves associated with the site lie 35m north of the development site. To ensure that there is no impact on any potential archaeology the Archaeology team have requested provision of an archaeological watching brief which can be dealt with by condition. Through the use of such a condition the proposal complies with Policy BE16 of the Local Plan.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and NE19 of the Aligned Core Strategy and Policy NE 2 of the Local Plan)

- 8.1 The buildings are proposed to exceed current Building Regulations requirements. This is mainly achieved by a 'fabric first approach' involving appropriately insulated walls, floors and roofs to provide a high 'u' value. Photovoltaic panels are also proposed to the roof of each building. Energy efficient lighting and reduced consumption water fittings are also proposed.
- 8.2 The comments of the Biodiversity officer in respect to the development's impact on nature conservation and the canal are to be reported on the update sheet.

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

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site with a high quality, sustainable residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

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: 17/00882/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OOSRCZLYHB600>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Briggs, Case Officer, Development Management.


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

NOMAD printed map



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Key
 City Boundary

Description
 No description provided

My Ref: 17/00882/PFUL3 (PP-05677696)
Your Ref:
Contact: Mrs Jo Briggs
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 Andrew Astin
Toronto Square
Leeds
LS1 2HJ

Date of decision:

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

Application No: 17/00882/PFUL3 (PP-05677696)
Application by: C/o Agent
Location: Land North Of Canal, Castle Boulevard, Nottingham
Proposal: Erection of purpose built student accommodation scheme and associated works

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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Continued...

2. The development, including all site preparation works, shall not be commenced until a Construction Management Plan detailing how the development works are to be carried out, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include as a minimum:
- Schedules - to include timings of the construction works
 - Licenses - including hoarding and works within the highway
 - Traffic Management requirements;
 - Impact on highway, capacity and congestion;
 - Access across highway;
 - Storage;
 - Deliveries, loading and unloading;
 - Contractor staff parking provision;
 - Measures to prevent the deposit of debris onto the highway.

The construction of the development shall take place in full accordance with the approved plan

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies NE9 and T3 of the Local Plan.

3. No development involving the breaking of ground shall take place within the site unless a written specification for the implementation of an archaeological watching brief, during the course of the development, has been submitted to and approved in writing by the Local Planning Authority. The specification shall include arrangements for:
- i) the recording of any finds made during the watching brief and for the preparation of a final report;
 - ii) the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
 - iii) proposals for the publication of a summary of the final report in an appropriate journal.

On commencement of development the approved watching brief specification shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy BE16 of the Nottingham Local Plan.

4. The development shall not be commenced until details of a temporary vehicle access road to provide access to the site across the cycle highway and footway have been submitted to and agreed in writing with the Local Planning Authority.

The temporary vehicle access road shall then be constructed in full accordance with the approved details prior to the commencement of the development on site.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.



5. The development shall not be commenced until full details of the design and method of construction of the foundations of the buildings hereby permitted and construction details of the new edge that the development would form to the canal, including, if possible, a shelf at water level to aid biodiversity and habitat creation, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of safeguarding the structural integrity of the canal and the ecological value of the site in accordance with Policies BE3 and NE2 of the Nottingham Local Plan.

6. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, 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 plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas).

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical 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 more than 45dB LAmx(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

7. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.



8. 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. Details shall demonstrate that industry best practice is being used to minimise the effects of noise and vibration on surrounding occupiers.

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

Reason: To protect the amenities of occupiers of neighbouring properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

9. The development shall not be commenced until details of all external materials, including details of the windows/doors, means of enclosure and hard surfaced areas of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of securing a sustainable development in accordance with Policies 10 of the Aligned Core Strategy.

10. The development shall not be commenced until a scheme of works for the new areas of public realm has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hardsurfacing, street furniture, the type, height, species and location of the proposed street trees, along with details of the tree pits/trenches and aeration pipes and maintenance plan for the areas future upkeep.

No part of the development hereby permitted shall be occupied until the approved scheme of works for the new areas of public realm, including the planting of street trees, has been completed.

Reason: In the interests of the appearance of the development and to avoid prejudice to traffic conditions within the vicinity of the site in accordance with Policy 10 of the Aligned Core Strategy.

