



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 21 February 2018

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

- | | | |
|----------|--|------------------|
| 1 | APOLOGIES FOR ABSENCE | |
| 2 | DECLARATIONS OF INTEREST | |
| 3 | MINUTES | 3 - 10 |
| | To agree the minutes of the meeting held 24 January 2017 | |
| 4 | PLANNING APPLICATIONS: REPORTS OF THE CHIEF PLANNER | |
| a | Broadmarsh Car Park And Bus Station (new structures and facilities) | 11 - 40 |
| b | Broadmarsh Car Park And Bus Station (digital media screens) | 41 - 48 |
| c | Avenue D And Avenue E, Sneinton Market | 49 - 68 |
| d | Site Of Popham Court, Popham Street | 69 - 102 |
| e | 24 Victoria Crescent | 103 - 112 |
| f | Site Of Warehouse Rear Of 369, Haydn Road | 113 - 132 |

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 24 January 2018 from 2.30 pm - 3.28 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Cat Arnold (Vice Chair)
Councillor Cheryl Barnard
Councillor Gul Nawaz Khan
Councillor Sally Longford (minutes 47 to 52 inclusive)
Councillor Brian Parbutt
Councillor Mohammed Saghir
Councillor Wendy Smith
Councillor Malcolm Wood
Councillor Steve Young

Absent

Councillor Graham Chapman
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Rosemary Healy
Councillor Andrew Rule
Councillor Linda Woodings

Colleagues, partners and others in attendance:

Councillor John Hartshorne - Local Ward Councillor
Judith Irwin - Senior Solicitor
Councillor Jackie Morris - Local Ward Councillor
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Chief Planner
Nigel Turpin - Team Leader, Planning Services
Zena West - Governance Officer

47 APOLOGIES FOR ABSENCE

Councillor Graham Chapman – other Council business
Councillor Azad Choudhry – personal reasons
Councillor Josh Cook – personal reasons
Councillor Rosemary Healy – no reason given
Councillor Andrew Rule – work commitments
Councillor Linda Woodings – personal reasons

48 DECLARATIONS OF INTEREST

None.

49 MINUTES

The minutes of the meeting held 20 December 2017 were agreed as a correct record, and signed by the Chair.

50 CAR PARK ON SITE OF QUEENS HOUSE QUEENS ROAD

Rob Percival, Area Planning Manager, introduced application 17/02705/PVAR3 by Tim Groom Architects on behalf of Primus Alliance Nottingham Ltd. for amendment to the external design and increase in number of units (from 215 to 222) and variation of condition S1 (plans) of existing planning permission 15/00462/PFUL3. The application is brought to Committee because the original planning application was previously determined by Planning Committee. An update sheet was circulated in a supplementary agenda. The following points were highlighted:

- (a) the original application was submitted and approved in 2015. It contained a staggered south west corner to provide terraces for that side of the building. It was a U-shaped unit surrounding a courtyard, with communal space on each floor, comprising of 215 self-contained student accommodation units;
- (b) the current scheme is the same in terms of its footprint and envelope, with rooms wrapped around a central courtyard. The entrance will now be on Queen's Road, and will be double height. There is some variation in terms of the size of individual rooms, but the smallest room is still quite generous;
- (c) the application seeks approval for the revised drawings, due to a recent change of ownership. The project is being continued by an experienced student accommodation provider, with a style and model that it typically uses. The re-design is more in keeping with the adjacent mill buildings and some design elements mirror the neighbouring Hicking Building;
- (d) the design also features a curved corner (on the corner of Queen's Road and Summer Leys), the top floor set back, added height and drama from a double height ground floor frontage, large windows with depth to avoid a flat frontage, and patterned brickwork on the curved element to lend some interest to the design;
- (e) the staggered corner from the previously approved design has been moved to a more simplified form;
- (f) as the application is a variation to a previously approved scheme, the section 106 obligations will remain the same;
- (g) the update sheet provided further information as to the Environment Agency's consultation response. The Agency recognised that as the application is a variation, offering an objection may not be appropriate, however its concerns regarding flood risk remained. Colleagues responded that these issues were being addressed, with conditions applied;
- (h) a late representation had been received from a nearby resident, regarding a loss of view and privacy concerns. Colleagues responded that these concerns have already been addressed within the report.

There followed a number of questions and comments from the Committee, and further information was provided:

- (i) the Committee agreed that the re-design was an improvement on the previous application. Comments included that the previous scheme felt brutal in comparison, that this scheme fitted better with its environment. Though this scheme could be seen as having a somewhat gloomy aspect, it could also be considered statuesque;
 - (j) the student accommodation company managing the scheme is an experienced provider. It has also provided a detailed management plan and a draft tenancy agreement. It is taking responsibility for management and providing adequate reassurances;
 - (k) the applicant is happy to have further discussions regarding the flood risk. It is confident that the risk can be addressed within the design of the building;
 - (l) the previous scheme had a 42m² cycle storage room, which will now be 51m². Depending on how this is configured and what type of racking is used, this will be able to accommodate between 30 and 60 bikes. Existing condition no. 13 on the draft decision notice requires cycle storage to be provided. If the Committee so wishes, this condition can be amended to require such provision to be in accordance with details approved by the local planning authority, to ensure adequate storage is provided;
 - (m) a condition is in place to tackle parking issues surrounding pick-up and drop-off at the start and end of term with the applicants. Suggestions have included the temporary use of parking bays on Summer Leys, the temporary suspension of local traffic regulation orders, or use of the station car park opposite the scheme. Drop offs at purpose built student accommodation schemes are often timed and well managed.
- (1) grant planning permission for the variation to condition S1 (Plans) of planning permission 15/00462/PFUL3 subject to:**
- (a) The transfer of those obligations contained in the section 106 agreement dated 28 May 2015 (linked to permission reference 15/00462/PFUL3) namely:**
 - (i) A financial contribution of £86,569.75 towards the provision and/or enhancement of open space at the Victoria Embankment;**
 - (ii) a student management scheme including a restriction on car usage;****to the current variation permission (reference 17/02705/PVAR3);**
 - (b) the indicative conditions (other than condition 13) listed in the draft decision notice at the end of the report; and**
 - (c) condition 13 (cycle storage) as amended in accordance with minute 50(l) above;**
- (2) delegate authority to determine the final details of the conditions of the planning permission and the form and content of the transfer of the section 106 obligations as per resolution 50(1)(a) above to the Chief Planner;**

- (3) ensure that Councillors are satisfied that Regulation 122 (2) Community Infrastructure Levy Regulations 2010 is complied with, in that the section 106 provision sought as per resolution 50(1)(a) above 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;
- (4) ensure that Councillors are satisfied that the section 106 provision sought as per the resolution at minute 50 (1)(a) above would not exceed the permissible number of obligations according to Regulation 123(3) Community Infrastructure Regulations 2010.

51 SITE OF APOLLO HOTEL PH HUCKNALL LANE

By prior arrangement with the Committee Chair, Councillor Jackie Morris, in her capacity as a Ward Councillor for Bulwell, addressed the Planning Committee in opposing the application, highlighting the following points:

- (a) the applicant has refused offers of help with their application and planning matters from Council colleagues. The applicant has on occasion also been verbally abusive. The applicant believes that as the land is his, he can use it as he wishes without needing any further permission;
- (b) issues with the site have been ongoing for 4 years, with the main issues regarding hygiene on the site – hot food is served with no toilet facilities available for staff or customers. The rear of the containers on the perimeter of the site are often used for toilet purposes, to the detriment of neighbouring residents.

By prior arrangement with and approval of the Committee Chair, Councillor Hartshorne, in his capacity as a Ward Councillor for Bulwell, addressed the Planning Committee in opposing the application, highlighting the following points:

- (c) the site is visually very prominent, and sits on a major road at the gateway to Bulwell, with thousands of visitors passing each day in vehicles and on foot. It was previously a decorative public house, but is now an eyesore. It would be nice to be able to work with the owner of the land to expand the housing provision currently at the rear of the site.

Martin Poole, Area Planning Manager, introduced application 17/00330/PFUL3 by Mr Max Cully on behalf of Mr M Barker for planning permission for continued use of hand car wash with canopies, associated storage containers, catering can serving hot food and drink and with associated customer seating area. The application was brought to Committee at the written request of Ward Councillors. The following points were highlighted:

- (d) the site is on a busy prominent main route into Bulwell, with residential properties on Ventura Drive overlooking the rear of the site;

- (e) the site contains several storage containers. The area behind the containers has been used for antisocial behaviour which has given rise to some environmental issues;
- (f) an enforcement notice is in place on the site, which has prompted the applicant to submit the planning application. Colleagues have sought to resolve the outstanding environmental issues during the life of the planning application, and have held off seeking full compliance with the notice in the hope that an acceptable solution could be negotiated;
- (g) in the event that the recommendation to Planning Committee to refuse the planning application is accepted, colleagues will take further steps to seek compliance with the enforcement notice that is in place. If use continues in breach of the notice it can be pursued further through the courts, subject to legal consideration. The applicant will have the right to appeal if the application is refused.

There followed a number of questions and comments from the Committee, and further information was provided:

- (h) Committee members were broadly critical of the proposals, with comments including the fact that the site is in a prominent location as the gateway to a thriving market town, the issues have been ongoing for too long with no cooperation from the site owner, and that neighbouring residents had suffered greatly with issues to do with hygiene, floodlights and noise;
- (i) the Environmental Health Team has previously intervened successfully with regards to some of the management issues relating to the site. Planning colleagues will share the Committee's strong concerns with Environmental Health colleagues, and request a collaborative and joined up approach until such time as the issues are resolved.

RESOLVED to refuse permission for the reasons set out in the draft decision notice at the end of the report.

52 12 AND 12A ALBANY ROAD

Martin Poole, Area Planning Manager, introduced application 17/02175/PFUL3 by Mr Derek Francis on behalf of Mr Bonnick for planning permission for the change of use to supported accommodation, including extension and internal alterations. The application is brought to Committee at the request of a Ward Councillor. An update sheet was circulated in a supplementary agenda. The following points were highlighted:

- (a) the two residential properties on Albany Road are currently small blocks of flats. This proposal is to change the use to provide supported accommodation, with a modest ground floor extension to provide laundry facilities. It is also proposed to change the use of rear garages into an office, and the front garage into a communal lounge. There will be a net increase of one bed space in the new scheme compared with the current use;

- (b) concerns have been raised by residents and local Ward Councillors regarding the number of specialist dwelling types nearby. This has been investigated in some detail, with comment provided by the Housing Strategy Team. There are currently no existing specialist supported buildings within a one kilometre radius of the site;
- (c) it has been suggested that the scheme could be limited to non-car users, as there is only provision for one car parking space on site. Whilst there is on-street parking in the area, this is in high demand.

There followed a number of questions and comments from the Committee:

- (d) the Committee broadly agreed with the assessment that this scheme would have no impact on the mix of uses in the area, and that when such schemes are well managed they do not cause problems for local residents. Councillors requested that the applicant be required to provide residents with a point of contact for any site management issues that may arise and it was suggested that this could be done by condition.

RESOLVED to:

- (1) grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report, plus an additional condition regarding the provision of a point of contact for local residents to report any site management issues;**
- (2) delegate authority to determine the final details of the conditions to the Chief Planner.**

53 UNIT 1 NORTH OF 166 QUERNEBY ROAD

Martin Poole, Area Planning Manager, introduced application 17/02389/PFUL by Harrison McAfee on behalf of Mr Croydon Fowler for planning permission for the demolition of an existing two storey workshop building and the erection of a new dwelling. The following points were highlighted:

- (a) the existing building is a workshop and outbuilding to the rear of a retail property, and is situated on the corner of Querneby Road and Querneby Avenue;
- (b) the application is for the demolition of the existing building and the erection of a small 2.5 storey residential property, typical of existing housing stock in the area. No car parking is proposed. The residents nearby are heavily reliant on on-street parking, and there are some existing issues with the availability of parking nearby;
- (c) the provision of a parking space on the scheme would result in the loss of an on-street space. The scheme is unlikely to exacerbate parking issue to a degree that permission should be refused;

- (d) no formal objections were received in consultation with direct neighbours.

Committee members noted that the marginal effect on the parking problems in the area had to be balanced with housing demand.

RESOLVED to:

- (1) grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**
- (2) delegate authority to determine the final details of the conditions to the Chief Planner.**

54 GARAGES NORTH WEST OF 2 QUERNEBY AVENUE

Martin Poole, Area Planning Manager, introduced application 17/02616/PFUL3 by JMF Chartered Architects on behalf of Mr A.J. Firth for planning permission for the erection of a detached two storey dwelling. The application is brought to Committee because a similar application (17/02389/PFUL3) was also considered at Committee, at the request of a Ward Councillor. The land is currently used for garages, with a proposal for a small dwelling, in the same ownership as the properties around the Woodborough Road frontage. The design echoes surrounding properties.

There followed a number of comments from the Committee, and further information was provided:

- (a) there are no windows on the side elevation, to avoid overlooking neighbouring properties;
- (b) the property will share an off street bin store area with the neighbouring properties which share an owner;
- (c) the accommodation is very small and will likely be marketed to a single person as an alternative to a flat;
- (d) whilst no parking is proposed, the house is on a direct bus route into town which will soon benefit from a new fleet of biogas buses.

RESOLVED to:

- (1) grant planning permission subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report;**
- (2) delegate authority to determine the final details of the conditions to the Chief Planner.**

This page is intentionally left blank

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
21st February 2018

REPORT OF CHIEF PLANNER

Broadmarsh Car Park And Bus Station, Collin Street

1 SUMMARY

Application No: 17/02817/PFUL3 for planning permission

Application by: Leonard Design Architects on behalf of Nottingham City Council

Proposal: Provision of a new bus station and car park structure with commercial space (Use Classes A1, A2, A3, A4 and A5) and ancillary public facilities including travel centre and cycle services and a link footbridge.

The application is brought to Committee because it relates to a major development of critical significance to the City Centre where there are important land use, design, heritage and regeneration considerations.

To meet the Council's Performance Targets this application should be determined by 15th March 2018.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

3 BACKGROUND

The site

- 3.1 The application site comprises the Broadmarsh multi storey car park and bus station, which is bounded by Collin Street, Middle Hill, Canal Street and Carrington Street. This is currently in the process of being demolished. It comprised a 1970s concrete and brick structure constructed contemporaneously with the Broadmarsh shopping centre, which is located immediately to the north. Prior to the commencement of demolition it housed a bus station and various ancillary facilities, on the ground floor with a car park providing 1179 spaces on the upper floors.
- 3.2 To the east is Middle Hill and the NET viaduct, beyond which is a site cleared for redevelopment. To the south are Canal Street and the Crown Court building. To the west is Carrington Street which is a mix of retail and office uses.
- 3.3 The west side of Carrington Street opposite the former Broadmarsh car park and the east side of Carrington Street, opposite the southern side of the former Broadmarsh car park, are situated within the Canal Conservation Area.

Context

- 3.4 The proposals for the Broadmarsh car park form part of a wider programme of works to transform the southern part of the City Centre, including a redeveloped Broadmarsh shopping centre and reconfigured road network, which it is anticipated will bring the following benefits:
- Boost the local economy by £1.1 billion per annum;
 - Create 2,900 more jobs (with local training and recruitment);
 - Attract three million more annual visitors to experience new retail, education, and leisure;
 - Restore the City Centre's profile and reputation;
 - Bring £25 million extra spend to the city per year;
 - Create a high quality modern car park for visitors to the City Centre;
 - Create a new education hub for Nottingham College;
 - Link this part of the City to the Castle, which will be transformed into a worldclass destination through a £24m scheme;
 - Create a high quality, modern Broadmarsh bus station.
- 3.5 The improvement of the Broadmarsh area is therefore a high priority for the City Council and is seen as vitally important to the successful future of the southern part of the City Centre. The new car park and bus station are an integral part of this transformation.
- 3.6 Planning permission (ref. 15/00950/PFUL3) has already been granted for a major refurbishment of the Broadmarsh shopping centre and a planning application by Nottingham College for an education hub on the site known as Broadmarsh East, is also under consideration on this Committee Agenda. Additionally there is a programme of wider initiatives to improve the environmental quality of the surrounding streets, to create better pedestrian priority and public realm. This will involve the pedestrianisation of Collin Street and Carrington Street, and the remodelling of sections of Canal Street and Middle Hill as shared spaces. Whilst these wider public realm proposals are being developed concurrently with the proposals for the former Broadmarsh car park site, they do not form part of these planning proposals but, rather, are the subject of separate legal processes under the Highways Act.
- 3.7 Planning permission was granted in 2016 (app ref 15/03034/NFUL3) for the refurbishment and redevelopment of Broadmarsh multi storey car park, including change of use and extensions to Carrington St and Collins St frontages to provide uses within Class A1- A5 (shops, financial and professional services, restaurants and cafes, drinking establishments and hot food takeaways) and ancillary public facilities; re-cladding of car park structure; reconfigure bus station layout and relocation of car park entrance to Middle Hill. The current application proposes an alternative, new build option.
- 3.8 Advertisement Consent was granted in 2017 (application ref 17/00216/ADV2) for three digital media screens to be added to the redeveloped Broadmarsh car park and bus station.

4 DETAILS OF THE PROPOSALS

- 4.1 Two applications have been submitted in relation to this development. The first, application ref. 17/02817/PFUL3, is for planning permission for the new bus station and car park structure with commercial space (Use Classes A1, A2, A3, A4 and A5) and ancillary public facilities including a travel centre, cycle services and link bridge.
- 4.2 The second, application, ref. 17/02819/ADV2, is for advertisement consent for the display of three digital media screens on the new Broadmarsh car park. This proposal is considered in the following report on the agenda.
- 4.3 Planning permission is sought for the redevelopment of the site of the Broadmarsh bus station and car park following the demolition of the existing structure, which is currently underway.
- 4.4 It should be noted that the proposals are part of a phased programme of works which are interlinked with the proposed pedestrianisation of Carrington Street and Collin Street, and alterations on Canal Street and Middle Hill. The submitted drawings indicatively show the changes to the surrounding streets but these are not part of this planning application and the design and layout of these is being developed as a separate project.
- 4.5 In more detail the scheme for which planning permission is sought comprises the following elements:
- 4.6 *Lower ground floor level* – Creation of an eleven bay bus station with associated concourse and ancillary facilities, and two commercial units on Carrington Street for uses falling within Classes A1 to A5. Two commercial units are also proposed within the concourse area. Pedestrian access points to the bus station are proposed from Carrington Street, Canal Street, the corner of Canal St/Middle Hill and from Middle Hill (via lift/stairs/escalators). The vehicular access to the bus station and the car park are located at the eastern end of the Canal Street frontage of the building.
- 4.7 *Upper ground floor level* – Three further commercial units for uses falling within Classes A1 to A5 are proposed on the north side of the carpark, one at the corner of Carrington Street and Collin Street and two facing Collin Street. A cycle hub is also proposed at this level which would be directly accessed from Collin Street., along with a Shopmobility facility.
- 4.8 *First to eight floor levels* – These would comprise car parking. At second floor level a link bridge is proposed connecting the car park and the Broadmarsh shopping centre.
- 4.9 The total amount of commercial floorspace proposed is 2106 sq m. The proposed number of car parking spaces is 1373 (an increase of 194 spaces).
- 4.10 The appearance of the building is based upon a metal frame with curved corners that would be clad with terracotta rain screen cladding. The precise colour of the cladding is yet to be determined but it is intended to reflect the materials used on buildings in the vicinity. At the car park levels the terracotta clad framework would be infilled with hit and miss opaque structural glass with metal cladding set behind, which enables the car park to be naturally ventilated. The car park ramps on the Canal Street elevation project as curved features which would be clad with vertical

terracotta fins. The street level frontages to Carrington Street, Collin Street and Canal Street, and the northern and southern ends of the Middle Hill frontage, comprise clear glazed curtain walling systems. Three full motion digital media screens are also proposed to be integrated into the building. These would comprise one curved screen on the Carrington Street/Collin Street corner, one screen towards the western end of the Canal Street elevation and one screen on the northern end of the Middle Hill elevation.

- 4.11 The upper level of the car park is proposed to be set back from the edges of the building on the Canal Street and Middle frontages and would be enclosed by a metal cladding system. A lightweight roof is proposed over this which would accommodate photovoltaic panels.
- 4.12 The design and appearance of the link bridge across Collin Street is yet to be developed and the details of this would be subject to further approval by condition.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The occupiers of properties surrounding the site have been notified of the application and it has been advertised on site and in the press. The expiry date for comments was 24.01.2018.

In response, 13 comments from citizens have been received. The comments received comprise 5 general/supportive comments, but raising some queries/issues, and 8 objecting. The comments are summarised as follows:

Supportive/general comments:

- Removal of footbridges over Collin Street has created unhindered view of the Castle which enables appreciation of the strategic and cultural importance of the Castle in Nottingham's history and would be a retrograde step to rebuild;
- Proposals should greatly improve the appearance of car park and public realm aspects of the proposal;
- Has a screening assessment been undertaken as would expect a development of this size to require an Environmental Assessment?;
- Transport Assessment is too narrow as it only assesses the new entrance to the car park –the submission of applications in phases means that the planners and members of the public cannot view or comment on the bigger picture and this needs to be rectified;
- Would it be possible to build a tower to offer a bird's eye view of the City?;
- A "smart car park" should be constructed within the development (reference to an Indian automated car parking system);
- Welcome new plans and want to see new development on this neglected part of the City – City is lagging behind in retail and business opportunities and this would be a big step forward;
- Transport Statement raises a number of issues not sufficiently detailed or not identified – suggests a segregated cycle path instead of shared bus and cycle priority on Canal St, no specific amount of secure/guarded cycle spaces specified, require a high quality cycle parking facility, has adequate modelling of entry barriers been undertaken? No mention of whether bus/coach station will be able to accommodate inductive/fast charging buses in the future, pedestrian crossings too close to junction at Middle Hill/Canal St, Middle Hill footways look too narrow. Concludes that published

documents are not of sufficient quality or scope to address all the potential issues surrounding this development;

- Generally impressed with the plans but disappointed that there appears to be no provision within the car park for motorcycle parking – although travelling by motorcycle is not as sustainable as walking, cycling or public transport, less pollution than car use and causes less congestion.

