



NOTTINGHAM CITY COUNCIL
PLANNING COMMITTEE

Date: Wednesday, 18 July 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 CHANGE OF MEMBERSHIP

To note that Councillor Jackie Morris has left Planning Committee, and that the vacancy has been filled by Councillor Cate Woodward.

2 APOLOGIES FOR ABSENCE

3 DECLARATIONS OF INTEREST

4 MINUTES

To agree the minutes of the meeting held 20 June 2018.

3 - 10

5 PLANNING APPLICATIONS : REPORTS OF THE CHIEF PLANNER

5a Site Of 25 Station Street

11 - 36

5b Plumb Centre, Waterway Street West

37 - 62

5c 123 Huntingdon Street

63 - 82

5d Site Of 31 Gregory Street

83 - 102

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 20 June 2018 from 2.30 pm - 4.04 pm

Membership

Present

Councillor Chris Gibson (Chair)
Councillor Brian Parbutt (Vice Chair)
Councillor Cat Arnold (as substitute)
Councillor Cheryl Barnard
Councillor Graham Chapman (minutes 10-11,14-15)
Councillor Azad Choudhry
Councillor Josh Cook
Councillor Rosemary Healy
Councillor Gul Nawaz Khan
Councillor Mohammed Saghir (minutes 10-13)
Councillor Wendy Smith
Councillor Malcolm Wood (minutes 10-14)
Councillor Linda Woodings
Councillor Steve Young

Absent

Councillor Sally Longford (sent substitute)
Councillor Jackie Morris
Councillor Andrew Rule

Colleagues, partners and others in attendance:

James Ashton - Transport Strategy Manager
Rob Percival - Area Planning Manager
Martin Poole - Area Planning Manager
Paul Seddon - Chief Planner
Zena West - Governance Officer
Tamazin Wilson - Solicitor

10 APOLOGIES FOR ABSENCE

Councillor Sally Longford – other Council business (Councillor Cat Arnold attending as substitute)

Councillor Andrew Rule – work commitments

11 DECLARATIONS OF INTEREST

Councillor Graham Chapman declared an interest in item 13, 100 Woodyard Lane, as he is on the Board for the Nottinghamshire County Council Pension Fund, who have made the application. He left the room and did not take part in the discussion or the vote on item 13.

Councillors Chris Gibson, Rosemary Healy and Cheryl Barnard declared that they were in receipt of a pension from the Nottinghamshire County Council pension fund. However, this was not deemed to be a pecuniary interest, and so they remained in the room and took part in the discussion and vote on item 13.

Councillor Linda Woodings declared that she lives nearby to the former Siemens site at 100 Woodyard Lane. However, this was not deemed to be a pecuniary interest, and so she remained in the room and took part in the discussion and vote on item 13.

12 MINUTES

Subject to the change detailed below being made, the minutes were agreed as a correct record and signed by the Chair.

Minute 5(c) to be changed from “as a Ward Councillor, Councillor Josh Cook lodged a written representation objecting to the proposal with the Chair of Planning Committee shortly before the start of the meeting. He did not attend the meeting as a member of Planning Committee and did not participate in the discussion or vote on the item” to now read “as a Ward Councillor, Councillor Josh Cook lodged a written representation objecting to one part of the scheme (the inclusion of a unit for use as a gym) with the Chair of Planning Committee. He did not attend the meeting as a member of Planning Committee and did not participate in the discussion or vote on the item”.

Councillor Josh Cook also wished to clarify that he supported the rest of the application, however, as this was not stated at the May meeting, the minutes were not amended to include this.

13 100 WOODYARD LANE

Rob Percival, Area Planning Manager, introduced application 18/00060/POUT by Michael Davies on behalf of Nottinghamshire County Council Pension Fund, for outline planning permission with a proposal to demolish existing buildings, erect up to 110 dwellings, and create an improved means of access. The application was brought to Planning Committee as it is a major application where there are important land use considerations and because it is subject to a S106 obligation.