11. The development shall not be commenced until details of enclosure for the site boundaries have been submitted to and approved in writing with the Local Planning Authority.

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

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

Pre-occupation conditions

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

12. The development shall not be occupied until a scheme of landscaping and works to the retained trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees 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 and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

13. The development shall not be occupied until details of a 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.

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.

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 Aligned Core Strategy.

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

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy NE9 of the Nottingham Local Plan.

15. The development shall not be occupied until secure cycle and bin storage has been provided in accordance with the approved details.

Reason: To promote sustainable forms of travel in accordance with Policies 10 and 14 of the Aligned Core Strategy.

16. The applicant shall submit 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 have been implemented prior to occupation of any part of the development.

Reason: To protect the amenities of future occupiers of the properties in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

17. The development shall not be occupied until suitable dropped kerb access has been provided across the footway/cycleway to assist refuse collection, in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

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 Aligned Core Strategy.

18. The development shall not be occupied until the temporary construction access has been closed and any damaged or altered areas of the footway/cycleway have been reinstated in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

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 Aligned Core Strategy.

Regulatory/ongoing conditions

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

19. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment Revision C compiled by HSP



Consulting provided by email dated 03 August 2017 and the following mitigation measures detailed within the Flood Risk Assessment:

1. The development is built in accordance with the proposed ground floor plan and there are no sleeping areas on the ground floor.
2. Finished floor levels are set to 25.97m AOD which is the maximum achievable for the site.
3. Flood resilient techniques are installed to a level of 26.18m AOD
4. Occupants of the site sign- up to flood warnings.
5. A flood evacuation plan is produced and followed by occupants of the site.
6. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven as outlined in the Flood Risk assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by The Local Planning Authority

Reason: To reduce the risk of flooding to the proposed development and future occupants and in accordance with the aims of Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 24 April 2017.

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. Environmental Noise Assessment
The environmental noise assessment shall be suitable and sufficient, and shall 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.

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

4. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

5. Highways informatives:

1. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences and permissions are in place.

2. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. Section 278 Agreement (Section 278 of the Highways Act of 1980) Planning consent is not consent to work on the highway. To carry out the offsite 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 on 0115 8765293 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.

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: 17/00882/PFUL3 (PP-05677696)

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

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

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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Not for issue

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WARDS AFFECTED: Arboretum

Item No:

**PLANNING COMMITTEE
20th December 2017**

REPORT OF CHIEF PLANNER

100 - 104 Derby Road, Nottingham

1 SUMMARY

Application No: 17/01999/PFUL3 for planning permission

Application by: GraceMachin Planning & Property on behalf of Mr K Tang

Proposal: Demolition of former restaurant building. Construction of a 5-storey building comprising a retail ground floor use (Class A1) with student accommodation above in a mix of studios and cluster flats.

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

To meet the Council's Performance Targets this application should have been determined by 19th December 2017. An extension of time has been agreed until 19th January 2018.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 (a) prior completion of a Section 106 planning obligation to secure:
- (i) a public open space contribution of £11,595.65 towards the creation of a new garden area at the former rose garden area of the Arboretum; and
 - (ii) a student management plan, to include restrictions on car use.
- (b) 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 conditions and the section 106 obligation to be delegated to the Chief Planner.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.
- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site is located between Derby Road and Wollaton Street proximate to Canning Circus, with frontages to both streets. The site is currently occupied by a

three storey and single storey range of pitched roof buildings that were last used as a restaurant but have been vacant for several years. The site falls within the Canning Circus Conservation Area. The adjoining range of buildings at 106-124 Derby Road are listed Grade II.