Objections:

- Reflection as to why as a society we would wish to replace one dreadful car park with another – could be a green space for people to relax etc whilst enjoying open vista of Castle Rock and provide green lungs on southern part of the city centre;
- New car park would be an eye sore and a poor use of space – should be investing in public transport, location is ill advised as Broadmarsh has few shops in it, would result in more pollution and road accidents. Site should be turned in to a green area;
- Supportive of development but concerns that the new car park would block out more views of the Lace Market area when approaching the City Centre from the south – car park height should be lowered;
- Strategic objective of this building acting as a suitable gateway far from been met;
- Alternative site layouts have not been considered and there has been no public consultation on this new design;
- Proposed building is not of a suitable design standard to be worthy of a ‘gateway to the city’, will be a monolithic building – should be a building of outstanding architectural quality;
- Suggestion that footprint of building should be altered to significantly increase width on Carrington Street and close off Collin Street to make a large public square which would be a welcoming “gateway” to the City Centre;
- Collin Street is already a canyon and this proposal would make it worse;
- Would not activate Carrington St, Collin St and Canal St;
- Does not comply with all relevant planning policies but in any event Planning Committee should ensure that something better is achieved for Nottingham than simply satisfying policies;
- The design blocks views of Nottingham’s heritage and no assessment of impact upon view of Council House;
- No justification for increase in car parking numbers and could argue less spaces required taking into account the excellent transport connections;
- Would not integrate well with Broadmarsh shopping centre.

Environmental Health and Safer Places: No objection. Plant, air handling units and extraction from the food premises proposed have the potential to cause noise and odour nuisance to neighbouring businesses. Recommend conditions regarding extraction equipment to avoid odour nuisance to address this. Development will increase the amount of car parking spaces and according to the Transport and Infrastructure report there will be an increase in journeys to the site. As the application site is within an Air Quality Management Area recommend a condition requiring the submission of an Air Quality Assessment. Also, require an environmental noise assessment and any necessary mitigation measures to address noise from plant and air handling equipment.

Highways: No objection subject to conditions requiring the submission of a

construction management plan and a car parking management plan, details of sight lines at vehicular access points, details of the car park barrier position, details of the provision to be made for cycle and powered two wheeler parking, and disabled parking bays.

Historic England:

- Supportive of the demolition of the existing building which did not contribute positively to the townscape nor provide an attractive visitor gateway into the city centre. Welcome the City's commitment to address this and provide a new, high quality transport interchange.
- In such a key location, recognise the redevelopment opportunities the application site presents and how this new building can help transform and enliven this part of the city centre. In doing this, it is important that the design response forms an integral part of the wider programme of transforming this area with the major refurbishment of the Broadmarsh and the City Hub project.
- Remain unconvinced by the retention a new footbridge over Collin Street as believe activity needs to focus at ground level. If this part of the scheme is justified, strongly recommend the footbridge is transparent in design and materials and of high quality.
- The proposed height and massing will give the building a strong presence and there is no objection to this. However, concerned about the impact of the structure on the view and appreciation of the grade II* listed Council House dome from Carrington Street. The Council House is a highly significant historic landmark within the city. Its presence in views adds legibility within the street and forms part of the character of the city skyline. It is unclear what impact the new building will have on the view and recommend further information is submitted to show the impact and, if the view is obscured, how the design can be adapted further. Whilst supportive of sustainable energy, recommend the photovoltaic panels are positioned to minimise their visibility.
- Given the large areas of public realm being created, believe there are opportunities particularly along Collin Street to enliven and interact with the expanse of public realm. This could be achieved by extending the building line further into the public realm and exploring how the Collin Street elevation could be further articulated to emphasise the ground floor retail activity.
- Strongly recommend the highest quality of materials and are encouraged by the design approach in this regard. The principle of using terracotta cladding and brick with large areas of glazing is welcomed. It is critical that the scheme is not compromised by poor quality detailing, materials and finishes and that the materials will help to break down the massing and create interesting forms within the townscape and on the skyline.
- Overall, supportive of the redevelopment of this site and appreciate the challenges of designing a building which accommodates the transport interchange, retains car parking within the city centre, and creates a building which responds positively to the public realm. The inclusion of retail units is positive, and with a strong and enlivened building form believe this could be maximised to extend and spill out in the surrounding spaces. Recommend further work is undertaken to analyse any potential visual impact of the scheme on the view of the Council House and how the building can be adapted to retain this view.

City Archaeologist: No objection. The site lies within the City Centre and Nottingham Canal Archaeological Constraint Area, which represents the historic core of the city. There is the potential for important archaeological remains to exist

within the site, and these may be impacted by the proposed development and as such an archaeological evaluation should be required as a condition of planning permission. Therefore recommend a programme of archaeological works, based upon a Written Scheme of Archaeological Works, is required as a planning condition.

Conservation Officer: Overall the scheme is a welcome addition to the Southern Gateway environs and will enhance the setting of the heritage assets around it. However has some minor concerns:

- Proposed integration of media screens has the potential to be overly eye catching and recommends brightness levels and non-moving images should be secured by condition;
- Pedestrian link bridge detracts from evocative and useful view of the Castle rock which is a useful wayfinding aid. Pedestrian environment proposed to be created now makes a link bridge unnecessary and the heritage and townscape benefits of omitting it outweigh any benefits of re-instating it.

Environment Agency: No objection. The site is located within a high risk flood zone but as the proposal is for a re-development of the existing site have no objections to the development. Recommend conditions requiring that the development be carried out in accordance with the Flood Risk Assessment and the submission of a remediation strategy to prevent pollution of controlled waters.

Biodiversity and Greenspace Officer: Notes that soft and hard landscaping are key aspects of the design, however, no landscaping proposals have been submitted. Consider this information is a key in assessing the appropriateness of the design and that details should therefore be considered before making a decision on the application. Development of both the car park and the shopping centre offer a great opportunity to add green space and planting to this part of the City. No ecological enhancement measures are included in the submitted Preliminary Ecological Appraisal and should be looking at the potential for enhancements. Queries whether there would be potential to create a small sedum roof on one part of the roof or whether there is scope to share the roof space with a nutrient-poor substrate, incorporated as well or instead of some PV panels to create a sedum/brown-roof.

Tree Officer: No objection. There are 5 street trees on Carrington St. It appears 2 and preferably 3 of these will be now retained within the improved public realm. The 3 losses will have to be replaced by 6 new trees. Notes that new trees in public realm hard standing will only be sustainable if an engineer has specified the underground in accordance with current good practice.

Nottingham Civic Society: Generally welcome the proposals which improve the way the car park and bus station building would address the streets around it. Doubt whether the pedestrianisation of Collin Street can result in a successful public space because the new café/restaurant units will be north-facing and any outdoor seating provided to colonise the edge of the public space would be in the shadow of the car park itself for long periods. The lack of ambition of the 'Intu' promoted shopping centre redevelopment results in its failure to solve the problem of level access to potentially more attractive south-facing commercial space which could deliver active frontages and commercial bustle in the Collin Street space. The re-erection of a high level bridge from the cinema to the new car park robs the public space of the community safety benefit of people returning to their cars

through the Collin Street space later in the evening. As the high level bridge is evidently no longer necessary for pedestrian safety, it should be deleted from the car park scheme altogether because it interrupts a view of Nottingham Castle seen along Collin Street. This new view would give a focus to the new public space and enhance Nottingham's tourism offer by connecting views of the Castle from the Lace Market and vice versa.

The Civic Society objects to this application unless the unnecessary bridge is deleted from the scheme.

Design Review Panel (06.10.2017)

Welcome the plans to transform and modernise the Broadmarsh car park and bus station given its current very run down state, and how it poorly relates to its wider context, creating major problems of blight at the southern entrance to the city centre. Support demolition and rebuild given the importance of this site as an integral part of the broader transformation of the southern part of the city centre, making it a highly important site to get right. Agreed on the overall design approach adopted, though there are elements that could benefit from further consideration as follows.

Relocation of the car park and bus station entrance - Moving the bus station entrance further along Canal Street offers the building and the street as much active frontage as possible, but this together with the relocation of the car park entrance to Canal Street and the roads remodelling as a shared space creates a potential conflict of activity with pedestrians on the south east corner. Understand significant traffic and movement analysis has been undertaken to inform this decision, however, with all vehicular circulation coming in and out of the same corner there is concern it will create an area to be avoided by pedestrians.

External appearance - With the building fronting a large area of public space, the space requires a dominant and imposing building. Suggest the need for the building to have more impact, particularly drawing attention to the articulation on the Collin Street elevation. Emphasising the ground floor retail activity of the elevation may help the structure read more strongly in the street scene.

Materials palette - Quality of the materials used will be key to the success of the building's appearance, with a high standard expected. The terracotta cladding should more closely reflect the colour of the surrounding contextual buildings along Carrington Street. The glazing approach adopted for the upper part of the new car park building with the infill of some opaque glazing panels again offers a considered design solution.

Carrington Street and Collin Street retail units - Welcome the activation of the Carrington Street and Collin Street elevations with the introduction of retail units, with the high shop fronts to bring a strong active frontage on the ground floor. These units will offer a significant role in revitalising these streets, so it is fundamental that the elevation interacts with the street. Therefore, with large areas of public realm to activate, particularly the wide Collin Street, the Panel suggest extending the units out more into this space with pop out shop fronts or alternatively cafe spill-out spaces. Also with the adjacent blank wall of the Broadmarsh Shopping Centre offering little in activating the public realm, the potential for the introduction of retail kiosks is worth exploring. It is understood that it is necessary to retain the change of levels on Carrington Street to maintain level access into the bus station but this change in levels would need to be carefully handled.

Height and massing - The Panel are generally comfortable with the size of the building and the proposal to add another level to the car park. The main issue of concern is about the impact the new structure will have on the view of the Council House dome from Carrington Street. As a clear landmark in the skyline, best

attempts should be made to try to retain the view. Advise assessing the impact the scale of the new building with its addition of another floor will have on this vista, with modelling analysis recommended, and if need be look at pulling the building further back in this location.

Link bridge - Would have liked to have seen the removal of the bridge over Collin Street, but acknowledges that the requirements of Intu mean that a link bridge between the new cinema and the car park is to remain. The Panel therefore urge that the quality and transparency of the design be improved.

Ventilation of the car park - Extremely disappointed with the suggestion that the building be mechanically ventilated given the City's green agenda. Advise that consideration be given to the building's sustainability credentials, should engineer out mechanical ventilation and adopt a more sustainable option. The suggestion of whether the upper glazing could incorporate gaps to allow for some natural ventilation should be explored.

Overall conclusions - Supportive of the proposal, welcoming the redevelopment of the car park and how it will activate the public space around it. Inclusion of the retail units will introduce much needed active frontages to the building. However, the potential these units have to connect with and activate the public space they front should be fully realised through optimising the opportunities to extend and spill out into the surrounding spaces to create a much needed sense of place, with a strong building form which frames the streets and holds a strong presence in the street scene.

The success of the building will rely on how well it relates to these spaces and the quality of its build, with careful attention to be given to the change of levels on Carrington Street, and well considered material selection to ensure the tone of the terracotta cladding complements the terracotta brick of the Carrington Street buildings.

The Panel have no major concern with the massing of the building or the addition of the extra floor, though work to analyse any potential visual impact on the view of the Council House dome on the Carrington Street approach should be undertaken and the building pulled back as necessary to protect the vista. Also more thought should be given to the south east corner of the building, to ensure this does not become a vehicle dominated area avoided by pedestrians. Activating the surrounding spaces with pedestrian activity is vital, and in this regard if ever there is the opportunity to remove the Collin Street link bridge then this should be acted upon to draw people onto the streets below. Strongly stress the need for more consideration to be given is to the plans to mechanically ventilate the car park building. A more sustainable option is strongly encouraged which does not contradict the city's work on achieving a greener city.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.
- 6.2 Paragraph 14 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.

- 6.3 Paragraph 17 sets out the core planning principles, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; secure high quality design; support the transition to a low carbon future, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to reducing pollution; and managing patterns of growth to the make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.4 Paragraph 23 sets out the approach to ensuring the vitality of town centres. It recognises town centres as the heart of their communities and advises policies should be pursued to support their viability and vitality. It promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. A range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres should be allocated.
- 6.5 Paragraph 56 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.6 Paragraph 67 states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 6.7 Paragraphs 128 and 129 consider the requirement to conserve and enhance the historic environment when determining planning applications. It is advised the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should take into account the need to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

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):

S1: New retail development in the City Centre

S7: Food and Drink

BE10: Development within the curtilage, or affecting the setting, of a listed building

BE12: Development in Conservation Areas

BE16: Archaeological constraints

BE19 Advertisements

NE3: Conservation of species

NE5: Trees

NE9: Pollution

NE10: Water quality and flood protection

T1: Location of development and sequential approach

T3: Car, cycles and servicing parking

T5: Car parking

T7: Major development and public transport

T15: City Centre car parking

Aligned Core Strategy (2014)

Policy A: Presumption in Favour of Sustainable Development

Policy 1: Climate Change

Policy 4: Employment Provision and Economic Development

Policy 5: Nottingham City Centre

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Nottingham City Centre Urban Design Guide (May 2009)

This guide provides a physical framework and promotes the highest standard of urban design and architecture for the city centre. The Broadmarsh development

site falls within the area identified as the 'zone of reinvention' which is defined as areas in which the urban form is largely beyond repair. Broadmarsh is specifically identified as being reinvented through the proposals for the shopping centre and its surroundings.

Broadmarsh bus station and car park development brief (June 2017)

The development brief was prepared to guide development proposals for the Broadmarsh bus station and car park site. The brief sets out a vision for the area, identifies constraints and opportunities and establishes a set of design principles to guide the form of the development.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main issues

- (i) Land use and impact upon the southern gateway of the City Centre;
- (ii) Design and layout, including impact upon the character and appearance of the adjacent Nottingham Canal Conservation Area and listed buildings;
- (iii) Traffic and transport

(i) Land use and impact upon the southern gateway of the City Centre (Local Plan policies S1 and S7 and Aligned Core Strategies policies A, 4 and 5)

- 7.1 The proposals for the redevelopment of the Broadmarsh bus station and car park are part of the wider proposals to transform the southern part of the City Centre as set out in paras 3.3 - 3.5. The redevelopment of the Broadmarsh bus station and car park is a high priority for the City Council and is seen as vitally important and an integral part of the successful future of the southern part of the City Centre.
- 7.2 The former bus station and car park building was an unattractive and tired feature on the main pedestrian route between Nottingham Station and the City Centre and did not contribute positively to the townscape, or provide an attractive visitor gateway into the City Centre.
- 7.3 The current proposals seek to repair this harm by creating a building of strong architectural quality that incorporates a safe and modern bus station, an attractive and user friendly multi storey car park, new commercial units to bring much needed activation to the surrounding streets, and improved pedestrian connections between the station and City Centre, which would be integrated into the wider public realm changes and proposals for the redeveloped Broadmarsh shopping centre. In such a key location the opportunities presented by the proposed redevelopment are significant with the new building helping to transform and enliven this part of the City Centre.
- 7.4 The proposed bus station and car park, together with complementary facilities, are key town/city centre uses. The uses proposed for the commercial units, Classes A1 - A5 (shops, financial and professional services, restaurants and cafes, drinking establishments and hot food takeaways), are entirely appropriate for the City Centre.

7.5 The improvement of the Broadmarsh area is vitally important to the future success of the City Centre and the redevelopment of the former bus station and car park is a key element in the overall strategy of ensuring that this area is successfully regenerated.

7.6 In conclusion on this matter it is considered that this proposal accords with the Local Plan policies S1 and S7 and the Aligned Core Strategies policies A, 4 and 5.

(ii) Design and layout, including impact upon the character and appearance of the Canal Conservation Area and surrounding listed buildings (Local Plan policies BE10 and BE12 and Aligned Core Strategies policies 10 and 11)

7.7 The proposed footprint, mass and scale of the building are in a similar form to the previous building it is to replace, although there are some significant differences. These include an additional set back storey to provide an increased number of car parking spaces, the re-alignment of the Carrington Street frontage and extending southwards on the Canal Street frontage. The footprint, scale and mass are generally considered to be acceptable in the immediate context. However, an effect of the first two of these changes, which has attracted comment from both Historic England and Design Review Panel, is the impact on the view of the Council House dome from the west side of Carrington Street. Further work is being undertaken to assess this aspect which will be reported in the Update Sheet. It is acknowledged that the Council House dome is a significant landmark in the City and that the proposed building would obscure it from a certain vantage point on Carrington Street. However, assessment thus far indicates that the impact of the development on this very specific view of the dome would constitute less than substantial harm to a heritage asset, and that the overall public benefits which would accrue from the development as a whole, would outweigh this harm.

7.8 The commercial units proposed on Carrington Street and Collin Street would bring much needed activation to the street edges, representing a significant beneficial change in comparison with the building it is to replace. The inclusion of the commercial units is inextricably linked to the wider public realm proposals for the pedestrianisation of Carrington Street and Collin Street. Entrances to the bus station and car park are also proposed from Middle Hill, the corner of Middle Hill/Canal Street, Canal Street and Carrington Street. Where possible these are level and have been designed to be clear and legible to make wayfinding easy. Some concerns have been expressed as to whether the area around the southeastern corner of the building would be unattractive to pedestrians given the proposed location of the access points to both the car park and the bus station at this point. However, this is considered to be the least harmful position for them to be located and furthermore, the detailed design work for the wider road space transformation will seek to ensure that this issue is successfully addressed.

7.9 The application site is in a prominent location on the approach to the southern edge of the City Centre and it is therefore crucial that the quality of the proposed building is commensurate with the importance of the site. The functional design of the building, elevational treatment and choice of materials have been the subject of a lengthy iterative process, including consideration by the Design Review Panel, who welcomed the principle of this large and imposing building.

7.10 The design proposed is for a contemporary building involving the use of good quality materials. The structural metal framework is proposed to be clad with terracotta with the colour palette reflecting the materials used in the immediate

vicinity on the west side of Carrington Street, which is within the Nottingham Canal Conservation Area. The building's four elevations are all visible from the public domain and it is considered that the approach adopted to each of these provides the required activity, articulation and verticality. The three digital media screens to be integrated into the building are each on an appropriate scale and position, and would add further vibrancy to both the building and its surrounding environment.

- 7.11 It is a pre-requisite that the quality of the materials should be carried through to construction for the building to be successful and to be sensitive to the neighbouring conservation area. The submission of full details of the materials are therefore to be required by condition. Large scale details of the elevations are also to be required by condition to ensure that the necessary quality is achieved.
- 7.12 The recent removal of the pedestrian footbridges over Collin Street as part of the Broadmarsh bus station and car park demolition has drawn attention to the view of the Castle Rock from Collin Street and the tram viaduct, and as a result a number of comments have been received objecting to the replacement footbridge. In response it should be noted that this is a long-standing commitment regarding the redevelopment of the shopping centre, and that its' retention was approved as part of the proposals for this adjacent, inter-connected scheme. A condition is proposed requiring full design details of the bridge and the opportunity now exists, following demolition, for a high quality, lightweight structure.
- 7.13 The replacement bus station and car park has been developed in the context of the proposed pedestrianisation of Carrington Street and Collin Street, the removal of through traffic from Canal Street and the creation of a "shared space" environment. The detailed design work for the new public realm is progressing as a separate project. However, given that the City Council is responsible for the both the Broadmarsh bus station/car park and public realm schemes, the two will be fully integrated.
- 7.14 One objector has proposed an alternative design approach that they believe would deliver significant benefits in comparison to the application scheme. However, the current proposal is the one that is the subject of a planning application and accordingly, must be assessed and considered on its own particular merits.
- 7.15 The planning application has been advertised on the basis of its possible effect on the setting of the Grade II* listed Castle and Council House. Regarding the former, this aspect has been given due consideration and the conclusion reached that the proposals would not affect its setting. Assessment of the impact on the setting of the Council House has been set out at paragraph 7.7 and will be expanded upon further in the Update Sheet.
- 7.16 Overall, the proposed development is considered to be acceptable in terms of its layout, scale, mass, design and external appearance and would significantly enhance the built environment of this part of the City Centre, and the character and appearance of the Canal Conservation Area. Local Plan policies BE10 and BE12 and Aligned Core Strategies policies 10 and 11 are therefore satisfied.
- 7.17 A number of the comments raised relate specifically to changes proposed to the surrounding public realm. These are not for consideration as part of this planning application but the comments received have been forwarded to the team responsible for developing and delivering this project.

(iii)Traffic and transport (Local Plan policies T1, T3, T7 and T15 and Aligned Core Strategy policy 14)

- 7.18 The application site until recently comprised a bus station and car park and the proposal is essentially to replace those with the same, both designed to meet current and future requirements for public transport users and those visiting the City by car. It is also intended to provide facilities for cyclists in the form of a cycle hub, parking for powered two wheelers and a new Shopmobility facility within the development. In response to a query from a citizen regarding future proofing, it has been confirmed that the bus station will be designed to accommodate rapid charging points for electric vehicles. The proposals do result in an increase in the number of car parking spaces by 194, to 1373, but it should be noted that of these, approximately 63 spaces with charging points for electric vehicles and a substantial number of spaces are provided for disabled parking and parent and child parking.
- 7.19 A Transport Statement has been submitted with the planning application and following assessment of this, Highways have not raised any objections to the proposals. Conditions are proposed requiring the submission of details of the cycle hub, parking for powered two wheelers and disabled parking bays. Local Plan policy 15 requires that new car parks in the City Centre should be limited to short or medium stay use to encourage adequate car parking for visitors and shoppers. It is anticipated that the main use of the new car park would be orientated towards shoppers and leisure users, particularly following the refurbishment and expansion of the Broadmarsh Centre. A condition is proposed requiring the submission of a car park management plan to enable further control of this matter.
- 7.20 Specifically with regard to one query in relation to modelling of the car park access, it has been confirmed that this has been undertaken and that there is flexibility in the design. It is proposed there will be four entry/exit barriers and that these will be designed to allow configurations of 3/1, 2/2, 1/3 in terms of the entry/exit ratio.
- 7.21 A number of the comments raised by individual citizens relate specifically to changes to the surrounding public realm and consequent changes to the highway network, with the comment that it is not possible to properly consider this planning application without the full information about the bigger picture. However, as confirmed by Highways, it is considered that sufficient information on the transport impacts has been provided to enable the impacts of the development on the highway network to be properly assessed and considered.
- 7.22 Once again comments received regarding wider road space/pedestrianisation changes have been forwarded to the team responsible for developing and delivering this project.
- 7.23 Local Plan policies T1, T3, T7 and T15 and Aligned Core Strategy policy 14 are therefore satisfied.

OTHER MATTERS (Local Plan policies S7, NE9, NE10, BE16 and T3 and ACS policy 10)

Impact upon amenity

- 7.24 The scale, mass and footprint of the proposed building, when compared with the former Broadmarsh bus station and car park, are comparable in general terms, although it is recognised that the proposed building is taller. However, having

regard to the nature of the buildings surrounding the site, which do not contain any residential use and are separated from the site by roads of generous scale, it is not considered that the proposal would significantly alter the physical impact of a building on this site upon the occupiers of the adjacent premises.

- 7.25 The uses proposed for the new retail units, falling within Classes A1-A5, are compatible with the City Centre location. The conditions recommended by Environmental Health and Safer Places regarding extraction equipment and noise from plant and air handling equipment would ensure that there are no noise or odour issues for nearby occupiers.