Rob Percival gave a presentation to Councillors showing aerial maps and plans showing the residential context to the south of the railway line, photos of the current entrance to Woodyard Lane, the current entrance to the site, and an indicative layout for a possible future development. He highlighted the following points:

- (a) the layout submitted is indicative only, and shows a possible layout for up to 110 dwellings, at a modest density to reflect the density of surrounding residential areas, and includes a balancing pond and tree buffers around the site;
- (b) Woodyard Lane itself will be widened to allow two way traffic, with central road markings and a widened footpath. There will also be traffic calming measures;
- (c) the applicants are seeking to make a reduced affordable housing contribution on the basis of claiming a vacant building credit, which they are permitted to do under national planning policy.

Following questions and comments from the Committee, some further information was provided by Rob Percival, and by James Ashton, Transport Strategy Manager:

- (d) some Councillors expressed concern over how busy the access road would be, and the unusual layout of Woodyard Lane as an access road for a residential estate. There are a large number of roads all coming together in a small area which may be dangerous for road users and pedestrians, especially with the traffic flow reversed (i.e. residents leaving their homes to go to work rather than arriving at what is currently an employment site). James Ashton reassured the committee that the junction is currently relatively safe as there have been no reported injury accidents in the last 5 years, and the intensity of traffic is expected to reduce from its previous use as an access road to employment premises;
- (b) the traffic calming measures will be in the form of buildouts into the road, making the road one way for short stretches and forcing vehicles to wait and give way. The rest of the road will be wide enough for two cars to pass each other;
- (c) some trees along Woodyard Lane have Tree Protection Orders and will not be affected, some other smaller specimens maybe affected but these are largely within the public highway;
- (d) although the layout is indicative only, the suggested approach for parking is to have low density housing with generous driveways. The roads within the estate will also likely be wide enough for additional on-street parking;
- (e) access via any other nearby roads, such as Charlbury Road or Lambourne Drive would not be possible, as the land between those roads and the development is owned by a third party and so could not be developed (known as a ransom strip). Woodyard Lane, though unusual, is an established road which can be adapted for residential access.

RESOLVED to:

- (1) **grant planning permission, subject to:**
 - (a) **prior completion of a section 106 planning obligation which shall include:**
 - (i) **the requirement to provide 20% affordable housing should any subsequent reserved matters submission comprise of 25 dwellings or more subject to the vacant building credit;**
 - (ii) **a financial contribution towards education;**
 - (iii) **on-going management and maintenance arrangements for the on-site public open space, other amenity land and Sustainable Urban Drainage System;**
 - (iv) **a financial contribution of £3,350 towards the improvement of the footpath link between the site and Lambourne Drive (through the former Canal Basin);**
 - (b) **the indicative conditions substantially in the form of those listed in the draft decision notice at the end of the report and the updated condition 21 contained within the update sheet;**

- (2) delegate authority to the Director of Planning, Regeneration and Housing in consultation with the Committee Chair, Vice-Chair and opposition spokesperson to determine the content and requirements of the S106 agreement, subject to him being satisfied that the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 are met;**
- (3) delegate authority to the Director of Planning, Regeneration and Housing to determine the final details of the conditions.**

14 SITE OF APOLLO HOTEL PH, HUCKNALL LANE

Martin Poole, Area Planning Manager, introduced application 18/00809/PFUL3 by Reynolds Associates Mr Keith Reynolds on behalf of Mr M Barker, for the use of land as a hand car wash with canopies, associated storage containers, relocated pump unit, acoustic fence, catering van serving hot food and drink and with associated customer seating area, bin store and portable toilets. The application was brought to Planning Committee at the written request of Ward Councillors.