- 3.2 The application proposal follows a competition process where local architectural practices were invited to tender on the basis of a brief that was provided by the applicant and the City Council's Urban Design team. This competition approach was used following several attempts by the applicant to bring forward a scheme for the redevelopment of the site, but where the proposals being presented were considered disappointing. There was a good response to the competition from which the applicant then selected preferred architect and indicative design. The architect has then developed the design further into this full submission.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the demolition of existing range of buildings and the redevelopment of the site with a 5-storey building having a retail ground floor and student accommodation above. The main entrance to both uses would be via shopfront entrances onto Derby Road, with a reception and stair and lift core to the upper floor student accommodation. Fire escapes and services, including cycle and bin storage would be to the rear. The student accommodation on the upper floors would be in a studio format between the second and fourth floors and four cluster flats on the fifth floor. The accommodation would have primary elevations onto Derby Road and Wollaton Street.
- 4.2 The developer has indicated that they will work with the Council's Employment and Skills team in relation to the use of local labour for the construction phase of the development and is prepared to commit to this via the S106 agreement.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

A total of 115 neighbouring and surrounding properties have been individually notified of the application proposals, including those on Derby Road, Wollaton Street, Talbot Street, Cottage Terrace, and within Ropewalk Court and Imperial House.

The application has also been advertised by press and site notices.

The following comments have been received:

Neighbour: Support. Looks good with a shopping offer too. A massive improvement to the existing undesirable property. Will be a very good space for students.

Neighbour: Objection. The building will reduce natural light to the business studio space at Floor 1 of 175 Wollaton Street, resulting in reduced amenity and increased lighting costs. Maintenance accessibility will also be affected. Area is already saturated with students, who are only present for part of the year.

Neighbour: Objection. The building will reduce natural light to the business studio space at Floor 3 of 175 Wollaton Street, resulting in reduced amenity and increased

lighting costs. Maintenance accessibility will also be affected. Area is already saturated with students and building could be made into something that would help the retail shops within the area.

Neighbour: Support. Business is located opposite to the site. Proposal is ideally located, hopefully reducing pressure on high student concentration areas such as Lenton and Arboretum. Hockley has seen many positives from new build student accommodation and flats so don't think that there will be a negative impact, but the Council should monitor the balance in the area.

Nottingham Civic Society: Objection to the proposed demolition of the buildings within the Canning Circus Conservation Area as they represent part of the earlier (late 18th / early 19th century) development of one of Nottingham's principal radial roads. The design of the replacement building does not justify this loss of historic fabric and is not of adequate quality for the conservation area, being too high, unstepped in its massing on a sloping site, and presenting a poor plain solid to void ratio especially at the top floor. The irregular fenestration pattern is at odds with neighbouring buildings where strong vertical emphasis is balanced with pronounced horizontal features in an ordered, symmetrical arrangement.

Additional consultation letters sent to:

Conservation Officer: No objection subject to further details. The existing properties have been extensively altered. While there is some historic interest in these structures, the site provides an opportunity for enhancement in the street scene of the Conservation Area and a suitable replacement scheme could justify their loss.

The proposed design seeks to emulate the height and gabled form of the two neighbouring buildings and the use of a consistent height across the new building is considered acceptable in this context, particularly as the massing is broken down into three gabled elements of a similar width to those found on the historic buildings. While the older neighbouring buildings provide a symmetrical window layout it is considered that the creation of a contrast is beneficial, and on the first second and third floors, the ratio of solid to void, basic window proportions and reveal depths do still take their cues from the neighbouring buildings, resulting in a sympathetic relationship between the old and the new. The introduction of additional detailing to the fourth floor gables would be of benefit to the overall design. Likewise, the detailed design of the shopfronts requires further clarification.

City Archaeologist: No objection subject to condition requiring archaeological watching brief for investigative groundworks. The site is not located within an Archaeological Constraint Area. However, it is within an area of known caves. Although there are no recorded caves within the site of 100-104 Derby road, there is a large cave accessible from the adjacent property. This does not extend beneath the proposed development site. It is possible there are further, unknown, caves within the immediate vicinity and, indeed, beneath the proposed development site. Should any caves be encountered during the recommended investigative works the City Archaeologist should be informed to review the results of the investigations. If it is apparent that any caves are present beneath the site, which could be impacted by the development, the groundworks associated with the development must be carried out under archaeological supervision, in the form of an archaeological watching brief. An emphasis will be placed upon preserving the

cave, in line with saved and emerging local planning policy. If a cave cannot be preserved in situ it will be preserved by record.