Flood risk/drainage

- 7.26 As requested by the Environment Agency, conditions are proposed requiring the development to be undertaken in accordance with the submitted flood risk assessment.

Contamination

- 7.27 Conditions are recommended to ensure that there is no contamination of ground water, as required by the Environment Agency.

Archaeology

- 7.28 A condition is recommended to ensure that any archaeological remains affected by the development are properly investigated and recorded.
- 7.29 Local Plan policies S7, NE9, NE10 and T3 and ACS policy 10 are therefore satisfied.

8 SUSTAINABILITY / BIODIVERSITY (Local Plan policy NE3 and NE5 and Aligned Core Strategies policies 1 and 17)

- 8.1 The proposals involve the use of the lower level of the building as a bus station serving both local and national bus services, encouraging the use of public transport. The proposals also provide facilities for cyclists and encourage more walking as a result of the development being better integrated into surrounding streets, which are to be made pedestrian friendly.
- 8.2 The design of the glazing system to enclose the car parking levels of the building is partially naturally ventilated through the use of a hybrid assisted natural air and mechanical extraction system. The glazing will also allow daylight to permeate the edges of the car parking area. It is proposed that the car park will utilise low energy lighting systems. The roof area of the development provides the opportunity for the installation of photovoltaic panels generating low or zero carbon energy. It is also proposed that the building (excluding the bus station and car park) will exceed the requirements of Part L2A of the Building Regulations.

Trees

- 8.3 There are currently five trees on Carrington Street which are within the application site but on the public highway. Two of these, and possibly three, can be retained within the altered public realm. A condition is imposed to ensure that these are adequately protected during the construction period.

Biodiversity

- 8.4 It has been identified that the submission does not include any ecological enhancement measures and that no details of landscaping are indicated. The Biodiversity and Greenspace Officer has queried whether there is a possibility of incorporating a green/brown roof into the building. However, the roof structure is designed to be lightweight and only adequate to support the photovoltaic panels. With regard to landscaping, it is anticipated that these will be significant planting as part of the pedestrianisation of Carrington Street and Collin Street, which will bring ecological benefits in addition to enhancing the setting of the building.
- 8.5 Local Plan policy NE3 and NE5 and Aligned Core Strategies policies 1 and 17 are therefore satisfied.

Other

- 8.6 One citizen has queried whether the application should have been accompanied by an Environmental Assessment. The proposal has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Assessment is not required.

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

Provision of accessible buildings.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

The proposal addresses the following corporate themes:

World Class Nottingham: As part of the works to transform the southern gateway of the City Centre.

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

Neighbourhood Nottingham: Redevelopment with a high quality development

14 CRIME AND DISORDER ACT IMPLICATIONS

Improved surveillance and community safety.

15 **VALUE FOR MONEY**

None.

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

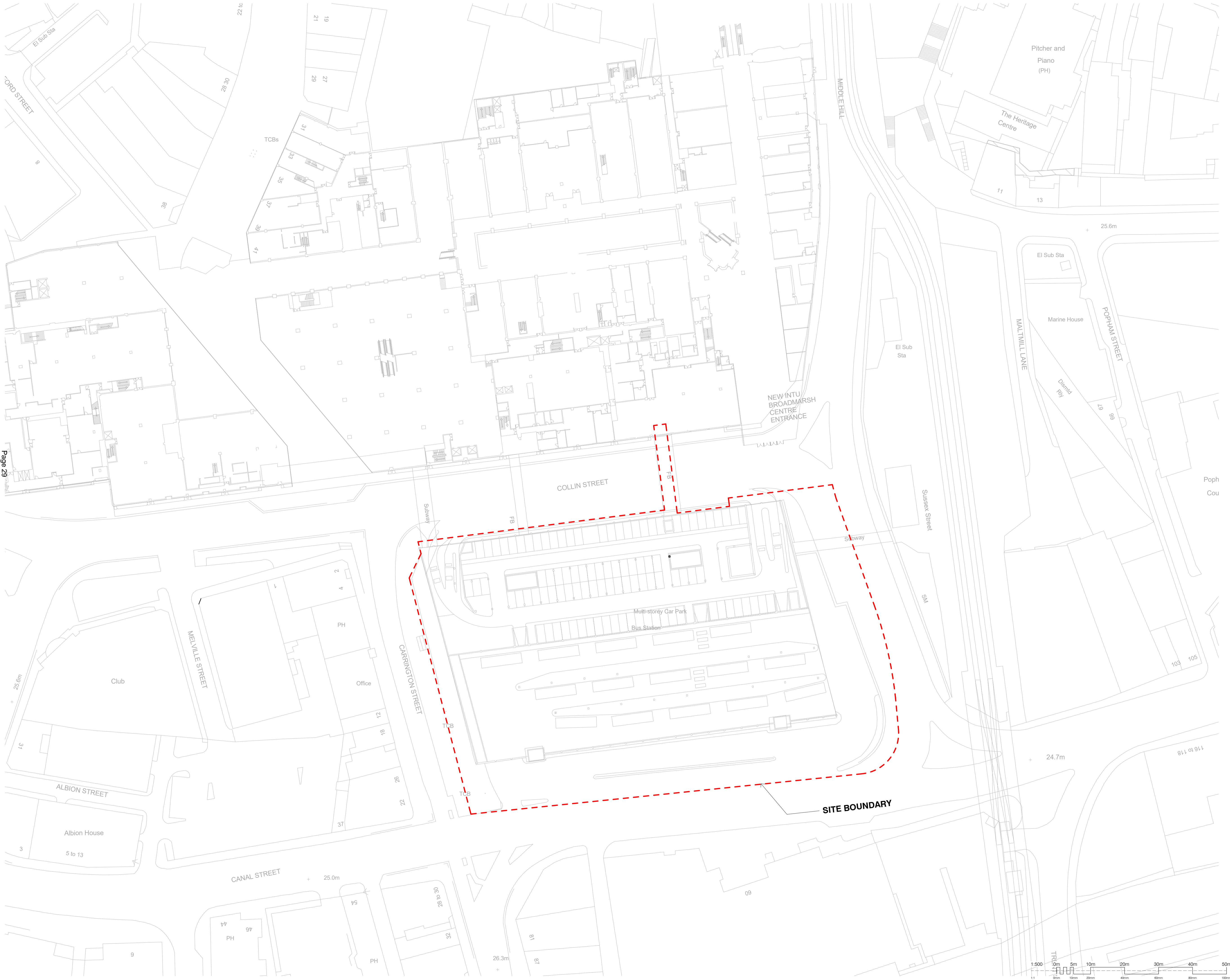
1. Application No: 17/02817/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P0XVGXLYJ8D00>
2. Email dated 25.01.2018 from Environmental Health and Safer Places
3. Email dated 14.12.2017 from Drainage
4. Email dated 23.01.2018 from the Tree Officer
5. Email dated 15.01.2018 from Biodiversity and Greenspace Officer
6. Comments from Highways dated 19.01.2018
7. Letter dated 11.01.2018 from Historic England
8. Email dated 11.01.2018 from City Archaeologist
9. 13 comments from citizens
10. Comments from Nottingham Civic Society
11. Comments dated 24.01.2018 from Conservation Officer
13. Letter dated 16.01.2018 from the Environment Agency.

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

Nottingham Local Plan (November 2005)
Nottingham City Centre Urban Design Guide (May 2009)
National Planning Policy Framework (March 2012)
Broadmarsh car park and bus station development brief (June 2017)
Digital media interim planning strategy

Contact Officer:

Mrs Janet Keble (Tues, Wed, Thurs), Case Officer, Development Management.
Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056



Dimensions to be verified on site. Use figured dimensions only. Do not work from reduced scale drawings. Please refer to scale and sheet size as indicated.

This drawing is the property of LEONARD DESIGN ARCHITECTS LTD. Copyright is reserved by them and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorized person without the prior consent in writing of Leonard Design Architects Ltd. All rights reserved.

DO NOT SCALE



Location Plan

SITE BOUNDARY

Page 29

A	08/12/17	Planning	SM	BB
Rev. Date	Revision	By	Checked	

leonard design architects
 4th floor, Albion House
 5-13 Canal Street
 Nottingham, NG1 7EG, United Kingdom
 t. +44 (0) 115 945 0080
 e. office@leonarddesignarchitects.com



Client
Nottingham City Council

Project
Broadmarsh Car Park

Drawing Title
Existing Location Plan - Red Line Drawing

Project Number	Suitability
0622	S4

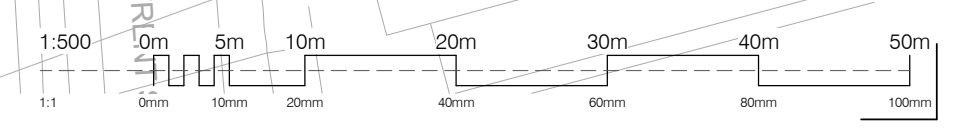
Drawn by	Checked by
NS	BB

Scale @A1	Date
1 : 500	08.12.17

File Identifier	Revision
BMCP - LDA - XX - XX - DR - A - 08 000	A

Purpose of Issue
PLANNING

Project Status
PLANNING



My Ref: 17/02817/PFUL3 (PP-06590484)
Your Ref:
Contact: Mrs Janet Keble (Tues,Wed,Thurs)
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

Leonard Design Architects
FAO: Ben Bowley
4th Floor Albion House
5-13 Canal Street
Nottingham
NG1 7EG

Date of decision:

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

Application No: 17/02817/PFUL3 (PP-06590484)
Application by: Nottingham City Council
Location: Broadmarsh Car Park And Bus Station, Collin Street, Nottingham
Proposal: Provision of a new bus station and car park structure with commercial space (Use Classes A1, A2, A3, A4 and A5) and ancillary public facilities including travel centre and cycle services and a link footbridge.

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)



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

Page 30

Continued...

2. No development shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- (a) Management of the highway network;
 - (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) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (f) Wheel wash facilities;
 - (g) Measures to control the emission of dust and dirt during construction;
 - (h) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure that the amenity of nearby occupiers is protected during construction of the proposed development and in the interests of highway safety in accordance with Policy T3 of the Local Plan and Policies 10 and 14 of the Aligned Core Strategy.

3. The development shall not be commenced until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- 1. A preliminary risk assessment which has identified:
 - (a) all previous uses;
 - (b) potential contaminants associated with those uses;
 - (c) a conceptual model of the site indicating sources, pathways and receptors; and
 - (d) potentially unacceptable risks arising from contamination at the site.
 - 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority.

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

Reason: To reduce the risk of pollution of ground water in accordance with Policy NE9 of the Local Plan.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To reduce the risk of pollution in accordance with Policy NE9 of the Local Plan.



5. No development involving the breaking of ground shall take place, until an archaeological Written Scheme of Investigation, covering the area where it is proposed to excavate below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The Written Scheme of Investigation and works shall include:
- a) an archaeological evaluation of the site;
 - b) arrangements, supported by the conclusions of an archaeological evaluation, for the excavation of the affected areas, and the implementation of a watching brief during the course of the development;
 - c) arrangements for the recording of any finds made during the investigation and for the preparation of a final report;
 - d) arrangements for the deposition of the records of finds, and any significant finds, capable of removal from the site, in a registered museum; and
 - e) 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 Written Scheme of Investigation.

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

6. The development shall not be commenced until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees that are shown to be retained on the approved plans.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

7. The tree protection measures detailed in the approved Arboricultural Method Statement shall be put in place prior to the commencement of the development permitted and retained for the duration of construction operations. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

8. There shall be no above ground development on the bus station and car park (excluding the footbridge) until the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) Large scale elevations and sections at a scale of 1:50;
- (b) Details of the external materials, including a sample panel.

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

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area and the character or appearance of the Nottingham Canal Conservation Area in accordance with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategy.

9. No work on the footbridge shall be commenced until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (a) Large scale elevations and sections at a scale of 1:50 or greater;
- (b) Details of the external materials.

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

Reason: To ensure that the appearance of the development is satisfactory, in the interests of the visual amenity of the area in accordance Policy 10 of the Aligned Core Strategy.

10. Prior to the commencement of the development, an air quality assessment of the contribution and impact of the development on the air quality in the area shall be submitted to and be approved in writing by the Local Planning Authority.

Any 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: In the interests of ensuring that air quality objectives are met in accordance with with Policy NE9 of the Local Plan.

11. Prior to the installation of any mechanical services plant or equipment (including any air handling plant), an environmental noise assessment shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To ensure that the amenity of the occupiers of nearby properties is protected in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

12. Any approved Class A3, Class A4 or Class A5 use within the development shall not be brought into use until, if required, they have been fitted with a fume extraction and ventilation system. The system shall not be installed other than in accordance with details which shall have first been submitted to and 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.

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

Reason: In the interests of the amenities of neighbouring occupiers and businesses and the visual amenity of the area, in accordance with Policy NE9 of the Local Plan and Policy 10 of



the Aligned Core Strategy.

Pre-occupation conditions

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

13. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To reduce the risk of pollution of ground water in accordance with Policy NE9 of the Local Plan.

14. 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: In the interests of ensuring that air quality objectives are met in accordance with with Policy NE9 of the Local Plan.

15. The use of the car park shall not be commenced until details of parking for powered two wheelers and cycle parking have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable means of transport and to ensure adequate provision for users with disabilities in accordance with Policy T3 of the Local Plan.

16. The development shall not be brought into use until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the aims of Policy T3 of the Local Plan.

17. The use of the car park shall not be commenced until a plan outlining how vehicles are to be controlled and managed so as not to result in queuing on the highway has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in the vicinity and in accordance with Policy T3 of the Local Plan.

18. Before any part of the car park is occupied, details of the proposed strategy for managing it shall be submitted to and agreed by the Local Planning Authority and the car park shall be operated in accordance with that strategy.

Reason: To ensure that the development discourages long stay commuter parking in order to reduce congestion during the peak periods in accordance with Policy T15 of the Local Plan.

Regulatory/ongoing conditions

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



19. The sight lines on each side of the vehicular access shall be provided and retained in perpetuity.

Reason: In the interests of highway safety and in accordance with Policy T3 of the Local Plan.

20. The development shall be carried out in accordance with the approved September 2017 Flood Risk Assessment (FRA) compiled by BWB and the following mitigation measures detailed within the FRA:

1. Finished floor levels (as detailed in appendix 4) of the bus station and the retail units will be set to 24.5mAOD and 24.62mAOD respectively.
2. Incorporation of flood resilient/resistant construction measures as detailed in section 4. 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

1. To reduce the risk of flooding to the proposed development.
2. To reduce the impact of flooding to the proposed development.

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future users in accordance with 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 14 December 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. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

oexcavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
otreated materials can be transferred between sites as part of a hub and cluster project
osome naturally occurring clean material can be transferred directly between sites.



DRAFT ONLY

Not for issue

Continued...

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- (a) the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- (b) The Environmental regulations page on GOV.UK

4. Highway related

1. 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.

2. 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.

3. 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.

4. A car parking management plan is required at the development that outlines how in busy periods the access and egress to the car park is to be managed so as not to cause a detrimental impact on the adjacent highway network. If traffic queues occur a car parking management strategy should be prepared to outline how various scenarios are to be dealt with. The applicant is to contact James Ashton 0116 8763093 Transport Strategy in the first instance.

5. TRO's will be required with all costs borne by the applicant. Please contact Scott Harrison to progress further 0115 8765245.

6. Stopping Up Order. Please contact John Lee to discuss the details 0115 8765246.

5. Trees

New tree planting should be undertaken in accordance with current good practice set out in TDAG guidance <http://www.tdag.org.uk/trees-in-hard-landscapes.html> and the landscape design should be in accordance with British Standard 5845 (2014) Trees: from nursery to independence in the landscape -Recommendations.

6. 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.

An air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish the impact of the development and if an air quality management scheme is required.

7. 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.

8. 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.

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.

An air quality assessment using an appropriate methodology (eg atmospheric dispersion modelling or DMRB screening) will be required to establish the impact of the development and if an air quality management scheme is required.

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: 17/02817/PFUL3 (PP-06590484)

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.



DRAFT ONLY

Not for issue

This page is intentionally left blank

WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
21st February 2018

REPORT OF CHIEF PLANNER

Broadmarsh Car Park And Bus Station, Collin Street

1 SUMMARY

Application No: 17/02819/ADV2

Application by: Nottingham City Council

Proposal: Display of three full motion outdoor digital media screens on new Broadmarsh car park

The application is brought to Committee because, it is an integral part of the planning application for the Broadmarsh bus station and car park which is of critical significance to the City Centre site where there are important land use, design, heritage and regeneration considerations.

To meet the Council's Performance Targets this application should have been determined by 8th February 2018.

2 RECOMMENDATIONS

GRANT CONSENT subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

3 BACKGROUND

Please refer to paras 3.1 -3.7 of the preceding report on the agenda for the Broadmarsh bus station and car park (application ref 17/02817/PFUL3).

4 DETAILS OF THE PROPOSAL

- 4.1 Advertisement Consent is sought for the display of three full motion outdoor digital media screens on the car park. These would comprise one curved screen on the Carrington Street/Collin Street corner, measuring 12.30 m x 8.20m, one screen towards the western end of the Canal Street elevation and one screen on the northern end of the Middle Hill elevation, each measuring 10.3 m x 6m. The screens would sit within the façade of the building, would be setback from this by 300mm-500mm and would include intermittent illumination. The level of illumination would be variable to enable the brightness of the display to be reduced during the hours of darkness.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Please refer to Section 5 of the preceding report on the agenda for the Broadmarsh bus station and car park (application ref. 17/02817/PFUL3) for all representations received in relation to this development, although none specifically relate to the digital screens.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

Para 67. Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Para 129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Nottingham Local Plan (November 2005)

BE12: Development in Conservation Areas

BE19: Advertisements

Aligned Core Strategies (September 2014)

Policy 10: Design and Enhancing Local Identity

Policy 11: The Historic Environment

7. APPRAISAL OF PROPOSED DEVELOPMENT

(a) Impact on visual amenity (Local Plan policies BE12 and BE19 and Aligned Core Strategies policies 10 and 11)

- 7.1 A Digital Media Interim Planning Statement has been prepared which sets out the issues to be considered when siting large digital screens within the City Centre and which identifies suitable locations for screens. The Broadmarsh/Collin Street area is identified as a possible location for such screens. It is recognised that the proposed pedestrian environment and public realm associated with the redevelopment of the Broadmarsh bus station and car park offers the opportunity for the digital screens to be successfully integrated into the design of the building and provide an appropriate context. The high quality nature of the screens would add to the vibrancy of this part of the City Centre and positively contribute to the proposed transformation of the Broadmarsh area. In this context it is considered that the proposed screens

would be appropriate in their location, scale and design and would not be detrimental to the visual amenity of the building and the street scene. Furthermore, it is not considered that the proposed digital screens would be detrimental to the character and appearance of the Nottingham Canal Conservation Area as they would not be viewed against the backdrop of the heritage assets within the Conservation Area. However, a condition is recommended requiring the submission of details of the levels of illuminance, to ensure that the digital screens would not be unduly intrusive features affecting the character and appearance of the adjacent conservation area.

- 7.2 It is therefore concluded that the proposed screen accords with policies BE12 and BE19 of the Local Plan and policies 10 and 11 of the Aligned Core Strategies.

(b) Public and highway safety (Local Plan policy BE19)

There are no public and highway safety issues to consider. Any further requirements from Highways in this regard will be reported at Committee.

Accordingly, it is considered that the proposal accords with Policy BE19 in relation to highway safety.

8 FINANCIAL IMPLICATIONS

None.

9 LEGAL IMPLICATIONS

This is an application for advertisement consent as opposed to planning permission and different considerations apply to the determination of such applications than for those matters which more frequently come before this Committee. In particular, the Planning Authority's powers have to be exercised in the interests of amenity and public safety and limitations and restrictions may only be imposed on the subject matter, content or design of the display on those grounds. The issues raised in this report are however primarily ones of planning and safety judgement. Should legal considerations arise these will be addressed at the meeting.

10 EQUALITY AND DIVERSITY IMPLICATIONS

None.

11 RISK MANAGEMENT ISSUES

None.

12 STRATEGIC PRIORITIES

None.

13 CRIME AND DISORDER ACT IMPLICATIONS

None.

14 **VALUE FOR MONEY**

None.

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

1. Application No: 17/02819/ADV2 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P0Y5O1LYJ8J00>

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

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Janet Keble (Tues,Wed,Thurs), Case Officer, Development Management.

Email: janet.keble@nottinghamcity.gov.uk. Telephone: 0115 8764056

Dimensions to be verified on site. Use figured dimensions only. Do not work from reduced scale drawings. Please refer to scale and sheet size as indicated.

This drawing is the property of LEONARD DESIGN ARCHITECTS LTD.

Copyright is reserved by them and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorized person without the prior consent in writing of Leonard Design Architects Ltd. All rights reserved.