Martin Poole gave a presentation to Councillors showing aerial views, maps and plans of the site, aerial views of the former condition, and photos of the frontage on to Hucknall Lane. He highlighted the following points:

- (a) a public house on the site was demolished in 2012, after appropriate notifications had been given. The car wash activities came to the Council's attention following complaints about advertising on the site prior to the car wash opening. Planning permission was sought and granted in 2013 for a temporary period. Within this period, other unauthorised activities and work took place, including the addition of extra canopies and storage containers, a catering van, and storage of vehicles. The planning permission expired in 2016 without renewal, and the car wash continued to operate;
- (b) following an enforcement investigation, a notice was served in March 2017 requiring the removal of all unauthorised activity and works from the site. This triggered an application to retain the unauthorised works and uses, which came to Planning Committee in January 2018, and was refused due to concerns regarding the appearance of the site and the impact on neighbouring properties;
- (c) the car wash continued after the January 2018 refusal, and so legal action started. Commercial vehicles and some storage containers were then removed from the site, and toilets installed. The applicants have since been cooperative with planning colleagues, and prosecution proceedings have been held in abeyance pending the council's consideration of this application;
- (d) the plan presented to Committee seeks to move the car wash activity away from neighbouring properties, to place the jet wash unit in acoustic housing, and to install acoustic fencing;

- (e) as per the update sheet, a site inspection from Environmental Health has concluded that there is no evidence that rats in the area are due to the food van on site;
- (f) the update sheet details proposed timescales for improvements to the site. A number of conditions will be imposed, such as keeping the area between neighbours fencing and the acoustic fencing clear, and limits on operating hours and noise levels;
- (g) the applicant intends to split the site, and sell the northern part of the site at a later date for further development.

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

- (h) some Councillors expressed disbelief at the recommendation to approve the scheme. They declared that they had no faith in the company's assurances, as the promise of improvements appears to have only been made upon the threat of prosecution. They felt that enforcement action does not appear to have been adequately undertaken;
- (i) Councillors commented that the proposed weekend opening hours, though later than those during the week, were still too early for a business operating so close to residential neighbours. They also felt there should be restrictions placed upon setting up times before opening hours;
- (j) Councillors noted that the National Planning Policy Framework states that developments should be of quality design, improve the character of an area, with a strong sense of place, and queried whether this development fit those criteria;
- (k) an acoustic fence is a very thick and solid wooden fence, specifically designed to reduce noise levels. It is more effective than a standard wooden fence;
- (l) previous non-compliance is not necessarily a reason to deny planning permission; each application should be considered on its own merits. Planning colleagues are confident that all proposed conditions are enforceable;
- (m) use of the site as a car wash will not be permitted until the required improvement measures are implemented. The site is operating currently without permission;
- (n) if there are outstanding concerns relating to compliance until such time as the mitigation measures are put in place, the prosecution could be continued;
- (o) the temporary planning permission is mindful of the track record and activities that have previously taken place on this site. If operation within the next year is not demonstrably in line with conditions, then any further planning permission can be refused;

- (p) recent communication from neighbouring residents suggests that the site currently operates from 8am on Saturdays. As all use of the site is currently unauthorised, this is no more a breach than continued use at any other time;
- (q) a request was made to amend conditions to limit opening hours on Saturday and Sunday, with the site opening for business from 10am, and no staff to be setting up on site before 9:45am.

RESOLVED to:

- (1) grant planning permission for a temporary period of 1 year and subject to the conditions listed in the draft decision notice at the end of the report, with a revised condition that the opening time on Saturdays and Sundays will be from 10am, with no staff on site setting up before 9:45am;**
- (2) delegate authority to the Chief Planner to determine the final details of the conditions.**

Councillor Malcolm Wood requested that his vote against the above item be recorded.

15 54 CHARLECOTE DRIVE

Rob Percival, Area Planning Manager, introduced application 17/02748/PFUL3 by AD Planning Services Limited on behalf of Mr Jana Kingsely, for a two storey extension to the front and side, and single storey rear extension. The application was brought to Planning Committee at the request of a Local Ward Councillor who, on balance, is not in agreement with the proposed recommendation.

Rob Percival gave a presentation to Councillors showing photos of the property, plans for the extension, and photos of nearby house extensions submitted by the applicant. He highlighted the following points:

- (a) there is concern regarding the scale and mass of the proposed two storey front and side extension in relation to neighbouring properties, however Planning colleagues are satisfied with the size of the proposed single storey extension to the rear of the property;
- (b) nearby properties with extensions have generally been stepped back or stepped down, which reduces the sense of scale, or there are larger gaps between neighbouring properties. It is difficult to draw direct comparisons with these existing extensions;
- (c) the aesthetics of the proposed design have not been resolved, with misaligned windows and doors.