Environmental Health: No objections subject to planning conditions requiring environmental noise assessment and sound insulation; air quality assessment and management; and construction noise and dust management.

Highways: No objections subject to planning condition requiring details and approval of a Construction Traffic Management Plan.

Drainage: No objection subject to a surface water reduction rate of 30% being achieved.

Biodiversity: No objection. Satisfied with bat survey. Building should be demolished out of bird breeding season.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.
- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 Paragraphs 126 to 141 of the NPPF set out the government's approach to conserving and enhancing the historic environment. Of particular relevance to this application, paragraph 131 requires authorities to take into account:
 - the desirability of sustaining and enhancing the significance of heritage assets (including conservation areas and listed buildings) and putting them to viable uses consistent with their conservation,

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.7 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

Nottingham Local Plan (November 2005):

BE10 - Development Around Listed Buildings

BE12 - Development in Conservation Areas

BE16 - Archaeology

H6 - Student Housing

NE9 - Pollution

R2 - Open Space in New Development

Aligned Core Strategy (September 2014)

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 17 - Biodiversity

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Demolition of existing buildings.
- (ii) Use for student accommodation and amenity of neighbouring occupiers.
- (iii) Scale and design of proposed development and impact on the character and appearance of the Canning Circus Conservation Area

Issue (i) Demolition of existing buildings (BE13)

- 7.1 The application site falls within the Canning Circus Conservation Area and as such proposals for the demolition of buildings must have regard to the contribution that existing buildings may have to the special character of the area. The Conservation Officer has noted that the buildings have been extensively altered and this is evident in their appearance on Derby Road. Despite being of some historic interest, little of the original buildings appear to survive within the fabric of the current buildings and it is also noted that they are in a poor state of repair. Therefore, it is considered that the site provides an opportunity for enhancement in the street scene of the Conservation Area and a suitable replacement scheme would justify their loss in accordance with Policy BE13.

Issue (iii) Use and amenities of neighbouring occupiers (Policy H6, Policy 10 and Building Balanced Communities Supplementary Planning Document)

- 7.2 The application site is located on the fringe of the city centre, which is encouraged as a location for the provision of purpose built and managed student accommodation in accordance with the Building Balanced Communities Supplementary Planning Document and supported by Policy H6 subject to a review of its merits and consideration to the amenity of neighbouring residents. The application site is conveniently located within a short walking distance of Nottingham Trent University campus and city centre amenities. Whilst two neighbour response refers to student saturation in the area, this is balanced by two responses in support of student use with one caveating that the Council should continue to monitor the balance in the area.
- 7.3 It is considered that the provision of further good quality purpose-built accommodation will attract students that would otherwise occupy houses of multiple occupation outside of the city centre. Accordingly, it is considered that the proposed student accommodation use complies with the Building Balanced Communities Supplementary Planning Document and Policy H6 regarding the location of student accommodation development.
- 7.4 A student management agreement is to be provided as part of the S106 planning obligation. Amongst other aspects, the terms of this agreement aims to ensure that neighbouring occupants are provided with a point of contact for immediate response to any instances of nuisance or disturbances caused by occupiers of the development. The S106 agreement will also aim to ensure that student occupants do not keep or use their cars within the City.
- 7.5 In accordance with Policy H6 and Policy 10, it is therefore considered that the amenity of neighbouring occupiers would not be significantly affected by the proposed development and that appropriate student management measures will be in place to ensure that any instances of nuisance or disturbance will be dealt with.
- 7.6 The retail use of the ground floor of the proposed development onto Derby Road is supported in accordance with Policy 5, reinforcing and enhancing the retail offer on this street through the redevelopment of this longstanding vacant restaurant and building.