DO NOT SCALE

Orientation

Location Plan



Rev. Date	Revision	By	Checked

leonard design architects
 4th floor, Albion House
 5-13 Canal Street
 Nottingham, NG1 7EG, United Kingdom
 t. +44 (0) 115 945 0080
 e. office@leonarddesignarchitects.com



Client
 Nottingham City Council

Project
 Broadmarsh Car Park

Drawing Title
 Proposed Ground - Site Plan

Project Number
 0622

Author
 [Name]

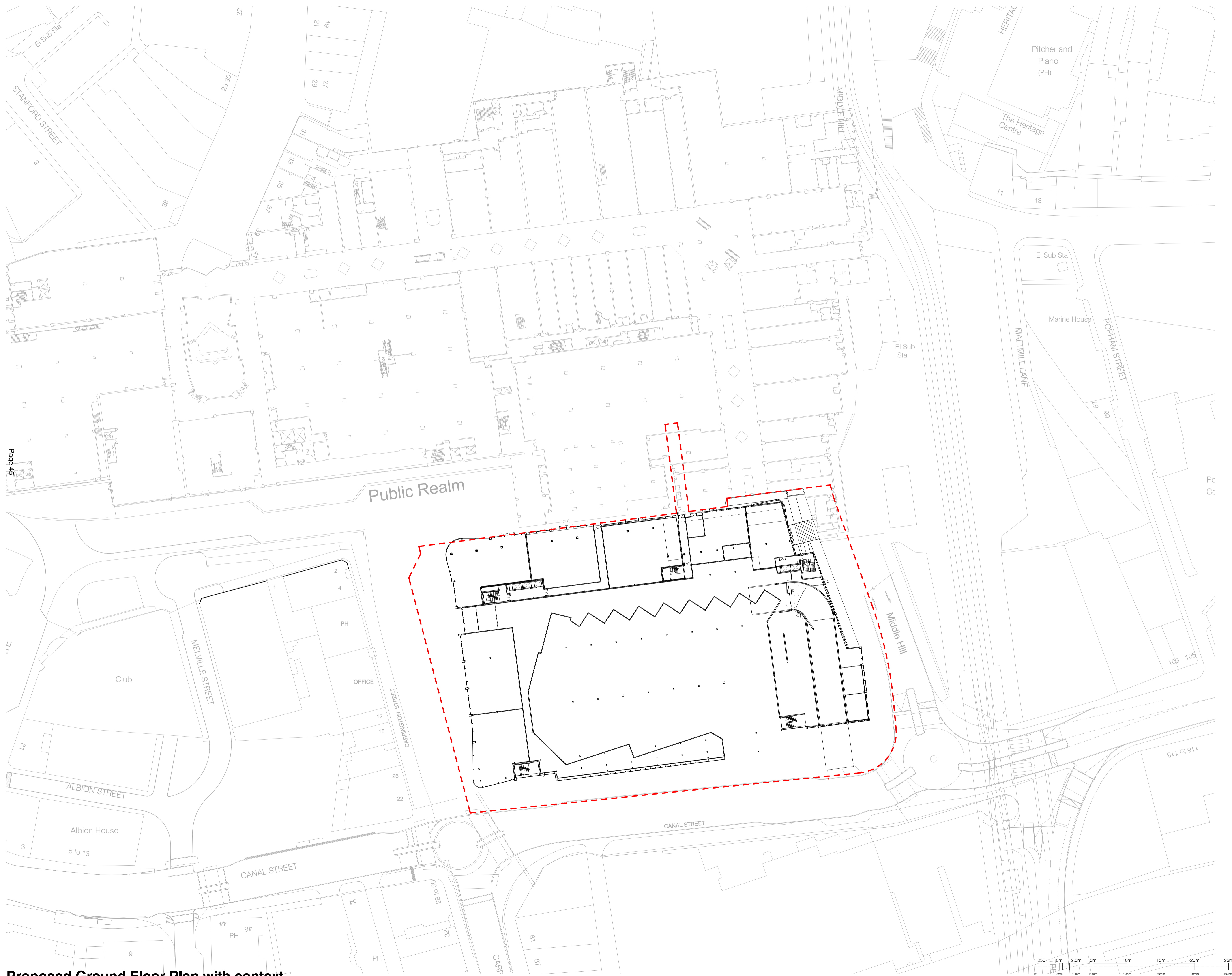
Scale @A1
 1 : 500

Date
 30/11/17

File Identifier
 BMCP - LDA - Z1 - 00 - DR - A - 08 101

Purpose of Issue
 FOR INFORMATION

Project Status
 FOR INFORMATION



Proposed Ground Floor Plan with context

1 : 500

Page 45

My Ref: 17/02819/ADV2 (PP-06585752)
Your Ref:
Contact: Mrs Janet Keble (Tues,Wed,Thurs)
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 2NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Nottingham City Council
FAO: Mrs Claire Lambert
Loxley House
Station Street
Nottingham
NG2 3NG

Date of decision:

**APPLICATION TO DISPLAY ADVERTISEMENT UNDER TOWN AND COUNTRY PLANNING
(CONTROL OF ADVERTISEMENTS) REGULATIONS**

Application No: 17/02819/ADV2 (PP-06585752)
Application by: Nottingham City Council
Location: Broadmarsh Car Park And Bus Station, Collin Street, Nottingham
Proposal: Display of three full motion outdoor digital media screens on new Broadmarsh car park

Nottingham City Council as Local Planning Authority hereby **GRANTS CONSENT** to display the advertisement(s) described in the above application subject to the following conditions:-



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Page 46

- 1 -

Continued...

1. (i) The consent hereby given shall expire five years from the date of this notice.

(ii) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(iii) No advertisement shall be sited or displayed so as to:-
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
(iv) Any advertisement displayed, and any site used for the display of the advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(v) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(vi) Where any advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. The approved digital media screens shall not be brought into use until maximum luminance level, details to include reduced luminance levels throughout the hours of darkness, have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of the visual amenity and the character and appearance of the Nottingham Canal Conservation Area and in accordance with Policies BE12 and BE19 of the Nottingham Local Plan and Policies 10 and 11 of the Aligned Core Strategies.

Standard condition- scope of consent

- S1. Except as may be modified by the conditions listed above, the advertisement shall be displayed in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 14 December 2017.

Reason: To determine the scope of this consent.

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 consent operates only for the purposes of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007. Any other consent, permit or approval which may be necessary whether statutory or otherwise (for example authority to enter land) must be obtained from the appropriate authority, landowner or other person.

Your attention is drawn to the rights of appeal set out on the attached sheet.



DRAFT ONLY

Not for issue

RIGHTS OF APPEAL

Application No: 17/02819/ADV2 (PP-06585752)

If the applicant is aggrieved by the conditions imposed on the consent he or she may appeal to the Secretary of State in accordance with Regulation 17 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 within **eight weeks** of receiving this decision notice.

Appeals must be made on a form which you can obtain 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. Alternatively appeal forms can be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>.

The Secretary of State does not have to accept an appeal if consent for the display of the advertisement could not have been granted by the Council because of the provisions of the Advertisement Regulations.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Page 48

- 3 -

WARDS AFFECTED: St Anns

Item No:

PLANNING COMMITTEE
21st February 2018

REPORT OF CHIEF PLANNER

Avenue D And Avenue E, Sneinton Market

1 SUMMARY

Application No: 17/02557/PFUL3 for planning permission

Application by: Leonard Design Architects on behalf of Carlton Street Trading

Proposal: Refurbishment and partial demolition of existing buildings with erection of new three storey building with accommodation within roofspace creating 44 new apartments (including 36 student apartments) with A1 and A3 uses at ground level.

The application is brought to Committee because it is a major development on a prominent site of some local sensitivity.

To meet the Council's Performance Targets this application should be determined by 16th February 2018

2 RECOMMENDATIONS

Subject to no further material matters being raised in response to consultation by the expiry of the consultation period (21st February 2018)
GRANT PLANNING PERMISSION subject to:

- (i) Prior completion of an agreement under section 111 of the Local Government Act 1972 to require completion of a Planning Obligation and securing a public open space financial contribution of £10959.64 towards improvements to Victoria Park.
 - (ii) Student Management and 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.

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 relates to Avenues D and E of Sneinton Market, and the adjacent single storey retail unit on the corner of Southwell Road and Bath Street. The site lies on the eastern edge of the City Centre and is identified within the Nottingham Local Plan as a specific site for regeneration within the Eastside Regeneration Zone of the City. The site is also within the Sneinton Market Conservation Area.
- 3.2 The site is bounded by Freckingham Street to the southwest, Bath Street to the northeast and Southwell Road to the southeast and comprises three individual buildings. There are two 1930s market buildings, which are in need of renovation and repair following fire damage, and a later single storey building at the southern end of the site. The original market buildings are characterised by their distinctive gables, which can also be seen on the other avenue buildings within the market. The later, single storey building to the south east of the market buildings is considered to be of no particular architectural or historic merit.

4 DETAILS OF THE PROPOSAL

- 4.1 The application seeks permission for refurbishment of Avenues D and E. The application also proposes total demolition of the modern corner retail unit, along with limited demolition of elements of the existing market buildings, and the erection of a new three storey building on the Bath Street/Southwell Road corner. The new building would accommodate retail uses on the ground floor and 36 student flats above. The existing market buildings would be refurbished with retail and event space on the ground floor and a further 8 residential units within the roofspace of the central building. As amended, these would be marketed as live work units and would not be used as student accommodation.
- 4.2 The new three-storey building has been the subject of a number of design iterations, responding to concerns raised through the consultation process. The scheme that is brought to Committee is lower than that originally proposed, and has a simpler roof form, drawing influences from the gables and roofs of the wider Sneinton Market Area. The openings within the ground floor of the building and the architectural detailing have also been amended to reflect the scale and proportions of the frontages in the existing market buildings.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

233 neighbouring addresses on Bath Street, Brook Street, Handel Street, Lower Parliament Street, Gedling Street, Longden Street, west Walk and Carlton Road have been notified of the proposals by a letter dated 20th November 2017.

The application has also been advertised by way of site notices and a press advertisement.

Four representations were received from local residents raising the following concerns:

- The proposed new building is too large and does not reflect the scale of Sneinton Market
- The proposals should include street planting
- The scheme should not include student accommodation. There is a shortage of apartments in the city centre, which is forcing graduates out of the city.
- The junction between the old and new buildings is poor
- The architecture is weak
- The massing, scale, design and detailing of the proposal is unsympathetic to the surrounding 1930s units, and if approved this proposal would cause permanent and irreparable harm to the heritage significances of this conservation area
- The development fails to support the sensitive reuse of vacant or underused historic buildings
- The supporting information does not sufficiently assess the significance of the heritage asset or allow the development to be fully assessed in terms of its impact upon the Conservation Area
- The architecture is Scandinavian in style and does not reflect the surrounding architecture in terms of scale, detail or materials
- Historic England should be consulted as this development is contrary to the aims of the Heritage Action Zone funding
- Concerns that the gates and bollards on Freckingham Street will impede access for servicing and deliveries to existing units
- How will the gates and bollards be managed?
- Concerns that the introduction of residential accommodation would affect the ability of existing units to use machinery.
- How will the development affect parking in the area, which is already in demand?

A representation from Nottingham's Creative Quarter and the residents and Tenants of Avenues A-C has also been submitted. The representation begins by expressing support for the development in principle but raises the following concerns:

- The design could have been more creative
- The design does not fully enclose the site and an additional gate is therefore required
- The use of a contrasting rather than matching brick is questioned
- The large expanse of brickwork facing the arena could contain a mural
- It is disappointing that no public toilets have been included in the development
- The provision of vehicle charging points is confusing given that no parking is provided
- The proposals could overshadow some of the existing units
- The allocation of all residential space to students could mean that at certain times of the year there would be reduced daytime activity. It would be preferable if some of the accommodation could be live-work units.
- Planting/greening of the site should be maximised
- Concerned that the gates, signage and street furniture will restrict access onto Freckingham Street

Re-notification letters were sent on 7th February 2018 in relation to the amended proposals. The deadline for the receipt of comments is 21st February 2018. Any responses received in response to the re-notification letters will be reported to

Committee by way of an update.

Additional consultation letters sent to:

Pollution Control: No objection. Conditions requiring Environmental Noise Assessment and details of foundation and piling are recommended.

Highways: No objection. Conditions requiring the submission of a Construction Traffic Management Plan, details of Cycle storage and a Travel Plan, are recommended.

Historic England: No objection. The retention and repair of the historic buildings is supported and there is no objection to the demolition of the late 20th Century building. The scale and massing of the proposed new building is considered to be appropriate and responds to surrounding 3 storey buildings but also steps down to address the scale of the existing Market buildings. Concern was raised over the expanse of blank brick gable but this has been addressed through the amendments to the design and the introduction of additional architectural detailing. The use of high quality materials is recommended and there is a need to ensure public realm proposals are in line with the aspirations for the wider Sneinton Market area. Historic England recommended that the advice of the Conservation Officer is sought in relation to any outstanding matters.

Heritage and Urban Design: No objection. The buildings were badly damaged by fire and vandalism in the late 20th century and have remained largely unoccupied until the present day. The intended refurbishment and re-use of these buildings is strongly encouraged and will bring clear heritage benefits by ensuring that the structures have long term sustainable uses. The building on the northeast corner of the market is a modern single storey structure of no particular architectural or historic merit. While the wholesale market is strongly characterised by the one and a half storey buildings, its periphery is punctuated by a number of individually designed buildings of higher stature. Of particular note are the former NatWest Bank at 2 Carlton Road (3 storeys with roof dormers), the Pegger's Inn (2½ storeys), the terrace on the south side of Southwell Road that forms the frontage to the tram depot (3 storeys), the Banana Warehouse on the corner of Gedling Street and Brook Street (3 storeys) and the former telephone exchange on Boston Street (9 storeys). In principle the construction of a taller building on the prominent corner site is therefore considered acceptable. It successfully provides a new landmark in the Southwell Road street scene and helps to frame the southern entrance to Bath Street. Its form and massing are adequately broken down and respond sympathetically to the character of both the market building alongside and the curved corner site. The roof form provides a contemporary reference to pitched roofs on nearby historic buildings and the materials are of a suitable quality standard and colour palette. Conditions requesting samples of materials and large scale drawings of the façade detailing will also be required to assess the depth of window reveals, the window system and the patterned brickwork.

City Archaeologist: The site lies within the City Centre and Nottingham Canal Archaeological Constraint Area. The Constraint Area represents the extent of occupation of Nottingham during the medieval and early post-medieval period. There is potential for archaeological remains to exist within the site and therefore archaeological evaluation will be required as a condition of planning permission. Excavations in the immediate vicinity of the proposed development area (at Brook Street) have demonstrated the preservation of archaeological features at shallow

depths. The site lies within an area of likely agricultural activity during the medieval and post-medieval periods. Two Viking graves were found in the vicinity (on land off Bath Street) in the 1850s and it is possible evidence of early medieval/Viking date may exist within the proposed development area. In order to assess the impact of the development upon archaeological remains, an archaeological field evaluation will be required as a condition of planning permission. The evaluation will assess the character, extent and condition of any such archaeological remains. It will then provide an evidence base to determine what further archaeological work may be required (which could consist of excavation, watching brief, or a combination of the two).

Biodiversity Officer: Bat and bird surveys are required for the buildings to be demolished.

Drainage: The application confirms that a sustainable drainage system will be used. As a brownfield site a reduction in the amount of surface water runoff by 30% compared to the sites previous use, is expected to be achieved through SuDS taking into account the building hierarchy for the disposal of surface water. This should be shown through the use of high level calculations showing the runoff from the sites previous use and the proposed runoff from the proposed use. A condition requesting this information prior to the commencement of development is recommended.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

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.

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.

Also of relevance to this application is section 12 of the NPPF that relates to conserving and enhancing the historic environment.

Nottingham Local Plan (November 2005):

MU5- Eastside Regeneration Zone- mixed use sites

BE12 – Development in Conservation Areas

BE16 – Archaeological Constraints

H2 – Density

NE3 – Conservation of Species

NE9 – Pollution

R2 – Open Space in New Development

T3 -Car, cycle and servicing parking

Greater Nottingham Aligned Core Strategies (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 5 - Nottingham City Centre

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 11 – Historic Environment

Policy 17 – Biodiversity

Policy 19 – Developer Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Design and Impact on the Sneinton Market Conservation Area
- (iii) Residential Amenity
- (iv) Archaeology
- (v) Highways Consideration
- (vi) Planning Obligations

Issue (i) Principle of the development (Policies MU5 and ST1 of the Local Plan and Policies 5 and 8 of the Aligned Core Strategies)

- 7.1 The application site falls within the Eastside Regeneration Area of the City and Sneinton Market is allocated as a specific site for regeneration under Policy MU5.3. The Local Plan at paragraph 4.23 states that planning permission will be granted for a mix of uses on the site including residential, employment, leisure and education whilst at the same time making the best use of existing resources in the area. The proposed refurbishment and redevelopment of this section of Sneinton Market will bring vacant buildings back into use whilst enhancing the existing market area.
- 7.2 The mix of retail (A1) and restaurant/café (A3) uses on the ground floor would be in keeping with the wider aspirations for the regeneration of Sneinton Market and would also generate new employment opportunities. The provision of residential accommodation in the upper floors is considered to be appropriate in this city centre

location. The mix of live work units and student accommodation is considered to provide a suitable balance of city centre accommodation with the student accommodation being contained within one building to aid with future management and maintenance. It is considered that the proposed development would comply with policies ST1 and MU5 of the Local Plan and Policies 5 and 8 of the Aligned Core Strategies.

Issue (ii) Design and Impact on the Sneinton Market Conservation Area (Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategies)

- 7.3 Policy BE12 seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. The intended refurbishment and re-use of these buildings will bring clear heritage benefits by ensuring that the structures have long term sustainable uses and as such is strongly encouraged. The building on the northeast corner of the market is a modern single storey structure of no particular architectural or historic merit, and the demolition of this building to facilitate the new three-storey building is acceptable.
- 7.4 Concerns have been raised about the potential conflict between the proposed development and the funding allocated by Historic England for heritage led regeneration through the Heritage Action Zone. Sneinton Market is one of the areas targeted for investment. Historic England are supportive of the proposals in principle and it is not considered that the proposal would be contrary to the aims of the Heritage Action Zone funding.
- 7.5 The proposals have been subjected to a series of amendments to address the various concerns raised in relation the scale, massing, roof form, architectural detailing and materials. The overall height of the proposed building has been reduced through amendments to the roof structure itself but also by reducing the floor to ceiling heights on each of the levels within the building. The prominence of the gables has also been reduced, although these would still be expressed above the roofline to provide sufficient articulation and interest. The dormers originally proposed within the roof of the new building have been omitted and the accommodation within the roof would be served by rooflights only. Various approaches to the scale and design of the roof have been explored but the final design proposes simple rooflights to reflect the glazed roofs of the original market buildings.
- 7.6 The junction between the proposed three storey building and the original market building to be retained has been re-addressed and the existing 'half gable' will be completed to create a third Art Deco style gable onto the Bath Street elevation. It is felt that this alteration will create a smoother transition between the existing and new elements of the development and will enhance this street frontage overall. It will be important to ensure that the new brickwork is of a very good match to the existing and a condition to regulate this is recommended.
- 7.7 It is now proposed to construct the new building in a red brick to match that of the existing market buildings and brick detailing has been added to the elevations to emulate the scale and proportions of the architectural detailing of the existing buildings. The curve of the building would be detailed with decorative brickwork but could potentially be used for a mural in the future. It is considered that these changes have improved the overall appearance of the proposed development and would ensure that the new building would relate in scale and design, to the existing buildings, which are to be retained. Conditions are recommended requiring the

submission of samples of all external materials and large-scale details of windows, rooflights, window reveals and the decorative brickwork.

- 7.8 The public realm within the site would be enhanced through the provision of planters, benches and other street furniture. The use of bollards would restrict vehicular movements and maintain pedestrian priority. The location of bollards and signage has been revised in response to concerns raised by existing tenants in relation to access. Conditions requiring further details of the planting scheme and street furniture are recommended.
- 7.9 The amended proposals are considered to be of an appropriate scale and design and would enhance the character and appearance of the Sneinton Market Conservation Area. The proposed development would therefore comply with policy BE12 of the Nottingham Local Plan and Policies 10 and 11 of the Aligned Core Strategies.

Issue (iii) Residential Amenity (Policy 10 of the Aligned Core Strategies)

- 7.10 The proposed layout provides student flats of an adequate size with satisfactory outlook and access to natural light. Conditions requiring the submission and implementation of an Environmental Noise Assessment and Sound insulation scheme are recommended to ensure that adequate insulation is provided to protect the future amenities of occupiers but also to protect existing non-residential uses in the area from threats of statutory noise complaints. It is not considered that the proposed development would have any significant impact upon the amenities of existing residential occupiers within the surrounding areas. The proposed development would therefore comply with Policy 10 of the Aligned Core Strategy.
- 7.11 The proposed student accommodation will be subject of a Student Management Scheme, which will be sought and agreed through the s106 Agreement.

Issue (iv) Archaeology (Policy BE16 of the Local Plan Policy 11 of the Aligned Core Strategies)

- 7.12 The site lies within the City Centre and Nottingham Canal Archaeological Constraint Area. Excavations in the immediate vicinity of the proposed development area (at Brook Street) have demonstrated the preservation of archaeological features at shallow depths. The site lies within an area of likely agricultural activity during the medieval and post-medieval periods. In order to assess the impact of the development upon archaeological remains, an archaeological field evaluation will be required. As the site is covered by existing buildings, it will not be possible to commence this evaluation until demolition begins. The City Archaeologist has therefore recommended that it is appropriate in this instance to impose a condition which requires the submission of details of a program and methodology for this evaluation, prior to the commencement of the development. The evaluation will establish whether any further archaeological work may be required and the methodology will set out a strategy for the preservation or recording of any remains that may be found. Through the imposition of this condition, the proposed development complies with Policy BE16 of the Local Plan.

Issue (v) Highways Considerations (Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategies)

- 7.13 The Highway Authority has raised no objection to the proposed development. The proposal will see the upgrade of the private roads of Avenue D and Avenue E within Sneinton Market, with access restricted by gates. This would be similar to the gating provided on the other parts of Sneinton Market. The proposals include improvements to the side entries for Avenue D and Avenue E onto Bath Street, which is in adopted highway. A section 278 agreement will be required for this part of the proposal. Servicing and refuse collection will utilise Freckingham Street. The proposal will not provide any additional parking for the retail or residential units. As these streets are private and are not considered adopted highway, it will be for the owners of the private carriageway to consider any parking/enforcement issues on Avenue D, Avenue E and Freckingham Street.
- 7.14 The application site is within a sustainable location with access to main bus routes and close proximity to the city centre. As such, the proposal to provide no additional parking is acceptable. However, cycle parking will be required and a condition requiring details of this is recommended. It is also considered that the site would benefit from a residential travel plan to inform residents of travel by non-car modes of transport and a condition to this effect is therefore recommended. Subject to these conditions the proposed development would comply with Policy T3 of the Local Plan and Policy 10 of the Aligned Core Strategy.

Issue (vi) Planning Obligations (Policy R2 of the Local Plan and Policy 19 of the Aligned Core Strategies)

- 7.15 As the application site is currently within the ownership of the Council it is not possible at this stage for a planning obligation to be entered. Instead the applicant/developer will be asked to enter into an agreement with the Council under section 111 of the Local Government Act 1972 agreeing to provide and enter into the necessary planning obligations once the land has transferred to it. A commuted sum will be secured for open space in accordance with Policy R2 to be used for improvements to Victoria Park and this will not exceed the pooling restrictions imposed by Regulation 123 of the Community Infrastructure Levy Regulations 2010. The obligations will also secure restrictions on student use of vehicles within the City and a management plan for the student accommodation. It is considered that these requirements accord with Regulation 122(2) Community Infrastructure Levy Regulations 2010, in that they are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.

8. SUSTAINABILITY / BIODIVERSITY (Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy)

- 8.1 Paragraph 118 of the NPPF notes that local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. The following are relevant to this application:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- Opportunities to incorporate biodiversity in and around developments should be encouraged; and

- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

8.2 Policy NE3 of the Local Plan seeks to restricts development which would adversely impact on species or habitats protected by law, or of special importance, unless there is an overriding need for the development.

8.3 The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

8.4 Paragraph 119 of the NPPF advises that the presumption in favour of sustainable development does not apply where the development requires appropriate assessment under the Birds or Habitats directives. Natural England provides standing advice for planning authorities assessing planning applications affecting protected species and in accordance with paragraph 118 of the NPPF the authority should aim to conserve and enhance biodiversity by assessing if any harm will result from a development and , if significant harm would occur and cannot be avoided, whether it can be adequately mitigated or compensated for. An initial survey of the buildings has been commissioned and the findings will be reported as an update at the committee meeting.