Some further information was provided following questions and comments from the Committee:

- (d) there is not a great deal of concern about light being blocked to neighbouring properties, the concern is related to the design and scale;
- (e) a proposal of this nature could be rejected solely due to being considered of poor design/appearance;
- (f) some Councillors felt that the proposed design is an improvement on the existing house, and that some of the example extensions presented were not attractive. Whilst some approved of the scheme, most Councillors felt that further negotiation with the applicants would be necessary to improve the design;
- (g) it was noted that the three windows on the front of the house were all different depths, and that the flat roof section was quite large.

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

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WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
18th July 2018

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Site Of 25, Station Street

1 SUMMARY

Application No: 18/00926/PFUL3 for planning permission

Application by: Lichfields on behalf of Vita Student Nottingham 1 Ltd

Proposal: Erection of part 6, part 8 and part 9 (plus lower ground floor) storey student accommodation (323 units), provision of ancillary coffee shop, refurbishment and use of former railway arches as space for street traders (Class A1, A3 and A5 uses), landscaping and improvements to the public realm.

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

To meet the Council's Performance Targets this application should be determined by 17th August 2018.

2 RECOMMENDATIONS

2.1 (a) prior completion of a Section 106 Planning Obligation to secure:

(i) a scheme of public realm improvements to include the land between the building/adjacent sub-station and the canal, including a new pedestrian/cycle way from Trent Street to the canal towpath and associated works to the associated former railway arch;

(ii) a student management plan, to include restrictions on car use.

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

Power to determine the final details of the conditions and the terms of the Planning Obligation to be delegated to the Director of Planning and Regeneration.

2.2 Providing 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 Providing also that Councillors are satisfied that the section 106 obligation sought would not exceed the permissible number of obligations according to the

3 BACKGROUND

- 3.1 The site is 0.38ha in area and located on the north side of Station Street. It was formerly occupied by the Employment Exchange but this building has recently been demolished. The eastern boundary of the site is formed by a series of brick archways that are part of the high-level NET line. To the north is the Nottingham and Beeston Canal and towpath, whilst to the south, on the opposite side of the pedestrianised Station Street, is Nottingham Train Station which is a Grade II* Listed Building. To the west is 23 Station Street which is occupied by Hopkinson Vintage Antiques and Art Centre. Within the site is a large electricity substation, which is to remain in situ.
- 3.2 Both pedestrian and service vehicle access is from Station Street. There is a change in levels of about 3m between the Station Street level and the towpath.
- 3.3 The site is located within the Station Street Conservation Area, bounds the Canal Conservation Area and is also located within Flood Zone 3.

4 DETAILS OF THE PROPOSAL

- 4.1 The proposal involves the creation of 323 student studios, with communal facilities including a gym, reception area and coffee shop. The coffee shop is also proposed to be open to the public. The site includes the former railway arches to the east and it is proposed that these are refurbished to facilitate their use by street traders. The northernmost arch is to be opened to provide pedestrian/cycle access from Trent Street down to the canal towpath.
- 4.2 The proposed building would be largely L shaped, with its widest frontage onto the canal and its narrowest frontage onto Station Street. The building would be positioned about 7m away from the Hopkinson Building and about 8m (narrowest point) from the NET tram bridge.
- 4.3 The building would increase in height from south to north. The southern elevation facing onto Station Street would be 6 storeys high with an overall height of 17.5m. The middle section would be 8 storeys and 23m high, whilst the northern part of the building would be 9 storeys (above a lower ground) and have a height of just over 26m.
- 4.4 The building has a simple grid like appearance with windows being set in double height openings. The majority of the building would be brick built, but the two upper storeys of the middle section to be finished in a light gold aluminium cladding system, the same colour as is proposed for the windows.
- 4.5 South facing studios on the second, third, fourth and fifth floors would be provided with balconies, whilst on the sixth floor a roof top terraced is proposed.
- 4.6 Bin storage, a cycle store with 80 spaces and plant rooms are proposed within the lower ground floor, along with a gym that would have large windows looking out onto the canal towpath.