Issue (ii) Scale and design of proposed development and impact on the character and appearance of the Canning Circus Conservation Area (Policy BE10, BE12 and Policy 10)

- 7.7 The scale of the proposed development responds to the terrace of buildings on either side of the site and as such is regulated by the height of these buildings. This scale is continued across the depth of the site to produce full height frontages to Derby Road and Wollaton Street, thereby significantly increasing the amount of floorspace within the development when compared with the existing buildings. Lightwell elements are included within the plan of the building which respond to existing lightwells as part of the neighbouring buildings and assist with the amenity of the internal plan of proposed accommodation. This lightwell plan has been recently adjusted further to recognise the comments of the neighbouring business occupants regarding potential loss of natural light. The scale and plan form of the development is therefore considered to be appropriate to the area and its neighbouring buildings.
- 7.8 The design of the proposed development is deliberately contemporary in its style, taking important cues from the form and character of the street scene and appearance of the buildings that make up this impressive section of Derby Road, but also contrasting this with contemporary elements that will identify it as a building of its time. The three bay and three gabled elevations to Derby Road and to Wollaton Street reflect the characteristic pattern and rhythm of development along the street. The tall proportion of fenestration also draws directly from the neighbouring buildings, whilst the asymmetrical arrangement of fenestration and combination of projecting windows, deep reveals and honeycomb brick are contemporary elements that add to the modelling aspects of the elevations and their design interest.
- 7.9 A stepped elevation had been reviewed as part of the design development of the project. However, it was considered that the short steps that this produced were not characteristic of the buildings on Derby Road, whereas the proposed single level with its three-gabled elevation better reflects the plot widths and rhythm of the elevations and street scene.
- 7.10 Further detailing of the elevations has also been recently provided by the applicant, including additional brickwork detailing to the gables, clarification of the details of individual elements including the set-back top floor and recessed downpipe breaks between the gables, and the shopfront designs where control over the consistency of detailing and finishes is important to their success as potentially three individual shop units. These further details will be presented to Committee. Subject to the assurance of these details by planning conditions, it is considered that the proposed development will be of a high quality that is appropriate to its context and will enhance the appearance of the Canning Circus Conservation Area and adjoining relationship to the Grade II listed terrace at 106-124 Derby Road. It is therefore considered that the proposed development accords with Policies BE10, BE12 and Policy 10.

Other Matters (Policies BE16, NE9 and R2)

- 7.11 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG the Section 106 planning obligation would secure a financial contribution of £11,595.65 towards the creation of a new garden area at the former rose garden area of the Arboretum. This would not exceed the

permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

- 7.12 The City Archaeologist has no objection subject to a planning condition requiring archaeological watching brief for investigative groundworks and archaeological supervision including preservation in situ or recording in the event that any caves are discovered during groundworks. Subject to this condition it is considered that the proposed development accords with Policy BE16.
- 7.13 Environmental Health advises that they have no objection subject to conditions. In accordance with Policy NE9, conditions relating to environmental noise assessment and sound insulation; air quality assessment and management; and construction noise and dust management have been included in the draft planning permission that is attached to this report.
- 7.14 Highways have no objection to the proposed development subject to a planning condition requiring details of a Construction Traffic Management Plan, in the interests of highway safety throughout the construction period.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17)

- 8.1 The city centre location of the application site is inherently sustainable with good access to local services and public transport. The applicant advises that the building fabric will be highly insulated and airtight in accordance with the current Building Regulations.
- 8.2 The Biodiversity Officer has confirmed that the submitted bat survey is satisfactory and advises that the building should be demolished out of bird breeding season.
- 8.3 It is therefore considered that the proposed development accords with Policies 1 and 17.

9 FINANCIAL IMPLICATIONS

A financial contribution of £11,595.65 has been negotiated in accordance with the Open Space Supplementary Planning Guidance.

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

Securing training and employment for Nottingham citizens through the construction of the development.

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: 17/01999/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OVV1AFLY01B00>

2. Highways, 3.10.17

3. Environmental Health, 2.11.17

4. Drainage, 9.10.17

5. Biodiversity, 12.10.17

6. City Archaeologist, 26.9.17

7. Nottingham Civic Society, 18.10.17

8. Neighbour, 11.10.17

9. Neighbour, 18.10.17

10. Neighbour, 18.10.17

11. Neighbour, 10.11.17

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Aligned Core Strategy (September 2014)

Building Balanced Communities Supplementary Planning Document

Planning Guidance for the Provision of Open Space Within Developments

Supplementary Planning Guidance

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.