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: Creation of a high quality, sustainable, commercial and residential development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development and the future operation 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: 17/02557/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZ7H7JLYN0000>
2. Pollution Control comments dated 14.12.17
3. Highways Comments dated 5.12.17
4. Biodiversity officer comments dated 28.11.17
5. Drainage Team comments dated 20.11.17
6. Historic England comments dated 15.12.17
7. Representation from The Creative Quarter and tenants of Avenues A – C, dated 12.12.17
8. City Archaeologist comments dated 27.11.17
9. Conservation Officer comments dated 16.1.18
10. Economic Development comments dated 24.1.18
11. Representation from Carlton Street Trading, dated 27.11.17
12. Representation from Flat 5, 22-26 Bath Street, dated 23.11.17
13. Representation from Apartment 6, 22-26 Bath Street, dated 24.11.17
14. Representation from 383 Blue Bell Hill Road, dated 26.11.17
15. Representation from 10-12 Freckingham Street, dated 2.12.17

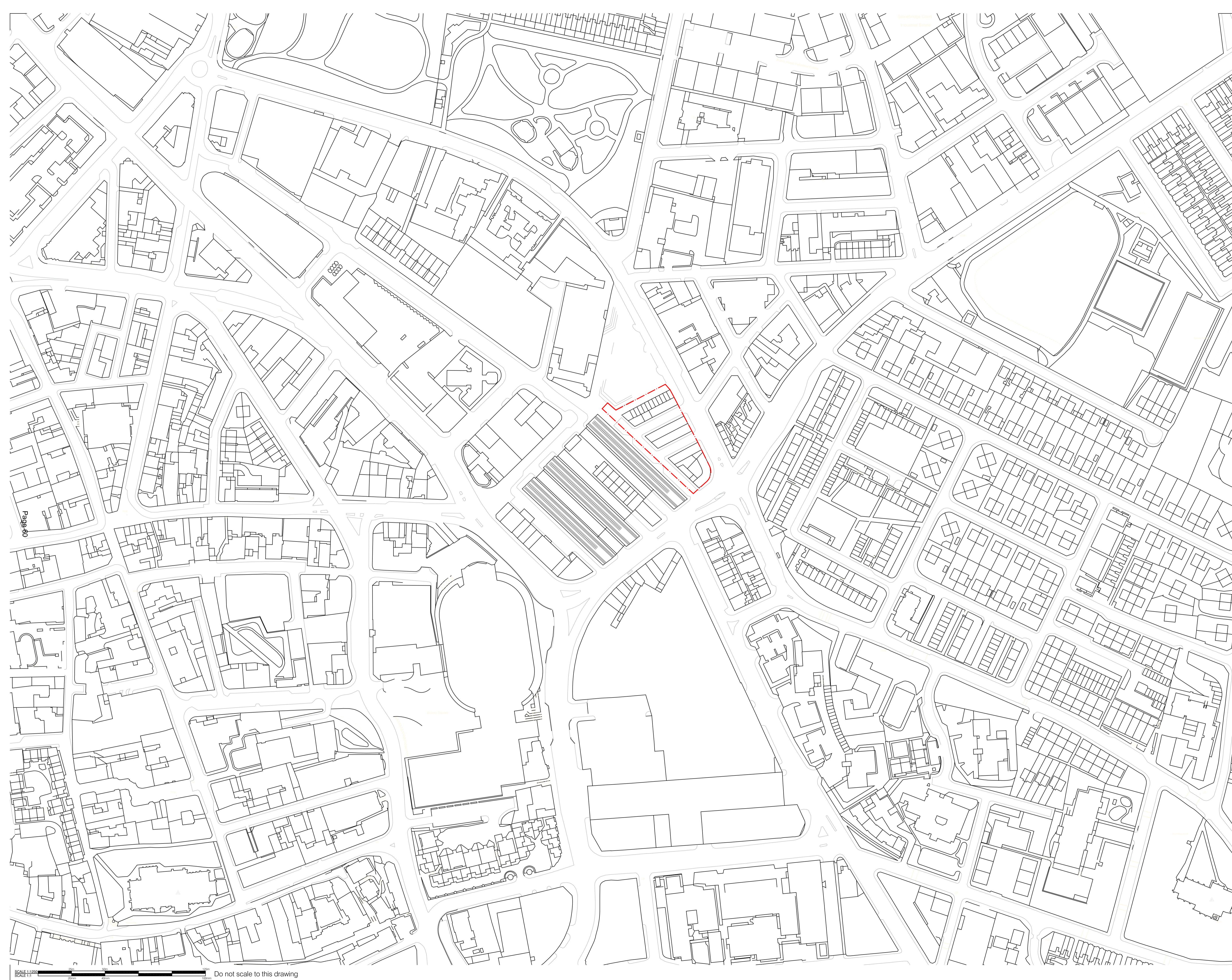
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

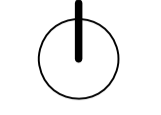
Mrs Zoe Kyle, Case Officer, Development Management.

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

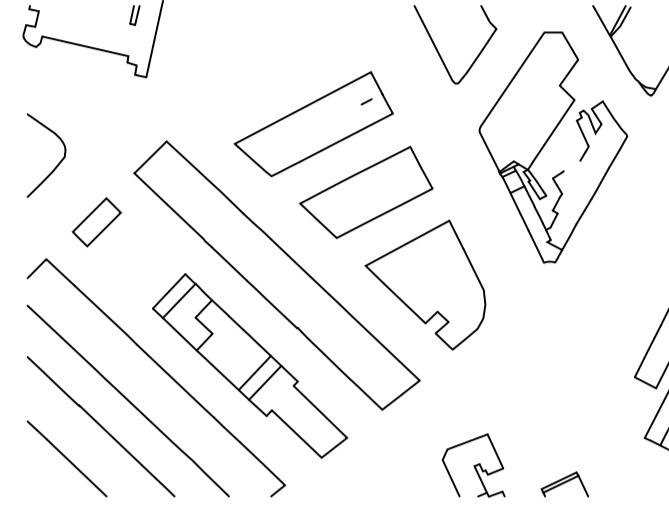


Dimensions to be verified on site. Use figures dimensions only. Do not work from reduced scale drawings. Please refer to scale and sheet size as indicated.
This drawing is the property of LEONARD DESIGN ARCHITECTS LTD. ©
Copyright is reserved by them and the drawing is issued on the condition that it is not copied, reproduced, related or disclosed to any unauthorized person without the prior consent in writing of Leonard Design Architects Ltd. All rights reserved.
DO NOT SCALE

Orientation



Location Plan



Notes

Page 60

POO 10.11.17	Initial Issue	RL	LK
Rev. Date	Revision	By	Checked

leonard design architects
 4th floor, Abdon House
 5-13 Canal Street
 Nottingham, NG1 7EG, United Kingdom
 t. +44 (0) 115 945 0080
 e. office@leonarddesignarchitects.com

Client
 Carlton Street Trading Ltd.

Project
 Sneinton Market,
 Nottingham

Drawing Title Location Plan
Project Number 0651

Comp. File No. S2
G:\projects\0651_sneinton_market\03_working_files\03_04_sneint08.dwg
 03/11/2017 10:11:17 AM RL

Drawn by RL
Checked by LK

Scale @A1 1:1250
Date 10:11:2017

File Identifier SM-LDA-P1-LL-DR-A-06000
Revision P00

Purpose of Issue Planning

Workflow Status PLANNING

SCALE 1:1250
 SCALE 1:1
 Do not scale to this drawing

My Ref: 17/02557/PFUL3 (PP-06523309)
Your Ref:
Contact: Mrs Zoe Kyle
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Leonard Design Architects
FAO: Mr Lewis Kirk
Albion House
5-13 Canal Street
Nottingham
NG9 5BZ

Date of decision:

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

Application No: 17/02557/PFUL3 (PP-06523309)
Application by: Carlton Street Trading
Location: Avenue D And Avenue E, Sneinton Market, Nottingham
Proposal: Refurbishment and partial demolition of existing buildings with erection of new three storey building with accommodation within roofspace creating 44 new apartments (including 36 student apartments) with A1 and A3 uses at ground level.

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. Notwithstanding the approved details, the development hereby permitted shall not commence until details, including samples, of all external materials, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE12 of the of the Local Plan and policies 10 and 11 of the Aligned Core Strategies.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

Page 61

Continued...

3. Notwithstanding the approved details, the development hereby permitted shall not commence until large scale details of the windows, rooflights and decorative brick detail have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE12 of the of the Local Plan and policies 10 and 11 of the Aligned Core Strategies.

4. 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,

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

Reason: To safeguard the amenity of future occupiers in accordance with Policy NE9 of the Local Plan and 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).

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

Reason: To safeguard the amenities of future occupiers in accordance with Policy NE9 of the Local Plan and policy 10 of the Aligned Core Strategies.

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

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

Reason: To minimise the impact upon surrounding existing occupiers in accordance with Policy NE9 of the Local Plan.

7. The development hereby permitted shall not commence until an archaeological field evaluation has been submitted to and approved in writing by the Local Planning Authority. The field evaluation evaluation will assess the character, extent and condition of any archaeological remains. It will then provide an evidence base to determine what further archaeological work may be required (which could consist of excavation, watching brief, or a combination of the two).

The archaeological evaluation should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute of Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be prepared in response to a brief to be issued by the City Archaeologist.

Reason: To protect the archaeology of the site in accordance with Policy BE16 of the Local Plan.

8. The development shall not be commenced until a construction 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, staff parking provision, 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 plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policy NE9 of the Local Plan and policy 10 of the Aligned Core Strategies.

9. The development hereby permitted shall not commence until details of a sustainable drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The details should demonstrate a 30% reduction in surface water run-off compared to the sites previous use. This should be shown through the use of high level calculations showing the runoff from the sites previous use and the proposed runoff from the proposed use.

Thereafter, the development shall only be carried out in accordance with the approved details.

Reason: To reduce surface water run-off in the interests of sustainability in accordance with Policy 1 of the Aligned Core Strategies.

10. Notwithstanding the approved details, the development hereby permitted shall not commence until further details, to include large scale drawings, of the street furniture, including bollards and benches, entrance signage and gates, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall only be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE12 of the Local Plan and policies 10 and 11 of the Aligned Core Strategies.

11. The development shall not commence until;

a) a landscaping and planting scheme for the development indicating the type, height, species and location of all new trees and shrubs, existing trees and shrubs to be retained and all other hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority;

b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and

c) any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

12. Prior to the commencement of development, details of the hard surfacing proposals for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

13. Prior to any demolition or site clearance works taking place, further survey work shall be undertaken, by suitably qualified persons, to establish the presence or absence of bats or birds on or adjacent to the site, and any habitats used by them. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the protection of species in accordance with Policy NE3 of the Local Plan.

14. In the event that the survey undertaken pursuant to condition 2 identifies that bats or birds are present, an appropriate mitigation strategy detailing measures for the avoidance of harm and necessary protection for bats and birds shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition or site clearance works taking place. The strategy shall include timing of works and method statements. The approved strategy shall be implemented in accordance with the timescales set out therein.

Reason: In the interests of the protection of species in accordance with Policy NE3 of the Local Plan.

15. Prior to the commencement of building work for the new development, a scheme for the provision of new habitats for protected and other species on the buildings and surrounding area, along with a programme for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the timescales set out in the approved programme.

Reason: In the interests of the protection of species in accordance with Policy NE3 of the Local Plan.

16. Notwithstanding the details shown on the approved plans, the development hereby permitted shall not commence until details of the ATM have been submitted to and approved in writing by the Local Planning Authority. Thereafter the ATM shall be installed in accordance with the approved details.

Reason: To ensure that the ATM is accessible and that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

Pre-occupation conditions

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

17. Notwithstanding the details shown on the approved plans no part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be conveniently located, be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate cycle storage for the development is provided in accordance with Policy T3 of the Local Plan.

18. Prior to the first use of the development hereby permitted, the bin storage shall be provided in accordance with the details shown on the approved plans.

Reason: To ensure that adequate bin storage is provided for the development in accordance with Policy 10 of the Aligned Core Strategies.

19. Within 3 months of the first occupation of the development hereby permitted, a full residential Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The Travel Plan will use the survey data to inform the development of a future travel planning strategy with a list of actions, implementation dates and revised targets. The Travel Plan shall include a named Travel Plan Coordinator and annual Travel Plan surveys are to be carried out on an annual basis for a minimum of 5 years following initial occupation, with a Travel Plan update to be submitted and approved by the Local Planning Authority within 3 months of each survey date.

Reason: To promote the use of sustainable travel in accordance with Policy T3 of the 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 following drawings/documents:
Drawing reference 0651 SM-LDA-P1-00-DR-A-08010, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-00-DR-A-08110, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-10-DR-A-08111, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-20-DR-A-08112, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-30-DR-A-08113, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08020, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08021, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08022, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08023, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08120, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08121, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08122, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08123, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08124, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-EZ-DR-A-08124, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-LL-DR-A-08000, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-LL-DR-A-08001, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-LL-DR-A-08101, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-LL-DR-A-08119, received 5 February 2018
Drawing reference 0651 SM-LDA-P1-LL-DR-A-08119, received 5 February 2018

Reason: To determine the scope of this permission.

Informatives

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. It should be noted that the City Council granted this permission following the signing of an agreement between the Council and the applicant in accordance with the provisions of Section 106 of the Town & Country Planning Act 1990, Section 111 of the Local Government Act 1972 or Section 33 of the Local Government (Miscellaneous Provisions) Act 1982. The terms of the agreement bind successors in the title and assigns and can be enforced against them.

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

ii: In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Liz Hiskens in Highway Programmes in the first instance on 0115 876 5293. All costs shall be borne by the applicant.

iii: It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

4. 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.

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. 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.

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: 17/02557/PFUL3 (PP-06523309)

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.

WARDS AFFECTED: Bridge

Item No:

**PLANNING COMMITTEE
21st February 2018**

REPORT OF CHIEF PLANNER

Site Of Popham Court, Popham Street

1 SUMMARY

Application No: 17/02664/PFUL3 for planning permission

Application by: Landmark Planning Limited on behalf of Mr Matthew Varley

Proposal: Development of Educational Hub (College) and associated works for Nottingham College

The application is brought to Committee because it relates to a major development where there are important land use, design, heritage and regeneration considerations.

To meet the Council's Performance Targets this application should be determined by 23rd February 2018

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

3 BACKGROUND

- 3.1 The application site comprises approximately 0.97 hectares of land to the east of the former Broadmarsh multi storey car park and bus station, Middle Hill and the NET viaduct. The site currently incorporates Malt Mill Lane, a temporary car park and Popham Street, but excludes the electricity substation located to the north.
- 3.2 The eastern boundary of the site is adjacent to the rear gardens of 13 to 18 Shortwood Close, the side garden to 26 Cliff Road and the side elevation of 117 Canal Street. Immediately to the north are 11 to 15 Cliff Street and the Lace Market Cliff. On the ridge of the Cliff are the Nottingham Contemporary, The Pitcher and Piano public house, Heritage Centre and the Galleries of Justice. Further along Cliff Road are more residential properties, including apartments within Kings Court. To the south of the site is 116 to 119 Canal Street, occupied by Eversheds Sutherland Solicitors, and the western end of Nottingham One. Further to the south are the railway station and Loxley House.
- 3.3 The site is at the foot of the Lace Market Conservation Area and within the setting of the Station Street Conservation Area, as a result of the site terminating the views of Trent Street.

Context

- 3.4 The proposals for the City Hub building for Nottingham College form part of a wider programme of works to transform the southern part of the City Centre, commonly known as the Southern Gateway. The proposal is a key element in the regeneration of this area.
- 3.5 Enabling development for the City Hub building has already commenced through the works currently taking place to relocate Popham Street to the east, providing a new link road from Canal Street to Cliff Road. Permission for this road was granted under planning reference 16/00090/PFUL3.
- 3.6 Temporary planning permission until 31st May 2019 was granted for use of part of the site as a car park under planning reference 17/00390/NFUL3, to help mitigate the short term loss of the Broadmarsh car park.

4 DETAILS OF THE PROPOSAL

- 4.1 Permission is sought for the construction of a new City Hub for Nottingham College. It would sit approximately 13m from the NET viaduct and about 26m from the rear elevation of properties on Shortwood Close. The building would have a frontage to Canal Street and the new Popham Street.
- 4.2 The building would have a maximum height of 6 storeys, but it has been designed so that it decreases in height from south to north. The building also reduces in scale above the groundfloor; to the NET Viaduct side it is proposed to provide a roof terrace above the larger groundfloor and above this the building is conceived as three distinct blocks. The northern and middle block are four storeys in height, whilst the southern block is 6 storeys. Beyond these, the most northerly element of the scheme is two storey in scale.
- 4.3 The ground and first floor of the western elevation comprise a brick frame with large elements of double height glazing, which would face the new north-south pedestrian route and expanded area of public realm beyond. The northern element of the building, treated almost as a separate freestanding structure, is finished in a black profiled metal rainscreen cladding. Above the brick plinth created by the ground and first floor would sit the three blocks referred to above. These have a sculptural form and would be clad in perforated metal cladding, in three complementary but slightly different colour tones. The blocks are joined by strongly recessed, fully glazed 'links', reinforcing the sense of the development comprising a group of different building blocks.
- 4.4 The theme of separate blocks is continued on the southern elevation, the frontage to Canal Street. Here a further block is introduced on the south eastern corner of the building to further break the mass of the building and add verticality.
- 4.5 The building's eastern elevation is treated differently from the more prominent western, southern and northern elevations. This is the more functional rear aspect of the building but this is not reflected in the design approach. This elevation is broken down into different elements that are set on different plains, vary in height and use different materials, although from the same palette as used in the rest of the building. The brick elements in particular add a grain and verticality, the interest of which is reinforced by significant areas of contrasting pattern work.

- 4.6 The main entrance to the building would be located to its south western corner, at the junction of Canal Street with the new north-south pedestrian route that runs alongside its western edge, and is also aligned with Trent Street to the south. Two further entrances are also proposed; one more central to the Canal Street elevation which would access the proposed 'business hub' element of the building, and the other at the north western corner of the building, once again accessing the new north-south pedestrian route but also the public space which is incorporated within the scheme at the northern end of the site.
- 4.7 The proposal makes provision for 4 disabled car parking bays, 2 mini bus bays and 114 cycle parking spaces. The disabled car parking bays would be accessed from the new Popham Street, close to the junction with Canal Street. The mini bus bays would be located closer to the junction with Cliff Road. Cycle parking would be provided around the building in clusters with a minimum of 10 spaces and a maximum of 30.
- 4.8 Servicing to the building would be via the new Popham Street. The plans show that a service road would be provided to the eastern elevation of the building which would have a separate access and exit. The service road is shown to be screened from the new Popham Street by hedging and trees and the entrance and exits are to be gated.
- 4.9 Hard and soft landscaping is incorporated around the building with hard surfaces broken up by tree planting and hedging. The larger area of public realm at the northern end of the site provides a more extensive area of soft landscaping, incorporating areas of grass along with hedging and tree planting. Planting is also shown around the existing electricity substation, and the trees within the vicinity of this would be retained. The plans indicate that one existing tree would be removed from the site.
- 4.10 The roof terrace to the western elevation would be highly visible from Middle Hill, the NET viaduct and from the Lace Market, and would therefore be an important landscape space. The proposals show that there would be tree planting within this space and that a green roof would be provided.
- 4.11 The information submitted indicates that the City Hub would provide employment for approximately 200 full time staff, 140 trainee work places and that there would be approximately 1,562 students on site.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

251 neighbouring properties were notified of the proposed development in writing at the following addresses: Apartments within Nottingham One, Narrow Marsh House, Shortwood Close 1-27, Cliff Road 26 to 40, Canal Street 116 to 126 and Shire Hall High Pavement.

A site and press notice have also been displayed.

As a result of this publicity 4 letters of representation have been received. These raise the following matters:

- Increase in noise and disturbance for local residents

- Increase in the level of traffic in the area
- Obstruction of views from surrounding residential properties and reduction in sunlight
- Impact on privacy of neighbouring properties
- Queries over the height of the building
- There is a need to improve and recognise historic routes in the area, for instance there is no route for Sussex Street
- The proposal is a welcome addition to revitalise and smarten up this area

Pre-application Consultation 31st October to 17th November

As part of the design development process pre-application consultation was undertaken by the applicants. As set out in their Statement of Community Involvement, the following views were expressed as a result of this publicity:

- Reservations about the availability, accessibility and location of the proposed public realm.
- Reservations about the building's height, the view of the cliff and also the blocking of sunlight to gardens.
- Accessibility of the site for disabled users.
- Noise and general demeanor/behavior of students.
- Whether sufficient space had been provided internally for teaching space. Lack of gym space and crèche provision.
- Need for more greenery around the site and along the boundaries of the new Popham Street.
- Whether a new tram stop is required.
- Adequacy of the proposed cycle storage facilities.
- Need for more visuals of the building from Cliff Road.

Also as result of this publicity queries have been received in relation to traffic movement in the area.

Additional consultation letters sent to:

Environmental Health and Safer Places: They advise that the reports submitted are satisfactory.

The layout of the building focuses pedestrian movement to the south of site with no entrances to the east except for services and deliveries, which assists in reducing noise for neighbouring residential properties. To ensure that the servicing area causes no adverse impacts for local residents it is recommended that servicing and deliveries to and from the site are restricted to those referenced in the Noise Assessment; 0800 to 1800 hours Monday to Friday.

The operation of the development will not impact on local air quality as the current

design option is for the use of mains power and heating supplied by the district heating system.

The reports submitted do suggest that when the City Hub is operational there is potential for a marginal increase in road traffic emissions, due to proposed changes in traffic flows on the road network surrounding the site, which are not related to the proposed development. Once the new Broadmarsh car park has been completed, Collin Street pedestrianised and when the southern relief road is in operation, it is expected that these changes will reduce traffic flow significantly and therefore improve air quality locally.

The development has the potential to create light nuisance and as such there is a requirement to minimise the impact of light on surrounding residents which may include treating the glazing surfaces, to minimise light breakout from the building itself.

Conditions are recommended to secure details to deal with contamination, noise and dust during construction, plant noise, odour and ventilation, artificial lighting and servicing and delivery when the site is operational.

Environment Agency: Initially the Environment Agency (EA) objected to the proposal as the Flood Risk Assessment required further work. The issues raised by the EA have now been addressed. The EA have advised that the development will be acceptable subject to it being constructed in accordance with the submitted Flood Risk Assessment (FRA) and addendum dated 22/01/2018, prepared by Aecom on behalf of Nottingham College. Request a condition that finished floor levels be set no lower than 25.35m AOD and resilience measures should be included to a minimum of 26m AOD.