- 4.7 Shared vehicular access for the site, 23 (Hopkinsons) and 11-19 Station Street would be provided between the new building and 23 Station Street, where there is an existing vehicular access. For the proposed development this access would only be for servicing and emergency vehicles.
- 4.8 The applicants have agreed to work in partnership with the Council to provide local employment and training opportunities during both construction and once the building is operational.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

7 neighbouring properties along Station Street, Canal Street and Carrington Street have been notified in writing of the proposal. The application has also been publicised through press and site notices. As a result of this publicity, 2 letters of representation have been received.

Nottingham Civic Society: Strongly object to the development because of its detrimental impact on the character and appearance of the Station Street Conservation Area, the setting of the canal and 11-21 Station Street. The scheme fails to follow the Urban Design Guidance for this area which is identified as a Zone of Repair. The Society believes that the new building is significantly higher than its predecessor, and that its bulk and height would overwhelm the appearance of the Hopkinsons building next door. The new building would be higher at the canal towpath than the canal elevation of the Jury Inn. The proposed overdevelopment of this site will disfigure the heritage merits of the townscape at this point. The damaging overshadowing and oppressive bulk of the building will not be mitigated by an open, welcoming aspect since only part of the towpath elevation will have windows onto this area of public realm, with the remainder of the elevation being occupied by cycle parking, offering little community safety benefits. No landscaping details have been provided for the Trent Street arches, which the application indicates forms part of the proposal.

Ministries of Justice: Raise concerns relating to maintaining privacy and preventing unauthorised outlook from the development towards the Court rooms. The Crown Court holds various hearings and proceedings, including high security criminal cases and as such there is need to ensure that the day to day operations of the court are not prejudiced. Disturbance and disruption should be mitigated for the lifetime of the development, including during the construction phase. The Ministries of Justice (MoJ) have requested a condition requiring the submission of a construction management plan, which the MoJ should be consulted on along with the police to ensure that there are no adverse impacts on the Court.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections but recommend that the following are secured by condition: a heating and power generating assessment; a remediation strategy; a noise assessment/sound insulation scheme for both residents and plant; and a noise management plan. Conditions will also be required to verify that the agreed mitigation measures have been implemented.

Highways: No objections but recommend that the following be secured by

condition: a construction management plan; provision of the cycle storage; details of the hard surfacing; a travel plan; and student management plan. It is also requested that servicing including waste collection be restricted to 08:00 to 18:00 hours Monday to Saturday.

Environment Agency: No objections but recommend a condition requiring the development to be carried out in accordance with the approved flood risk assessment and also to deal with contamination and piling in order to safeguard ground water resources.

Archaeology: No objections but recommend a condition securing an archaeological investigation.

Ecology: No objections but recommend conditions to secure the following: an ecological resurvey of the site should the development not be commenced within 2 years; provision of bat and bird boxes and other features to improve bio-diversity; details of precautionary measures to protect the canal and banks during construction; and provision of bat friendly lighting.

Tree Officer: No objections but has highlighted the need for careful consideration to be given to the landscaping along the tow path.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012):

The NPPF advises that there is a presumption in favour of sustainable development and advises that development which is sustainable should be approved. Of particular relevance to this application are paragraphs 18 (securing economic growth), 50 (relating to housing mix and creating sustainable communities), 56 to 64 (relating to design), 100 to 104 (relating to flooding) and paragraphs 128 to 139 (relating to heritage assets).