Email: jim.rae@nottinghamcity.gov.uk. Telephone: 0115 8764074

NOMAD printed map



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Key
 City Boundary

Description
 No description provided

My Ref: 17/01999/PFUL3

Your Ref:

Contact: Mr Jim Rae

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

GraceMachin Planning & Property
5 Malin Hill
Plumtre Square
Lace Market
Nottingham
NG1 1JK

Date of decision:

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

Application No: 17/01999/PFUL3
Application by: Mr K Tang
Location: 100 - 104 Derby Road, Nottingham, NG1 5FB
Proposal: Demolition of former restaurant building. Construction of a 5-storey building comprising a retail ground floor use (Class A1) with student accommodation above in a mix of studios and cluster flats.

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. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan 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 Construction Traffic Management Plan 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.



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3. Other than the demolition of the existing building to ground level, no development shall commence until a programme of archaeological works involving the minimum of an archaeological watching brief has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with BE16 of the Nottingham Local Plan.

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

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

- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice
- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents
- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance
- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours
- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders

The applicant shall adhere to the approved Noise and Dust Management Plan throughout the demolition and construction works to be undertaken on site.

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

5. Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

6. Other than demolitions and site clearance works, no development shall commence until further information regarding the disposal of surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE10 of the Nottingham Local Plan.

7. No above ground development shall commence until a large scale sample panel of all proposed external materials to be used in the construction of the approved development has been submitted to and approved by the Local Planning Authority in writing before any above ground development commences. The development shall thereafter be carried out 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.

8. No development shall commence until large-scale elevation and section drawings of the approved ppc aluminium frame and box windows have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure the quality of detailed design of these elements of the development in accordance with Policy 10 of the Adopted Core Strategy.

Pre-occupation conditions

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

9. Prior to first occupation of the development, verification that the approved air quality management scheme (i.e. the use of mechanical ventilation) 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 the site can be developed without health or safety risks to the users of the development in accordance with Policy NE9 of the Nottingham Local Plan.

10. The applicant shall submit 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 have been implemented prior to occupation of any part of the development.

Reason: To ensure that the residential occupiers and neighbouring properties to the development do not experience noise nuisance in accordance with Policy NE9 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

There are no conditions in this section.

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 19 September 2017.



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. Air Quality

The development is located either within or on the boundary of 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.

While no air quality assessment is required in this situation, an air quality assessment using an appropriate methodology (e.g. atmospheric dispersion modelling or DMRB screening) will be required to establish which floors of a multi-storey building do not require an appropriate ventilation scheme.

The air quality management scheme shall include the design and configuration specification of the whole building ventilation scheme and ensure that:

- Exposure of sensitive receptors to poor air quality shall be reduced as far as practicable;
- The location of clean air intakes for the scheme shall be located so as to maximise the vertical and horizontal distance between the clean air intakes and the primary source of poor air quality / air pollution;
- The discharge of ventilation air shall be from the building façade facing the primary source of poor air quality;

The approved whole building ventilation scheme [including any additional mitigation measures], shall be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

Consideration will also be given to alternative equivalent measures to reduce exposure to poor air quality. However these may require the support of an air quality assessment to demonstrate their effectiveness.

The combined noise from the whole building ventilation scheme, any other environmental noise and noise from plant and equipment must not exceed NR 25 in bedrooms between the hours of 23.00 and 07.00 or NR 30 for living rooms and bedrooms between the hours of 07.00 and 23.00.

4. Construction & Demolition

Proposed Method of Demolition



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Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0900-1300)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

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 off-site 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 measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

5. Commercial Noise

The environmental noise assessment must be suitable and sufficient and must be undertaken with regard to BS 7445: 2003 Description and Measurement of Environmental Noise.

The environmental noise assessment must include details of the type and model of all mechanical services plant or equipment (including any air handling plant) together with its location, acoustic specification; mitigation measures and relevant calculations to support conclusions.

The mechanical services plant or equipment (including any air handling plant), including any mitigation measures, must be maintained, serviced and operated in accordance with manufacturer's recommendations while the development continues to be occupied.

6. It is advised that the building should be demolished out of bird breeding season.

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: 17/01999/PFUL3

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

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

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



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