Drainage: No objections, subject to the development being carried out in accordance with the Flood Risk Assessment and addendum.

Highways: There will be no formal car parking on site and only a small provision for disabled drivers. This is acceptable given the sustainable transport options in the vicinity. Provision has been made for servicing off the new Popham Street. It is considered that the development would have no vehicular impact upon Cliff Road. However, as Malt Mill Lane will be lost as a result of the development, vehicle tracking is required to show the impact of refuse collection on Cliff Road and the service route undertaken by HGVs using the Nottingham Contemporary loading bay. Some reservations are raised in regards to the number of cycle spaces provided. However, overall there are no objections to the proposal subject to conditions in relation to construction traffic, gate operation, provision of appropriate sight lines, making good footway crossings, and cycle/disabled parking.

Additional tracking information has been requested and further discussions are being held in regards to the level of cycle parking; an update on these matters will be provided at Committee.

Historic England (HE): The application site is overlooked by the dramatic cliff face of the Lace Market, whose Conservation Area contains numerous listed buildings; the Grade I listed St Mary's Church is a prominent landmark. The site occupies an important, strategic position on the corner of Canal Street and Middle Hill, with the NET tram line running parallel along the site's western boundary and pedestrian/cycle route of Sussex Street immediately adjacent. Cliff Road extends

along the northern boundary, forming the edge to the Lace Market Conservation Area. The site also lies within the setting of the Station Conservation Area.

HE are supportive of the City Hub Project being located within the City Centre and recognise the redevelopment opportunities the application site presents. They welcome the distinctive design and the intention to create a high quality scheme.

HE appreciate both the difficulties and opportunities in delivering and designing a development which meets the College's brief, on what is a challenging and restricted site. Though, it is recognised that the extent of accommodation has been reduced since the initial pre application discussion in 2014, a significant amount of accommodation is still required and needs to be delivered in a safe and secure environment.

HE remain concerned by the impact the development will have on views towards the Lace Market conservation area and St Mary's Church in particular. Whilst the loss of views of the Cliff is harmful, HE believes further consideration could be given to reduce this harm and improve the design in the reconfiguration of the blocks and detailed design, they do feel that the a generous public realm provided to the west and north is at the expense of the views of the Cliff. Although they recognise the benefits of the public realm provision, concentrating the required volume on a reduced footprint makes the structure read as a single building rather than separate blocks - this is despite the attempts to break down the massing on the upper floors. It is very disappointing that opportunities to extend the footprint and reduce the public realm to try to break down the massing more convincingly and reduce the overall heights has not been considered.

HE are also not convinced that the proposed design makes a strong enough statement to terminate the vista along Colin Street and agree with the Design Panel in relation to this and the potential value of the gap within Middle Hill as a development site HE believe the application site, in such a key location, should not be considered in isolation and development proposals for this site must be properly integrated with the Council's aspirations for the wider area, including the potential remodelling of Colin Street, future options for Middle Hill, and the redevelopment of Broadmarsh.

HE have constantly advised that there is a fundamental need to ensure that views and experience of the cliff are not impaired by development. HE admit though that in reality any development on this site over two storeys will impact on the cliff and HE can see that the design response has attempted to retain key views to St Peter's on the Cliff along Canal Street and glimpsed views of St Mary's. However, they still believe there is further scope to reconfigure the blocks to create more views from key viewpoints along Canal Street, Trent Street and Middle Hill. They consider it difficult to see how the development will preserve and enhance the prospect of the Lace Market Conservation Area in a meaningful way.

Though they have advised that it will be for the planning authority to give the heritage assets their proper weight and special regard in accordance with the 1990 Act when making a balanced decision on this application.

In determining this application the planning authority should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest

which they possess. HE recommend further advice is sought from the conservation and urban design officers and the City Archaeologist

Archaeology: A programme of archaeological works is required as a condition of planning permission. The works should consist of archaeological excavation of archaeologically sensitive areas (as identified by the City Archaeologist on the basis of previous work) where ground reduction and the creation of foundation slabs, ground beams and other elements of the foundations takes place. The use of cluster piling should be avoided wherever possible to reduce the adverse impact upon deeply stratified archaeological remains. The extent of archaeological excavation will be dependent upon the foundation design and will need to be established following determination, with details issued in a brief to be prepared by the City Archaeologist.

Following excavation, monitoring, by an archaeologist, during the installation of piling will be required. Monitoring, by an archaeologist, will also be required during groundworks in some areas where archaeological excavation has not taken place. The extent of this can be outlined in a brief once the applicant supplies the required information regarding the final foundation design.

It is understood that any foundation design will evolve on the basis of ground investigations and other factors. The applicant is encouraged to consult with the City Archaeologist, during the foundation design stage, to minimise the impact of the foundations upon archaeological remains. Specialist advice is available to minimise and mitigate the impact upon archaeology thereby potentially reducing the amount of archaeological excavation that is required.

The site contains alluvial deposits and waterlogged deposits with organic remains. No information has been provided regarding the use of sheet piling around the perimeter of the site. Should sheet piling be used this would affect the hydrology of the site which would cause significant damage, across the entire site, to the waterlogged deposits. Sheet piling should only be permitted if it is constructed in such a way that it is permeable.

The archaeological excavation and monitoring of groundworks should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be prepared by the City Archaeologist.

Conservation Officer: The site is within the setting of numerous heritage assets including listed buildings, conservation areas, nationally significant geology and archaeology. It also has the potential to impact on significant views from the south and west towards the Lace Market's skyline. A thorough and convincing analysis of the scheme's impact on the surrounding historic environment has been submitted with the application. This provides essential background on the historical development of this key part of Nottingham's urban landscape. It then goes on to explain in detail how the new scheme has been designed to protect and frame significant views, and respect the setting of the heritage assets.

The new college building is a pleasing mixture of contemporary design elements and high quality materials, and includes some interesting references to the heritage of the site. The massing is broken down into distinct blocks that reduce in scale and

height towards the north. The building's wedge like shape allows key views of the Pitcher and Piano to be preserved along the west side of the building while the realigned Popham Street to the east will retain the views towards the escarpment from Canal Street. The scheme's integration of soft and hard landscaping is particularly well considered and will provide a key stimulus for much needed improvements to the pedestrian routes between the Southern Gateway, the Lace Market and City Centre.

For the reasons above the application is considered to comply with policies BE12 and BE10 of the Nottingham Local Plan and Policy 11 of the Greater Nottingham Aligned Core Strategy.

Nottingham Civic Society: Nottingham Civic Society welcomes the plan to recreate Sussex Street (lost in the original Broadmarsh Redevelopment) as a new pedestrian axis from Southside and the Station towards Garners Hill and the Lace Market, and an important addition to the pedestrian network. The new college would have a long, active frontage to the new pedestrian route, but its success as a safe and comfortable public space will depend upon the Council fulfilling its stated intention to humanise, with creative urban design, the space beneath the tram viaduct and to close the view into the space under the Middle Hill road viaduct.

The Civic Society welcomes the fact that the footprint of the new college has been adjusted eastwards from previously-published designs, to leave open an uninterrupted view towards the western end of the Lace Market Cliff, framing a direct view of the Former Unitarian Chapel and the High Pavement School rooms clustered below it.

The way the building steps down northwards towards Cliff Road is supported because it retains views of the full face of the Cliff down to the ground at this point. The massing is in line with the Council's adopted guidance contained within the City Centre Urban Design Guide. The Heritage Statement concludes that there is only a minor adverse townscape impact upon the significance of the Lace Market Cliff because all of the identified Key Views in the Council's policy are left intact. The drama of the Cliff would still be visible from the junction of Collin Street and Middle Hill, from the tram route and in framed views from Canal Street either side of the college building. The open view of the Lace Market Cliff currently available across cleared sites, did not exist in the past when railway viaducts and industrial buildings occupied the area and obscured this view. This open view of the Lace Market is achieved at the expense of a very poor street environment on the north side of Canal Street itself which needs to be rectified.

The new college building would address Canal Street with appropriate stature to enclose the wide and busy street with a building which would generate activity and make a significant contribution to the repair of the damaged townscape, improving community safety both during the day and into the evening, at this important node of activity close to the new bus station and to the new on-street bus stops. It is recognised that a delicate balance is being struck by siting a vibrant, busy new college on this sensitive site which is the foreground to Nottingham's historic Lace Market Cliff. The taller element will enclose Canal Street and interrupt the wider view, but maintains important focussed longer views whilst greatly improving the pedestrian environment and the streetscene in general.

However, the Civic Society has some concerns that the newly aligned Popham Street leaves the rear curtilages of dwellings in Shortwood Close somewhat

exposed. Further landscaping should be provided to reinforce their rear curtilages and buffer this residential area from views of the service ('back of house') functions of the college.

The Archaeology Report identifies the likelihood of buried medieval archaeological deposits on the application site which then adjoined the braided channel of the River Leen (before its 18th century canalisation). The report highlights the potential in such water-logged conditions for well-preserved material. If permission is granted, planning conditions should require agreement with the Council's Archaeologist of the Brief for excavation, recording and the subsequent publication of findings for this important site.

Biodiversity and Greenspace Officer: The application is supported by a Phase 1 Habitat Report from 2014 and an addendum from 2017. During the time between reports, the site has been cleared and is now an area of hard standing which is used as a car park. The Biodiversity and Greenspace officer is satisfied with the findings of the addendum that there are no ecological constraints to the development on the basis of current land use.

The site used to contain a disused railway arch, which was designated as a Local Wildlife Site (LWS) 'Canal Street Viaducts', reference 2/1092. This was designated as an LWS, as it supported good undisturbed plant communities and was an important feeding area for birds. Taking this into account, this development should seek to replace habitats and focus landscaping priorities to provide maximum biodiversity value. Local Wildlife Sites are non-statutory designated sites which are protected under council planning policies (NE2 in the Saved Local Plan and EN6 in the emerging LAPP). Where planning permission is granted, conditions and/ or planning obligations will be sought to provide appropriate mitigation and compensation measures. The proposed development is located near to the Nottingham Canal green corridor, providing an opportunity to create an area of city centre greenspace and refuge for wildlife.

Taking this into account, any landscaping should contain species which attract bees and other pollinating insects and future nesting sites for bird when shrubs become mature. Whilst the ground floor open space provision is likely to be prone to disturbance, the landscaping on the roof terraces should provide habitat in areas which are less likely to have the same level of access. The plans provided indicate green areas (listed below) but appear to be focussed on more of an amenity planting scheme. The inclusion of a green roof should be considered, as previously discussed when the arches were demolished so as to provide habitat for invertebrates and birds.

Bird, bat and insect boxes should be incorporated into the design of the building, creating habitat for a range of species. Given the City Centre location and height of the building, the design should include the provision of a peregrine falcon nest box. This should be placed on the highest section of the building, as nest sites have been found on buildings around 20m high.

Tree Officer: The proposed landscaping would make a positive contribution to biodiversity. Subject to landscaping details this application is acceptable in tree terms. Tree pit details for new trees will be required and as the trees to the electricity substation are to be retained they will require an arboricultural method statement; both requirements can be secured by condition.

Design Review Panel 6th October 2017

The Panel acknowledged the difficulty in developing the site to accommodate the massing to meet the floorspace requirement of the college, whilst also allowing and respecting views through to the Lace Market escarpment. The Panel appreciated the amount of building had been significantly reduced from when it had first been presented at design review, and the work that has been done in developing a massing strategy alongside trying to retain views of the cliff. However, the massing and impact on views still remain a concern of the Panel, as it has at previous design reviews. Progression has been made towards achieving an acceptable scheme, although more work was needed on the configuration and massing of the building blocks to expose more views of the cliff.

The Panel understood that it was difficult to fully retain the open view of the cliff, as anything above two storeys would begin to restrict views. The work that has been done with the massing and positioning of the blocks to retain views of the cliff does go some way in delivering a scheme that does not compromise the cliff. However, the Panel felt that there was further scope to reconfigure and manipulate the blocks to expose more views through to the cliff from the key viewpoints of Canal Street, Trent Street and Middle Hill. Wider visual analysis on views to assess the impact of the scale and massing on the cliff would inform this, as the scheme would also benefit from further detailed contextual analysis to show how the scheme sits within its context.

The Panel was not convinced that the Collin Street view would be strong enough statement to terminate the vista, with the lower storeys of the building not being visible due to the significant change in levels through from Collin Street to the site. Looking at the view from Collin Street, the Panel identified the Middle Hill gap as having potential value as a development site, and recommend that a building within this gap would offer a credible solution to terminating the Collin Street view, as well as dealing with the space.

The Panel welcomed the consideration given to the provision of open space within the scheme, but felt that it may be overly generous and was at the expense of the cliff. The Panel suggested making use of the rear open space to allow the footprint to be extended enabling height to be distributed through the blocks in order to protect and offer more view of the cliff. With the vast amount of surrounding public realm to be created from the transformation of Middle Hill and Collin Street, the college hub will be able to make use of this space and so can afford to sacrifice some of its own open space.

The Panel stressed the importance of careful material selection to ensure the college buildings do not detract from the backdrop of the historic Lace Market, and to aid in breaking up the built form. It welcomed the proposed use of a perforated metal cladding.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

- 6.1 The NPPF emphasises the important role that planning plays in delivering sustainable development. Paragraph 7 explains that key to this is building a strong responsive and competitive economy, supporting strong, vibrant and healthy

communities by creating high quality built environments with accessible local services that reflect the communities needs and which supports its social wellbeing by protecting and enhancing the natural, built and historic environment.

- 6.2 Paragraph 14 states that there is a presumption in favour of sustainable development and that development should be approved, without delay, where it accords with the development plan.
- 6.3 Paragraph 17 sets out the core planning principles, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; secure high quality design; support the transition to a low carbon future, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable resources; contribute to reducing pollution; and managing patterns of growth to the make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.
- 6.4 Paragraph 23 sets out the approach to ensuring the vitality of town centres. It recognises town centres as the heart of their communities and advises policies should be pursued to support their viability and vitality. It promotes competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. A range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres should be allocated.
- 6.5 Paragraph 52 attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, indivisible from good planning. Paragraph 58 encourages developments to establish a sense of place, using streetscapes and buildings to create attractive and comfortable places to work. It advises further that developments should function well and add to the quality of the area over the lifetime of the development. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.6 Paragraphs 128 and 129 consider the requirement to conserve and enhance the historic environment when determining planning applications. It is advised the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities are required to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should take into account the need to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal. Great weight should be given to the asset's conservation and if substantial harm or loss will occur the reasons for approving the development need to be exceptional. Where less than substantial harm will occur the harm should be weighed against the public benefits of the proposal.

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):

S2: Development Site

CE1: Community Facilities

BE10: Development within the curtilage, or affecting the setting, of a listed building

BE12: Development in Conservation Areas

BE16: Archaeological constraints

NE3: Conservation of species

NE5: Trees

NE9: Pollution

NE10: Water quality and flood protection

NE12: Derelict land

T3: Car, cycles and servicing parking

Aligned Core Strategy (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 11: The Historic Environment

Policy 14: Managing Travel Demand

Policy 17: Biodiversity

Nottingham City Centre Urban Design Guide (May 2009)

This guide provides a physical framework and promotes the highest standard of urban design and architecture for the City Centre.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Land use and impact upon the southern gateway of the City Centre;
- (ii) Design and layout, including impact upon the character and appearance of the adjacent Lace Market and Station Street Conservation Areas and listed buildings;

- (iii) Residential amenity
- (iv) Flood risk
- (v) Traffic and transport

(i) Land use and impact upon the southern gateway of the City Centre (Local Plan policies S2 and CE1, and Aligned Core Strategies policies A, 1, 5 and 14)

- 7.1 The proposals for the redevelopment of the application site form part of the wider proposals to transform the southern part of the City Centre as set out in paragraphs 3.4 to 3.5 above. The proposal is a high priority for the City Council and an integral part of transforming the Southern Gateway.
- 7.2 The site is in a key location adjacent to a main pedestrian and public transport route between the railway station and the City Centre, and currently does not contribute positively to the townscape or provide an attractive visitor gateway into the City Centre.
- 7.3 This large scale education facility is appropriate in land use terms, with its high density occupation by largely non-car using students entirely suited to this City Centre location which is hugely accessible by a range of sustainable transport modes, and as indicated by the Highway response the use will not cause traffic congestion. This high profile education facility brings a significant level of footfall and vibrancy that will aid the transformation and regeneration of the Southern Gateway.
- 7.4 In the saved Local Plan the site forms part of the wider area allocated for extension of the Broadmarsh Centre to accommodate shopping, leisure and associated uses of regional significance, together with transport interchange and car parking. The proposals for the new Broadmarsh bus station and car park, the subject of another application on this agenda, also fall within the S2 allocated area and provide the transport and shopping elements identified within this policy. The approved redevelopment of the Broadmarsh shopping centre for retail and leisure uses is also an integral part of the wider proposals that will realise the aspiration of this policy. With the shopping and transport related facilities to be provided on these adjacent sites, it is considered appropriate for the part of the Broadmarsh east site to accommodate the City Hub, which is a complimentary use appropriate to this key City Centre site.
- 7.5 It is therefore considered that this proposal would accord with the Local Plan policies CE1, and Aligned Core Strategies policies A, 1, 5 and 14. With the approved redevelopment of the Broadmarsh shopping centre the proposal would not offend Local Plan policy S2.

(ii) Design and layout, including impact upon the character and appearance of the Lace Market Conservation Area and listed buildings (Local Plan policies BE10 and BE12 and Aligned Core Strategies policies 10 and 11)

- 7.6 The opinions expressed by the Conservation Officer and Nottingham Civic Society are concurred with in relation to the general design approach taken to the building and how it responds to the local context. The site is within the setting of numerous heritage assets including listed buildings, conservation areas, nationally significant

geology and archaeology. It also has the potential to impact on significant views from the south and west towards the Lace Market skyline.

- 7.7 The footprint of the building has been adjusted eastwards from more recent iterations (including the version commented upon by the Design Review Panel), to leave an open and uninterrupted view towards the western end of the Lace Market Cliff, framing a direct view of the Former Unitarian Chapel and the High Pavement School rooms located below it. This is a particularly key view from Trent Street and on arrival from the side entrance of the railway station. The building has also been positioned and designed to re-create Sussex Street as a primary pedestrian route alongside the western side of the building, adding to the activity and surveillance of this route with a highly glazed western elevation at groundfloor level, reinforced with two primary entrance points from the new street. Above groundfloor level the terrace is aligned with the NET viaduct and will provide an active and attractive aspect of the building from the passing tram.
- 7.8 The manner in which the building steps down northwards helps to retain a sense of separation from, and views of, the Lace Market Cliff. It is felt that the proposal has only a minor adverse townscape impact on the significance of the Lace Market Cliff as key views are left intact, particularly given that the current open view is achieved at the expense of a very poor street environment.
- 7.9 The building addresses Canal Street with appropriate stature to enclose this wide and busy street with a building that helps to repair a damaged townscape. The siting of the building and the presence it will create will also improve community safety during the day and into the evening, by bringing activity and natural surveillance close to public transport.
- 7.10 The overall design is felt to be of a strong architectural quality that is founded on a well considered response to the site and its context. It is appropriately contemporary in its design but incorporates high quality materials and an intricate level of detail. The colour palette of red brick, terracotta and bronze hues respect the primary colours of the Lace Market Cliff.
- 7.11 Whilst the comments of Historic England are noted it is felt that that the building is a successful solution for what is a particularly challenging site due to its siting and configuration, its articulation as a series of different building blocks, the varying heights of the blocks which respond to differing constraints and townscape needs, and the overall quality of the architecture and materials proposed.
- 7.12 The scheme also incorporates strong landscaping proposals that will significantly enhance the quality and function of the public realm surrounding the building and beyond.
- 7.13 The eastern elevation that is adjacent to the rear boundaries of the neighbouring residential properties on Shortwood Close is quieter in its architectural expression, but will still present a high quality development. Although servicing is proposed to this rear elevation, this is mitigated by landscaping to enclose the service road, which will also improve the appearance of the new street.
- 7.14 Overall it is considered that the design of the building does strike the balance required for this sensitive site in the foreground of the Lace Market Cliff. The proposed development is considered to be acceptable in terms of its layout, scale, mass, design and external appearance and would significantly enhance the built

environment of this part of the City Centre and the character and appearance of the Lace Market Conservation Area and the Station Conservation Area. Harm to the various heritage assets referred to by Historic England is considered to be less than substantial, this is because key views of these assets are left intact as indicated in paragraph 7.8 above. The harm caused is outweighed by the overall public benefits which will accrue from the development. The proposals are not felt to be detrimental to the appearance or character of the various listed buildings in the area nor their settings. The proposal therefore complies with the NPPF, Local Plan policies BE10 and BE12 and Aligned Core Strategies policies 10 and 11.

(ii) Residential Amenity (Local Plan policy CE1, NE9 and Aligned Core Strategies policy 10)

- 7.15 The scale, mass and footprint of the proposed building will have some impact on surrounding residential properties with the closest to the site being those on Shortwood Close. Information submitted shows that there are separation distances of 26m to 30m between the eastern elevation of the building and the rear elevations of these properties. The narrower distances are at oblique angles. At the narrowest separation points the height of the new building is just less than 17m, although it does increase in height by about 4m as the building steps back westwards. Although the difference in height between the proposed development and its domestic scaled neighbours is recognised, such relationships are not uncommon in a City Centre location and in this instance the separation distances are relatively generous. Sun path analysis information provided by the applicant shows that at the winter solstice the existing buildings to the south (such as the apartments at Nottingham One) already cause shadowing to the properties on Shortwood Close at midday, although this impact is lessened as the sun moves around to the west. The new building will cause loss of evening sun during the winter, spring and autumn, but in summer, due to the height of the sun, the impact is not significant. Overall it is felt that on balance the impact would not offend Aligned Core Strategies policy 10 and Local Plan policy CE1 with regards to affecting privacy, daylight, sunlight and immediate outlook.
- 7.16 Protecting private views and vistas of a surrounding area is not a planning consideration, but as indicated in the preceding section, key public views and vistas, identified in this instance within the Council's City Centre Urban Design Guide, are respected and retained.
- 7.17 The City Hub will bring more people into the area, however the siting of the facility near to a tram stop, railway station and bus station makes the use of public transport extremely attractive, thereby assisting to reduce reliance on traffic generation. Cycle parking provision will also promote another form of sustainable transport. The location of these public transport facilities to the south and west, together with the main entrances also located to the south and west, does mean that pedestrian movement will be focussed on these sides of the building, away from the residential properties to the east. The building's design therefore reduces the likelihood of visitors to the City Hub accessing the area via Cliff Road.
- 7.18 The servicing for the City Hub will take place off the new Popham Street, and while this activity is likely to be infrequent, as recommended by Environmental Health and Safer Places, servicing times can be restricted by condition to safeguard residential amenity for the Shortwood Close properties.

- 7.19 Conditions can also be used to ensure that plant and internal/external lighting associated with the building will not affect surrounding residents. Furthermore, the impact of the construction of the development can be reduced through the use of further conditions, as suggested by Highways and Environmental Health and Safer Places.
- 7.20 As a result of the design of the building and through the use of conditions, the proposal with regards to noise and disturbance will comply with Local Plan policy NE9 and Aligned Core Strategies policy 10.

(iv) Flood Risk (Local Plan policy NE10)

- 7.21 The site is located in Flood Zone 2 and its southernmost part is within Flood Zone 3. Following receipt of an amended FRA the Environment Agency have removed their objection to the proposed development, subject to the conditions suggested by them. Policy NE10 is therefore complied with.
- 7.22 The increase in the finished floor levels will increase the height of the building by 100mm, which is negligible and has no adverse impact either on the appearance of the building or neighbouring residents.

(v) Traffic and Transport (Local Plan policies T3 and Aligned Core Strategies policy 14)

- 7.23 The transport statement submitted as part of the application concludes that traffic to the site will be minimal and imperceptible as part of daily traffic flows. Highways have not raised any concerns with the content or conclusions of the statement. As servicing will be off Canal Street via the new Popham Street, there would be little desire for service vehicles to access the site from any other direction. The layout of the service area should ensure that deliveries and collections, using small to medium sized vehicles, can be made in forward gear. The documentation submitted indicates that service providers will be advised of servicing arrangements to further reduce disruption to the highway network. The applicants are happy to provide a travel plan and this will be secured by condition.
- 7.24 The site is in close proximity to the railway station, tram and the proposed replacement bus station, which makes the use of public transport highly attractive to users and visitors to the site. The provision of cycle parking encourages another form of sustainable transport.
- 7.25 The very limited amount of traffic generated by the proposal will have no impact on the character of the adjacent Conservation Areas and will not compromise highway safety. Local Plan policies T3 and Aligned Core Strategy policy 14 are therefore satisfied.

OTHER MATTERS (Local Plan policies NE9, NE12 and BE16)

Contamination

- 7.26 Conditions are recommended to deal with ground contamination and will ensure that the proposal complies with Policy NE12.

Archaeology

- 7.27 A condition is recommended to ensure that the archaeological resources affected by the development are properly investigated and recorded. Policy BE16 is therefore satisfied.

Air Quality

- 7.28 The site is adjacent to an air quality management area. The air quality assessment submitted confirms that when the City Hub is operational there will be no impact on local air quality. The proposals therefore comply with Local Plan policy NE9.

Consultation queries

- 7.29 The pre-application consultation raised queries in regards to the level accommodation provided, the accessibility of the site for disabled users, the need for a new tram stop and general queries around traffic movement in the area. Some responses (including that of the Civic Society) raise some concern over the form of the rear curtilages of Shortwood Close.
- 7.30 The site will be accessible for disabled users and the College have given consideration to the accommodation required at site and also the ability to access other facilities in the City Centre. The level and type of accommodation is considered to be acceptable by the College, and as such no planning issues are raised
- 7.31 As indicated above there are number of different types of public transport facilities in the area, including a tram stop at the Station. Such proximity negates the need for an additional tram stop.
- 7.32 The loss of Malt Mill Lane has the potential to impact on the service requirements of the Broadmarsh Shopping Centre and the Nottingham Contemporary, which does suggest a need to review Traffic Regulation Orders in the area. A requirement for Traffic Regulation Orders to be investigated can be secured through condition, but further consultation may be required to confirm any proposed changes, which is outside the scope of the Planning process. The loss of the existing Popham Street has been addressed through planning application reference 16/0090/PFUL3, this application requires the provision of appropriate boundary treatment to the Shortwood Close. Stopping up orders are also in the process of being progressed.

- 8 SUSTAINABILITY / BIODIVERSITY** (Local Plan policy NE3 and NE5 and Aligned Core Strategies policies 1 and 17)

Sustainability

- 8.1 The sustainability statement submitted with the application confirms that the proposed development can be built to surpass current Building Regulations. It also indicated that the current design option is to make use of the district heating scheme. A condition can secure information to ensure that carbon emissions are reduced in line with Aligned Core Strategies Policy 1.

Trees

- 8.2 There is currently one tree within the application site which would be lost as result of the proposals, but the three others adjacent to the electricity substation can be retained. A condition is recommended to ensure that these are adequately protected during the construction process. Conditions can also be used to secure the provision of new trees within the site, along with tree pit details. Local Plan policy NE5 is therefore satisfied.

Biodiversity

- 8.3 The ecology report confirms that there are no ecological constraints to the proposed development. As indicated by the Biodiversity and Greenspace officer, conditions can be used secure further ecological enhancements in addition to the landscaping proposals. Local Plan policy NE3 and Aligned Core Strategies policies 1 and 17 are therefore satisfied.

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

The proposal addresses the following corporate themes:

World Class Nottingham: As part of the works to transform the southern gateway of the City Centre.

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

Neighbourhood Nottingham: Redevelopment with a high quality 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: 17/02664/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZWU5QLYH7300>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

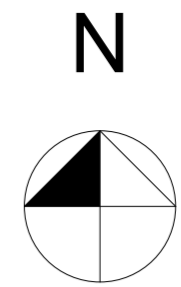
Aligned Core Strategies (September 2014)

Nottingham City Centre Urban Design Guide (May 2009)

Contact Officer:

Miss Jenny Cole, Case Officer, Development Management.

Email: jenny.cole@nottinghamcity.gov.uk. Telephone: 0115 8764027



Note:
College ownership boundary indicated
subject to deed plan verification



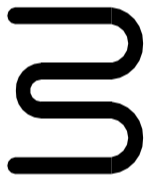
Page 88

P02 Planning Issue	SS	AM	22/11/17
P01 First Issue	SS	AM	01/11/17
rev	description	drawn	checked date

Bond Bryan Architects

The Church Studio Springvale Road Sheffield S10 1LP

t +44(0)114 266 2040 w www.bondbryan.com
e projectemail@bondbryan.co.uk



City Hub Project
Canal Street, Nottingham
FE College

Nottingham College

EXISTING SITE LOCATION PLAN

bba project reference	scale(s)	original paper size
16-150	1:1250	A2

name :	
project	originator volume level type role number

CHP - BBA - ZZ - XX - DR - A - 1001

status :	suitability description :
D5	SUITABLE FOR PLANNING
revision :	revision description :
P02	PRELIMINARY

This document is © Bond Bryan Architects Ltd. If in doubt ASK. Drawing measurements shall not be obtained by scaling. Verify all dimensions prior to construction. Immediately report any discrepancies on this document to the Architect. This document shall be read in conjunction with associated models, specifications and related consultant's documents.

SITE LOCATION PLAN
SCALE 1:1250

My Ref: 17/02664/PFUL3 (PP-06538161)
Your Ref:
Contact: Miss Jenny Cole
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

Landmark Planning Limited
FAO: Mr Peter Wilkinson
10 Salisbury Road
Leicester
LE1 7QR

Date of decision:

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

Application No: 17/02664/PFUL3 (PP-06538161)
Application by: Mr Matthew Varley
Location: Site Of Popham Court, Popham Street, Nottingham
Proposal: Development of Educational Hub (College) and associated works for Nottingham College

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)



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY
Not for issue

Page 89

Continued...

2. Prior to the commencement of the development or site preparation works 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:

- (i) Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice;
- (ii) Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents;
- (iii) Set out a communication strategy to keep regulators, residents and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance;
- (iv) Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours;
- (v) 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 agreed Noise and Dust Management Plan throughout the construction, demolition or refurbishment works undertaken on site.

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

3. Prior to the commencement of the development or site preparation works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;
- iii) Storage of plant and materials used in constructing the development;
- iv) Wheel washing facilities;
- v) Measures to control the emission of dust and dirt during construction.

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

4. No development involving the breaking of ground shall take place within the site boundaries unless a written specification for the implementation of an archaeological watching brief, during the course of the development, has first 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.

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

Reason: In order to safeguard archaeological resources in accordance with Policy BE16 of the Local Plan.



5. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 2 Site Investigation by Curtains dated 08/06/2017 (B063859.00/P2/ST/8405) and supporting documents, and 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:

i) A Remediation Plan, 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).

ii) 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 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 amenity of the occupants of the proposed development to comply with Policy NE9 and NE12 of the Nottingham Local Plan.

6. No above ground development shall take place until an environmental noise assessment and sound insulation scheme which has regard to the Environmental Noise Assessment by HRS dated 21/11/2017 (Ref: 126240 - AC - 5v4) 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 safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

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

Reason: To ensure that existing trees within the vicinity of the electricity substation are safeguarded during construction in accordance with Policy NE5 of the Local Plan.



8. No above ground development shall take place until precise details of the design of the service road, together with details of sight lines to be provided, 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: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

9. No above ground development shall take place until details of the external materials to be used in the development, including details (at a scale of 1:20) of the proposed windows (with reveal depths), doors, roof plant/furniture, roof edges and the brick detailing, 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 visual amenity to accord with Policy 10 of the Aligned Core Strategy.

10. No above ground development shall take place until a scheme for the ventilation and means of discharging and dispersing fumes and the prevention of nuisance caused by odour from the 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 safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

11. Prior to any above ground development taking place a strategy for reducing carbon emissions that exceed Building Regulation standards by 10% shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In the interests of sustainable development to comply with Policy 1 of the Aligned Core Strategy.

Pre-occupation conditions

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



12. Prior to first occupation of the building, an external lighting assessment for the development shall be submitted to and be approved in writing by the Local Planning Authority.

The external lighting assessment shall specify an appropriate external lighting scheme for the development and minimise the light breakout from the building itself and shall ensure that:

- i. Direct illumination of 'habitable rooms' (i.e. living rooms and bedrooms) does not occur and that any nearby residents are not subjected to glare anywhere within the boundary of their property,
- ii. There is no significant increase in existing light levels, attributable to the development, at the boundary of any nearby residential properties.

The submission shall also include the design and configuration specification for the external lighting scheme, any treatment of glazed areas and a prediction of light levels at the boundary of the nearest affected residential properties (vertical and horizontal isolux plots) attributable to the development.

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy.

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

- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 and NE12 of the Nottingham Local Plan.

14. Prior to the occupation of any part of the building the service road shall be provided in accordance with the details approved in relation to condition 8 above.

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

15. Prior to the occupation of any part of the building, any redundant footway crossings and/or damaged or altered areas of footway or other highway shall have been reinstated in accordance with details that have first been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core 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 safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

17. 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 safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

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

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy.

19. Prior to first occupation of any part of the development, an application and draft designs for amendments to the Traffic Regulation Order in the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall thereafter pursue implementation of the proposed amendments, prior to the first occupation of any part of the building.

Reason: In the interests of highway safety in accordance with Policy T3 of the Nottingham Local Plan and Policies 10 and 14 of the Aligned Core Strategy.

20. Prior to the first occupation of any part of the building, details of a landscaping scheme including details of hard surfacing, seating, any boundary treatments and the type, height, height, species and location of proposed trees and shrubs (which shall be of native species), together with details of proposed tree pits shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be provided in accordance with the approved details within the first planting season following the completion of the development.

Any trees or plants provided as part of the approved landscaping scheme which die or are removed or become seriously damaged or diseased within five years of being planted shall be replaced in the next planting season with other plants of a similar size and species, unless otherwise prior agreed in writing by the Local Planning Authority.

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

21. Prior to the first occupation of any part of the building, bird, bat and insect boxes shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall cover the dimensions and proposed location of such boxes within/on the building.

Reason: To enhance biodiversity at the site in accordance with Policy NE3 of the Local Plan

and Policy 17 of the Aligned Core Strategy.

Regulatory/ongoing conditions

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

22. Within 6 months of the first occupation of the building, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out the measures proposed to promote the use of sustainable modes of transport and provide details for the implementation timescales of the Plan as well as the mechanisms for monitoring and reviewing it. Thereafter the development shall be operated in accordance with the approved details.

Reason: To promote sustainable forms of transport in accordance with Policy 14 of the Aligned Core Strategy.

23. The approved external lighting scheme shall be maintained and serviced in accordance with manufacturer's recommendations while the development continues to be occupied.

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy.

24. Servicing and deliveries to and from the development (including the collection of waste) shall not take place outside of the following hours:

- a) 08.00 to 18.00 hrs Mondays to Fridays;
- b) Not at all on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the health and amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan and Policy 10 of the Aligned Core Strategy.

25. Any gates at the development access must be set back a minimum of 5m from the back of the highway and open inwards, unless otherwise with the prior written agreement of the Local Planning Authority.

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

26. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and addendum dated 22/01/2018 prepared by Aecom on behalf of Nottingham College, and the following mitigation measures detailed within the FRA:

- 1. Finished floor levels shall be set no lower than 25.35 m above Ordnance Datum (AOD);
- 2. Resilience measures shall be included to a minimum of 26.0m AOD as discussed in section 3.2 of the FRA.

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. Thereafter the mitigation measures shall be retained in accordance with the approved details.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Policy NE10 of the Local Plan.

27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources to accord with Policy NE12 and 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 November 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. Contamination

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

Cut and fill operations on site

How trees retained on site will be dealt with

How gas precautions including any radon gas precautions will be validated

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

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

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the



site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building 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 and refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

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

4. 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. 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 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 or damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

6. 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 and 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 (CAIS110).

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.

7. Highways

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.

To progress the discussions for TROs the applicant should contact Scott Harrison 0115 8765245 in the first instance concerning Cliff Road restrictions.

To progress the stopping up order the applicant should keep in contact with John Lee 0115 8765246.

To progress cycle parking details contact John Bann 0115 8764014.

8. Archaeology

A programme of archaeological works is required as a condition of planning permission. The works should consist of archaeological excavation of archaeologically sensitive areas (as identified by the City Archaeologist on the basis of previous work) where ground reduction and the creation of foundation slabs, ground beams and other elements of the foundations takes place. The use of cluster piling should be avoided wherever possible to reduce the adverse impact upon deeply stratified archaeological remains. The extent of archaeological excavation will be dependent upon

the foundation design and will need to be established following determination, with details issued in a brief to be prepared by the City Archaeologist.

Following excavation, monitoring, by an archaeologist, during the installation of piling will be required. Monitoring, by an archaeologist, will also be required during groundworks in some areas where archaeological excavation has not taken place. The extent of this can be outlined in a brief once the applicant supplies the required information regarding the final foundation design.

It is understood that any foundation design will evolve on the basis of ground investigations and other factors. The applicant is encouraged to consult with the City Archaeologist, during the foundation design stage, to minimise the impact of the foundations upon archaeological remains. Specialist advice is available to minimise and mitigate the impact upon archaeology thereby potentially reducing the amount of archaeological excavation that is required.

The site contains alluvial deposits and waterlogged deposits with organic remains. No information has been provided regarding the use of sheet piling around the perimeter of the site. Should sheet piling be used this would affect the hydrology of the site which would cause significant damage, across the entire site, to the waterlogged deposits. Sheet piling should only be permitted if it is constructed in such a way that it is permeable.

The archaeological excavation and monitoring of groundworks should be undertaken by a suitably qualified and experienced archaeological contractor in accordance with the Standards and guidance of the Chartered Institute for Archaeologists and in accordance with a Written Scheme of Investigation (WSI) to be approved by the City Archaeologist. The WSI should be produced in response to a brief to be prepared by the City Archaeologist.

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: 17/02664/PFUL3 (PP-06538161)

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

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

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

please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

This page is intentionally left blank

WARDS AFFECTED: Sherwood

Item No:

PLANNING COMMITTEE
21st February 2018

REPORT OF CHIEF PLANNER

24 Victoria Crescent, Nottingham

1 SUMMARY

Application No: 17/02515/PFUL3 for planning permission

Application by: GDB Design on behalf of Mr J Afsar

Proposal: Timber gazebo adjacent boundary and new 1.8m high brick boundary wall (part retrospective).

The application is brought to Committee because it is considered to be sensitive.

To meet the Council's Performance Targets this application should have been determined by 8th January 2018. An extension of time agreement is in place.

2 RECOMMENDATIONS

1. **REFUSE PLANNING PERMISSION** for the reasons set out in the draft decision notice at the end of this report.
2. That it is expedient to take enforcement action under section 172 of the Town and Country Planning Act 1990, including prosecution if necessary, to secure the removal of the structure, or its reduction in height to bring it within the parameters of permitted development.

3 BACKGROUND

- 3.1 The application relates to 24 Victoria Crescent, a detached house located within the Mapperley Park/Alexandra Park Conservation Area. The site is located on the east side of Victoria Crescent and adjoins Private Road to the rear (northeast). A footpath runs alongside the south east (side) boundary of the site, although it is noted that this has been gated at both ends and does not provide a public right of way. The southern side boundary is shared with no. 22 Victoria Crescent.
- 3.2 The property stands in an elevated position above Victoria Crescent and the garden to the rear is further elevated. Overall, the garden of the application site is approximately 3m higher than that of the adjacent property to the north (no. 28 Victoria Crescent).
- 3.3 A timber gazebo was erected to the rear of the property in 2016. The gazebo stands at a height of approximately 2.8m when measured from ground level adjacent to the northern boundary. It therefore exceeds the maximum height allowance of 2.5m for outbuildings built under permitted development and as such requires planning permission. The structure was brought to the attention of the Local Planning Authority in September 2016 and discussions have since been ongoing with the applicant. The current application was submitted in November

2017 and seeks to retain the gazebo as built. It also proposes some additional screening in the form of a planter box with shrubs, on top of the existing timber enclosure along the northern perimeter of the gazebo.

4 DETAILS OF THE PROPOSAL

The application seeks permission to retain the Timber Gazebo to the rear of the property as described above. The gazebo is approximately 5.5m in length and has a timber roof standing at a height of approximately 2.8m when measured from ground level adjacent to the north side boundary (within the application site). The gazebo includes a timber deck which extends beyond the area of the gazebo, towards the house and is enclosed by a timber balustrade. This element of the structure, if considered in isolation, would not require planning permission because it is not more than 0.3m above the original ground level. The gazebo itself has been erected on the site of a former patio. It is proposed to add a planter box along the top of the existing 1.3m high timber enclosure to the northern boundary as a means of screening. Permission is also sought for a new 1.8m high brick wall along the south and southeast boundaries.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Notification letters were sent to the following addresses:
11, 22 and 28 Victoria Crescent
62 and 65 Private Road

The application was also advertised by a site notice and a press advertisement

One letter of representation has been received, raising the following objections to the development:

- The structure was built when no. 28 Victoria Crescent was empty and the occupiers did not see the development to challenge it during construction.
- The structure overlooks the garden of no 28 Victoria Crescent and into the rooms with windows in the elevation which include bedrooms and a kitchen
- The structure is unsightly and appears unfinished
- It is questionable as to whether the structure would comply with Building Regulations
- The structure stands at a distance of 13 metres from the south west elevation of 28 Victoria Crescent
- No provision for the drainage of rain water has been included on the structure
- The public footpath adjacent no. 24 has been gated and locked off by number 24. There is reason to believe this is a public right of way.

Additional consultation letters sent to:

Pollution Control: No objection.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

BE12 – Development in Conservation Areas

Greater Nottingham Aligned Core Strategies (September 2014)

Policy 10 – Design and Enhancing Local Identity

Policy 11 – The Historic Environment

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Impact on Residential Amenity
- (ii) Design and impact on the character and appearance of the Mapperley Park/Alexandra Park Conservation Area
- (iii) Impact on Trees

Issue (i) Impact on Residential Amenity (Policy 10 of the Aligned Core Strategies)

- 7.1 The timber gazebo stands adjacent to the north side boundary of the site, which adjoins the garden of 28 Victoria Crescent. The applicant has claimed that the gazebo has no greater impact upon the adjacent property than the previous slabbed patio due to the natural level difference between the properties. It is acknowledged that there is a natural level difference between the properties and this does amount to a degree of overlooking from the application site towards the property at Victoria Crescent. However, it is considered that the nature of the use of a purpose built, covered structure is different to that of an area of surfaced garden. The gazebo provides a defined and specific area for use by the occupiers of the property, which could include the gathering of people and the positioning of outdoor furniture, which in itself is likely to intensify the use of the space. The fact that the gazebo has a solid roof structure means that it could be used in all weather conditions. This intensification of the use of this part of the garden exacerbates the overlooking of and loss of privacy experienced by the occupiers of, the adjacent property.
- 7.2 The applicant was advised that a solid screen of a minimum height of 1.8m (measured from the deck) along the northern edge of the gazebo would prevent this overlooking and reduce the impact upon the amenities of the adjoining occupiers. Plans to demonstrate how this could be achieved were sought, but the applicant has advised that they do not wish to implement the recommended screening. The applicant argues that the screening already in place, together with the proposed planter, will be sufficient to prevent overlooking. However, it is not considered that this would create a screen of sufficient height or solidity to prevent overlooking of the adjacent property.
- 7.3 The applicant has highlighted the fact that if the structure were to be lowered to a height of 2.5m, it would fall within the parameters of permitted development. The applicant therefore argues that the additional height of 0.3m does not have any

significant additional impact. It is acknowledged that the lowering of the gazebo to a height of 2.5m would in fact bring the structure within the parameters of permitted development. The applicant has been advised of this and provided with an option to lower the structure and withdraw the current planning application. However, as the applicant has chosen to proceed with the application, it must be assessed in its current form. It is considered that the gazebo, as built and in the absence of a solid screen along the northern perimeter, has a detrimental impact upon the amenities of the adjacent property as it gives rise to significant overlooking and loss of privacy. This is a material consideration in the determination of the planning application. Given that the structure in its current form requires planning permission, the Local Planning Authority has a duty to consider the impact upon residential amenity when forming a decision. In this instance, the impact on residential amenity is considered unacceptable.

- 7.4 In view of the above, it is considered that the timber gazebo, as built, fails to comply with Policy 10 of the Aligned Core Strategies.

Issue (ii) Design and Impact on the Character and Appearance of the Conservation Area (Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategies)

- 7.5 The timber Gazebo is situated on the higher ground within the application site and is visible from Private Road. Gazebos are common structures in residential gardens. However, it is considered that the elevated position of the gazebo relative to the neighbouring property gives it undue prominence within its immediate context. The structure fails to assimilate into its surroundings and appears as an intrusive and inappropriate built form within the rear garden. It is considered that the structure as built is harmful to the character and appearance of the conservation area. As such, it is considered that the gazebo as built fails to comply with policy BE12 of the Local Plan and policies 10 and 11 of the Aligned Core Strategies.
- 7.6 It is accepted that a lower structure of similar general design could be erected in the same place, as 'permitted development'. However, it is considered that a lower structure would be likely to have a less harmful impact than structure as built.
- 7.7 The application also includes a proposal to construct a 1.8m high brick wall along part of the south boundary and along the length of the southeast boundary. Brick boundary enclosures are common throughout Mapperley Park and as such, subject to approval of appropriate bricks and conformation that there are no tree issues, it is considered that the proposed wall would be acceptable and would preserve the character and appearance of the Conservation Area. This element of the application would therefore comply with Policy BE12 of the Local Plan and Policies 10 and 11 of the Aligned Core Strategies.

Issue (iii) Impact on trees (Policy NE5 of the Local Plan)

- 7.8 The Tree officer has been consulted and it is not considered that the gazebo poses any risk to trees within the site. However, a tree survey is required to understand the potential impact of the proposed boundary wall upon the trees within the site. Given that the application is recommended for refusal, this has not been requested at this stage. It is not possible to understand the impacts on trees and as such it cannot be assumed that the proposed development will be compliant with Policy NE5 of the Local Plan.

Other matters

- 7.9 Concerns have been raised by a neighbour in relation to the stability of the structure and its compliance with Building Regulations. These matters are subject to the separate regulatory building control regime and so are not material to the consideration of this application.
- 7.10 Concern has also been raised about the status of the footpath which runs alongside the application property and which has been gated at both ends. The Public Rights of Way Officer has been consulted in respect of this issue and has confirmed that there is no evidence to prove that this path is a Public Right of Way.
- 7.11 In the event that the gazebo were to be considered acceptable, drainage could be dealt with through a condition.

8. SUSTAINABILITY / BIODIVERSITY

There are no sustainability or biodiversity issues arising from this application.

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

None.

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: 17/02515/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OYZN9GLYM6100>

2. Representation from 28 Victoria Crescent dated 14.12.18

3. Email from Tree officer dated 4.1.18
4. Email from Rights of Way Officer dated 29.12.17

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

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



9Crown Copyright and database rights 2017 OS 100019980

PLANNING

A: 00-00-00
Revisions

gdb design
architectural services
 11 DAVIES ROAD WEST BRIDGFORD NOTTINGHAM NG2 5JE
 T: 07792192570 E: gdb.design@yahoo.co.uk

Project
Proposed Garden Structure to:
24 Victoria Crescent, Sherwood
Nottingham

Drawing title
OS PLAN

<input type="checkbox"/> Preliminary	<input type="checkbox"/> For Construction	<input type="checkbox"/> As Built
<input checked="" type="checkbox"/> Planning Issue	<input type="checkbox"/> Building Reg. Issue	<input type="checkbox"/> Contract Issue

© drawing copyright of gdb design

Scale	Date	Drawn by	Checked by
1:1250@A3	Nov17	gb	

Job No.	Dwg. No.	Rev.
108		0

My Ref: 17/02515/PFUL3 (PP-06513883)
Your Ref:
Contact: Mrs Zoe Kyle
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

GDB Design
FAO: Mr Gary Barlow
11 Davies Road
West Bridgford
Nottingham
NG2 5JE

Date of decision:

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

Application No: 17/02515/PFUL3 (PP-06513883)
Application by: Mr J Afsar
Location: 24 Victoria Crescent, Nottingham, NG5 4DA
Proposal: Timber gazebo adjacent boundary and new 1.8m high brick boundary wall (part retrospective).

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The timber gazebo, by virtue of its scale, location, proximity to the boundary and lack of solid screening along its northern perimeter, gives rise to significant overlooking of and loss of privacy for, the adjacent property to the north. The timber gazebo therefore has a materially detrimental impact upon the amenities of the occupiers of the adjacent property and as such fails to comply with Policy 10 of the Aligned Core Strategy.

2. The timber gazebo, by virtue of its scale, materials, overall appearance and prominent position within the site fails to preserve or enhance the character and appearance of the Mapperley Park/Alexandra Park Conservation Area and therefore fails to comply with Policy BE12 of the Nottingham Local Plan and Policy 11 of the Aligned Core Strategy.

Notes

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. Your attention is drawn to the rights of appeal set out on the attached sheet.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Page 110

- 1 -

Continued...

RIGHTS OF APPEAL

Application No: 17/02515/PFUL3 (PP-06513883)

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Page 111

- 2 -

This page is intentionally left blank

WARDS AFFECTED: Berridge

Item No:

**PLANNING COMMITTEE
21st February 2018**

REPORT OF CHIEF PLANNER

Site Of Warehouse Rear Of 369, Haydn Road

1 SUMMARY

Application No: 17/01018/PFUL3 for planning permission

Application by: Staniforth Architects Ltd on behalf of T Visaman And Sons Limited

Proposal: Erection of 29 dwellings

The application is brought to Committee because the applicant is requesting that s106 contributions are waived due to viability and as such the development would not be policy compliant.

To meet the Council's Performance Targets this application should have been determined by 7th November 2017. An extension of time agreement is in place.

2 RECOMMENDATIONS

- 2.1 **GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 The power to determine the final details of the conditions to be delegated to the Chief Planner.

3 BACKGROUND

- 3.1 The application relates to a brownfield site to the rear of 369 Haydn Road. The site is allocated as housing development land within the Nottingham Local Plan (site H1.9). The site was previously occupied by Ellis and Everard Ltd for many years and used for the distribution and storage of chemicals. Between 2000 and 2015, the site underwent an environmental clean-up. This included regular monitoring, investigation, remediation and reporting to the Environment Agency and Nottingham City Council Pollution Control. The site was used as a recycling centre until 2012. All services were decommissioned and the buildings were demolished in 2014 (ref.14/00323/PADA)
- 3.2 The site has common boundaries with residential properties to the east, south and west. To the north, (fronting Haydn Road,) there is a car dealership and industrial workshops, along with two retail units with residential accommodation above. The application site has two distinct levels reflecting the topography of the concrete bases of the recently removed building. There are also changes in level in the immediate area, with Camelot Avenue being substantially lower than the site. A tall retaining wall runs along the north eastern edge of the site. Ford Street North, Gladys Street and Central Avenue are approximately 1.2 metres higher than the

application site and are bounded by palisade fencing and some trees along this western side. The southern boundary is treated with palisade fencing at the entrance to the site.

- 3.3 Outline planning permission was granted for 29 dwellings on the site in 2015 (ref. 15/03103/POUT). There have been no further applications for approval of the reserved matters though these could still be sought and that permission implemented up until September 2019. This permission was accompanied by a S106 agreement requiring the payment of a commuted sum for open space (to be calculated by reference to a formula) and the provision of on-site affordable housing.

4 DETAILS OF THE PROPOSAL

- 4.1 The current application seeks permission for 29 dwellings on the site comprising 21 three-bed houses and 8 two-bed houses. These would be a mix of detached and semi-detached, two storey dwellings and would be predominantly brick construction with tiled roofs and stone detailing. The layout would be similar to that approved under application 15/03103/POUT with access off Haydn Road. The road would extend through the centre of the site with a turning head, forming a cul-de-sac at the top end of the site. The access road would be constructed to adoptable standards, and would include parking bays and street trees.
- 4.2 The layout has been amended to increase garden sizes, reduce the expanse of hard surface to the frontage and increase separation distances between the proposed dwellings and existing residential properties. All dwellings would benefit from in-curtilage parking for two cars.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

10, 12, 17 and 19 Ford Street North
363, 367, 369, 373, 372-378 (evens) Haydn Road
6-44 (evens) Camelot Avenue
9 and 11 Gladys Street
84, 105-111 (odds) Central Avenue

The application has also been advertised by way of a site notice and a press advertisement.

Two representations have been received raising the following queries and concerns:

The rear of no. 40 Camelot Avenue would be overlooked
Would like reassurance that the development will not result in subsidence of the gardens to the rear of the site
What will the mix of housing be – private, social or a combination?
Would like assurances that there will be no vibrations for surrounding properties during construction and no burning of materials on site.

Additional consultation letters sent to:

Pollution Control: No objection subject to conditions

Highways: No objection to the revised layout. Conditions requiring a Construction Traffic Management Plan, road layout details, reinstatement of redundant footways and residential travel packs are recommended.

Environment Agency: No objection subject to conditions relating to boreholes and piling.

Drainage: No objection. Drainage strategy is acceptable in principle. Detailed drawings to be approved by condition.

Biodiversity Officer: The Ecological survey is satisfactory. Conditions are recommended to secure Ecological enhancements.

Others:

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012)

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.

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.

Nottingham Local Plan (November 2005):

H1 - New Housing Development.

ST1 - Sustainable Communities

H5 - Affordable Housing.

R2 - Open Space in New Development.

NE3 - Conservation of Species.

NE10 – Water Quality and Flood Protection

T3 – Car, cycle and servicing parking

Greater Nottingham Aligned Core Strategies (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 17 – Biodiversity

Policy 19 – Developer Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of the development
- (ii) Layout and design
- (iii) Residential Amenity
- (iv) Highways considerations
- (v) Flood Risk and Drainage
- (vi) Planning Obligations

Issue (i) Principle of the development (Policies ST1 and H1 of the Local Plan and Policy 8 of the Aligned Core Strategies)

- 7.1 The application site is located upon land allocated for housing development on the Proposals Map of the Local Plan (Policy H1). The principle of residential development on the site has also been established through the granting of planning permission 15/03103/POUT.
- 7.2 Policy ST1 aims to secure the creation and maintenance of balanced communities, including a balanced mix of housing size, type, and affordability. The policy supports the use of previously developed land and buildings and development at an appropriate density to help support local services and to ensure the efficient use of land.
- 7.3 Policy 8 of the Aligned Core Strategy emphasises the need to develop sustainable communities and, in Nottingham's case, places further emphasis on the provision of innovative family housing on the fringes of the city centre and a broader mix of housing elsewhere. Policy 8 also recognises that the appropriate housing mix will be informed by a number of factors including local housing strategies, demographics, need and demand, site specifics and accessibility.
- 7.4 The proposal would deliver quality housing of an appropriate size and design for occupation by families, offering a mix of two and three bedroom properties with private rear gardens and some with garages. The development would benefit from good public transport links to the city centre being located close to a primary bus route along Sherwood Rise. It is therefore considered that the proposed development would comply with policies ST1 and H1 of the Nottingham Local Plan and Policy 8 of the Aligned Core Strategies.

Issue (ii) Layout and Design (Policies 8 and 10 of the Aligned Core Strategies)

- 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. The commentary accompanying Policy 10 of the Aligned Core Strategy states that all new development should aspire to the highest standards of design, make a positive contribution to the public realm and create an attractive, safe, inclusive and healthy environment and the Policy itself sets the criteria that applications are to be measured against.
- 7.6 The proposed development, as amended, provides a legible layout with an appropriate number of dwellings and the density and grain is in keeping with that of the surrounding area, which typically displays detached and semi-detached dwellings. The proposed dwellings are of a good size providing a mix of two and three bedroom properties suitable for family occupation. Changes to the layout have improved the strength of the street frontages, removing excess hard surfacing and introducing boundary enclosures between the plots in front gardens. Further amendments seeking front boundary enclosures in the form of railings and hedges, to the properties along the northern side of the site have been sought. Amendments to simplify the proposed porch design have also been sought.
- 7.7 The dwellings would provide in-curtilage parking for two vehicles as well as landscaped front gardens. A condition requesting further details of the landscaping scheme is recommended. The proposed palette of materials has been simplified to the use of two brick types and tiled roofs. A condition requesting samples of all external materials is recommended.
- 7.8 Bin storage has been incorporated within rear gardens for all properties. In view of the above, it is considered that the proposed development complies with policies 8 and 10 of the Aligned Core Strategies.

Issue (iii) Residential Amenity (Policy 10 of the Aligned Core Strategies)

- 7.9 The proposed development has been amended to increase separation distances between the proposed dwellings and the existing dwellings that back onto the site on Camelot Avenue. As amended, the relationship between the proposed development and the properties beyond the site is considered acceptable.
- 7.10 The development would provide good-sized houses, with adequate outlook and access to natural light, and with private rear gardens. The proposal is therefore considered to provide a satisfactory quality living environment for future occupiers. The proposed development would therefore comply with Policy 10 of the Aligned Core Strategies.

Issue (iv) Highway considerations (Policy 10 of the Aligned Core Strategy)

- 7.11 The revised scheme demonstrates an acceptable road layout which provides adequate access and turning space for vehicles to enter, exit and manoeuvre within the site. All plots provide off street parking provision for two vehicles and additional visitor parking is provided in the form of on-street bays. Highways have recommended the submission of a Construction Traffic Management Plan to ensure that the development does not adversely affect the existing public highway and this

can be requested by condition. A residential travel plan is also required by condition to promote the use of sustainable transport. Other details such as a road safety audit and road markings and street lighting will be agreed through a separate Highways Agreement.

Issue (v) Flood Risk and Drainage (Policy NE10 of the Local Plan)

- 7.12 A drainage strategy has been submitted and the developer's drainage consultant has been in discussion with the City's drainage Engineers with regard to a detailed scheme for sustainable drainage for the site. The Drainage section has confirmed that it will be acceptable to secure the final details by way of a condition and a condition to this effect is therefore recommended.
- 7.13 The Environment Agency have also commented on the proposals. They do not object to the proposed development but have recommended a number of conditions requiring the submission of further details in relation to piling, boreholes and contamination in order to prevent risk to controlled waters across the site. Subject to the recommended conditions, it is considered that the development would comply with Policy NE10 of the Local Plan.

Issue (vi) Planning Obligations (Policies R2 and H5 of the Local Plan, Policy 19 of the Aligned Core Strategies)

- 7.14 The proposed development of 29 dwellings exceeds the thresholds requiring s106 contributions towards open space and affordable housing as set out within policies R2 and H5 of the Local Plan. Policy 19 of the Aligned Core Strategies also sets out that developments will be expected to meet the reasonable cost of new infrastructure required because of the proposal, including affordable housing, open space and education. Consultation with the Education Team identified a need to seek contributions towards the provision of education facilities for the new development.
- 7.15 In order to comply with the above policies, the following contributions would ordinarily be required to comply with those policies:-

Commuted sum in lieu of on-site provision of Public Open Space	£37,538.32
Commuted sum in lieu of on-site provision of Affordable Housing	£214,800
Contribution towards the provision of Education	£155,385

- 7.16 The applicant submitted a viability appraisal which is to be considered alongside the proposed development and which seeks to demonstrate that the development would be unviable in the event that s106 contributions are sought in line with the above policies.
- 7.17 In accordance with agreed practise and in agreement with the applicant, the viability appraisal was submitted to District Valuer Services (DVS) for review and verification. The DVS conclusions found the level of profit to be generated by the development to be below that which is usually accepted (As such, it is recommended that the s106 contributions for this development are waived.
- 7.18 The findings of DVS support the claim that the development would be unviable and unlikely to proceed should the s106 contributions, as set out above, be sought. The appraisal further indicates that the proposed development would not be viable if any level of s106 contribution were to be sought. The City currently has a shortage of

family housing and has pledged, within the Council Plan 2015-19 to deliver an additional 2500 homes that Nottingham people can afford by 2020. It is considered that the benefits of the additional family and other housing provided by this development, together with the benefit of regeneration of a brownfield site, outweigh the harm due to the lack of policy compliance in relation to Section 106 obligations.

- 7.19 Whilst a s106 was previously entered into in connection with the outline planning permission, no assessment of viability was undertaken at that time, and it is noted that the permission has not progressed to reserved matters stage. This application for full planning permission has been appraised in the light of known information about costs and sales values.

Other Matters

- 7.20 Concerns have been raised by neighbours in relation to the environmental impacts of works on the site including the risk of subsidence and the noise and vibrations arising from construction. The site is retained along the boundary with properties on Camelot Avenue and it will be the responsibility of the developer to ensure that this is structurally sound. Noise, disruption and vibrations from construction work are not material planning considerations and as such cannot be afforded weight in the consideration of the application. However, statutory noise and nuisance complaints can be investigated by Environmental Health.

8. **SUSTAINABILITY / BIODIVERSITY** (Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategies)

An ecological appraisal has been submitted and reviewed by the Biodiversity Officer. The appraisal makes recommendations for series of ecological enhancements and for the installation of bat and bird boxes. Conditions to ensure that these measures are implemented are recommended. A condition requiring the use of 'Hedgehog friendly' fencing within rear gardens is also recommended. With these conditions, the proposed development complies with policy NE3 of the Local Plan.

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: requirement to provide a high quality and sustainable residential development.

Safer Nottingham: designing a development that that contributes to safer and more attractive neighbourhoods.

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: 17/01018/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OPMO98LYJJV00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.


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

NOMAD printed map



© Crown copyright and database right 2018. Ordnance Survey Licence number 100019317. NOMAD print generated by a NOMAD user on 13/02/2018. THIS MAP IS UNSUITABLE FOR PUBLICATION: contact gi@nottinghamcity.gov.uk (ext. 64341) for high quality maps.

Key

 City Boundary

Description

No description provided

My Ref: 17/01018/PFUL3 (PP-06038506)

Your Ref:

Contact: Mrs Zoe Kyle

Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

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

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Staniforth Architects Ltd
Mr Luke Kenney
The Warehouse
1A Stamford Street
Leicester
LE1 6NL
United Kingdom

Date of decision:

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

Application No: 17/01018/PFUL3 (PP-06038506)
Application by: T Visaman And Sons Limited
Location: Site Of Warehouse Rear Of 369, Haydn Road, Nottingham
Proposal: Erection of 29 dwellings

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. Notwithstanding the approved details, the development hereby permitted shall not commence until details, including samples, of all external materials, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with policy 10 of the Aligned Core Strategies.



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

Page 122

Continued...

3. Notwithstanding the approved details, the development hereby permitted shall not commence until large scale details of the windows and window reveals have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.

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: In the interests of health and safety and residential amenity in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

5. The development shall not be commenced until details of any piling or other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority demonstrating that there is no resultant unacceptable risk to groundwater.

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

Reason: To prevent contamination to ground water in accordance with Policy NE10 of the Local Plan.

6. The development hereby permitted shall not be commenced until a remediation strategy confirming details of the methodology for the decommissioning of the deep and shallow site boreholes has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the protection of the underlying sandstone Principal Aquifer and ensure that the potential preferential pathways for contaminants on the site will be adequately dealt with in accordance with Policy NE10 of the Local Plan.

7. The development hereby permitted shall not be commenced until a verification report documenting, recording and providing written and photographic evidence of how the borehole decommissioning works were undertaken to remove preferential pathways for contamination has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of the underlying sandstone Principal Aquifer and ensure that the potential preferential pathways for contaminants on the site have been adequately dealt with in accordance with Policy NE10 of the Local Plan.

8. Notwithstanding the approved details, prior to the commencement of development a scheme to show the disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding in an area with known problems in accordance with Policy NE10 of the Local Plan.

9. 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, staff parking provision, 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 plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbours in accordance with Policy NE9 of the Local Plan and policy 10 of the Aligned Core Strategies.

10. Prior to the commencement of development details of the design of the road and pavements, including the layout geometry and 'Swept Path Analysis' shall be submitted to and agreed in writing by the Local Planning Authority.

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

11. Prior to the commencement of development details of all hard surface treatments, including the roads, foot/cycle paths and parking areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with details to be agreed in writing by the Local Planning Authority.

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



12. Prior to the commencement of development a detailed landscaping and planting scheme, for the development indicating the type, height, species and location of proposed trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority.

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

13. Notwithstanding the details shown on the submitted plans, details of hedgehog friendly timber fencing to be installed along the side boundaries of private rear gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To improve habitats for hedgehogs in accordance with policy NE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

14. 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: In the interests of health and safety and residential amenity in accordance with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy.

15. Prior to the first occupation of the development any redundant footway crossings and/or damaged or altered areas of footway or other highway shall be reinstated.

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

16. Prior to the first occupation of the development dropped kerbs and ramps, suitable for wheelchairs and prams, shall be provided at footway crossings in accordance with details submitted to and agreed in writing with the Local Planning Authority.

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

17. Prior to the first occupation of the development all parking areas shall be provided and be available for use in accordance with the approved details.

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

18. No part of the residential development hereby permitted shall be occupied until such time that the design and contents of a Residential Travel Pack to promote the use of sustainable transport and the mechanism for providing the pack to residents within the development, have been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Pack shall be distributed according to the mechanism agreed.

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

19. The dwelling(s) shall not be occupied until the individual plots have been enclosed in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policy 10 of the Aligned Core Strategy.

20. The individual dwellings hereby permitted shall not be occupied until the bin storage for that dwelling has been provided in accordance with the approved details.

Reason: To ensure that adequate bin storage is provided in accordance with Policy 10 of the Aligned Core Strategies.

21. The development hereby permitted shall not be occupied until electric vehicle charging points have been provided within the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

22. The development hereby permitted shall not be occupied until the Ecological Enhancements identified within section 6 of the Submitted Preliminary Ecology Appraisal dated July 2017, have been implemented on site.

Reason: In the interest of nature conservation in accordance with Policy NE3 of the Local Plan.

Regulatory/ongoing conditions

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

23. In the event that contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the protection of the underlying Sandstone Principal Aquifer in accordance with 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 following drawings/documents:
Drawing reference 1463 P02 revision a, received 6 February 2018
Drawing reference 1463 P03 revision a, received 6 February 2018
Drawing reference 1463 P04 revision a, received 6 February 2018

Drawing reference 1463 P05 revision a, received 6 February 2018
Drawing reference 1463 P06 revision a, received 6 February 2018
Drawing reference 1463 P07 revision a, received 6 February 2018
Drawing reference 1463 P08 revision a, received 6 February 2018
Drawing reference 1463 P09 revision a, received 6 February 2018

Reason: To determine the scope of this permission.

Informatives

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. Advice to the applicant - Piling

Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Advice to the applicant - Land Contamination Guidance

We recommend that the developer undertakes any further works in line with the guidance provided within 'CLR11 Model Procedures', 'Guiding Principles for Land Contamination' and 'Groundwater Protection' guidance which are available on our website at the following addresses:
<https://www.gov.uk/government/collections/land-contamination-technical-guidance>
<https://www.gov.uk/government/collections/groundwater-protection>

Advice to the applicant - Waste to be reused on site

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

Position statement on the Definition of Waste: Development Industry Code of Practice and; website at <https://www.gov.uk/government/organisations/environment-agency> for further guidance.

Advice to the applicant - Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

Duty of Care Regulations 1991

Hazardous Waste (England and Wales) Regulations 2005

Environmental Permitting (England and Wales) Regulations 2010

The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

3. 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.

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.

Please contact Chris Capewell 0115 8765277 regarding level changes and structures on site.

4. 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.

5. 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.

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: 17/01018/PFUL3 (PP-06038506)

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.

This page is intentionally left blank