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities

H6 – Student Housing

H2 – Density

MU3 – Allocated site within the Southside Regeneration Zone (MU3.6 Station Street)

BE6 – Creation of New Pedestrian Routes in the City Centre

BE7- Creation and improvement of Public Open Spaces in the City Centre

BE10 – Development affecting the setting of a Listed Building

BE12- Development in Conservation Areas

BE16 – Archaeology

NE2 and NE3 – Nature Conservation and Conservation of Species

NE9 – Pollution

NE10- Water Quality and Flood Protection

NE12 – Derelict and Contaminated Land

T3 – Car, Cycles and Serving Parking

R2 – Open Space in New Developments

Aligned Core Strategy (September 2014):

Policy A – Presumption in Favour of Sustainable Development
Policy 1 – Climate Change
Policy 5 – Nottingham City Centre
Policy 7 – Regeneration
Policy 8 – Housing Size, Mix and Choice
Policy 10 – Design and Enhancing Local Environment
Policy 11 – The Historic Environment
Policy 14 – Managing Travel Demand
Policy 17 – Biodiversity
Policy 19 – Developers Contributions

Supplementary Planning Policy Documents

Southside Regeneration Supplementary Planning Guidance 2003

Building Balanced Communities SPD (BBC SPD)

Nottingham City Centre Urban Design Guide

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

Station Street Development Brief (November 2012)

7 APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Design Considerations (Listed Building and Conservation Area Impact)
- (iii) Impact on Neighbouring Amenity and Quality of Accommodation
- (iv) Other Matters (Transport, Flooding, Contamination and Archaeology)
- (v) Planning Obligations

Issue (i) Principle of Development (Policies MU3.6, ST1, H2 and H6 of the Local Plan; Policies A, 5, 7 and 8 of the ACS; the Southside Regeneration Supplementary Planning Guidance 2003; the Building Balanced Communities SPD (BBC SPD))

- 7.1 The application relates to an allocated site within the Southside Regeneration Zone (SRZ) and occupies a prominent location adjacent to Nottingham Station and the NET tramline. The policies relevant to the SRZ seek to encourage comprehensive, mixed use, sustainable developments that promote the Southside as a major location for inward investment, and ensure that new developments are integrated in a comprehensive way to maximise employment and regeneration benefits. Policy 7 of the ACS Identifies the SRZ as a mixed-use business district with a predominance of offices supported by residential development, new hotels and complimentary retail leisure activity.
- 7.2 The application site is located on the southern fringe of the City Centre which in general terms is an appropriate location for purpose built and managed student accommodation, in accordance with the BBC SPD and Local Plan Policy H6. The latest Nottingham Authority Monitoring Report (March 2018) recognises that there is

still a need for purpose built accommodation and the demand for student accommodation remains high. This report advises that despite an increase in purpose-built student accommodation its supply is still less than demand, from a student population that is still increasing. It also advises that purpose built student accommodation only makes up 11% of the City Centre residential properties. It is considered that the provision of further good quality purpose-built accommodation would attract students that would otherwise occupy houses of multiple occupation outside of the City Centre. The location of the site is distant from the main areas of high student concentration (largely) to the west, rather being situated in a mixed-use commercial environment at the periphery of the City Centre.

- 7.3 The proposed accommodation is of an appropriate size internally with studios ranging from 16 to 26 sqm and benefiting from generous communal facilities on the ground and lower ground floor, as described above. It is in a highly accessible location with good pedestrian, cycle, bus and tram links to the City Centre and both University campuses.
- 7.4 It is concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Policies A, 5, 7 and 8 of the Aligned Core Strategy, Policies ST1, MU3.6 H2 and H6 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Building Balanced Communities SPD.

Issue (ii) Design Considerations (Listed Building and Conservation Area Impact) (Policies BE10 and BE12 of the Local Plan; Policies 10 and 11 of the ACS; the City Centre Urban Design Guide; the Station Street Development Brief)

- 7.5 As described elsewhere in the report, the proposed building has been designed with a lower element to the Station Street frontage, stepping upwards further back into the site. The Station Street frontage would sit on the same building line as the Hopkinson Building and its height has been designed to reflect the general height of the buildings to the west of the Hopkinson building, which increase in scale as they rise towards Carrington Street. Whilst the lower element of the building is taller than that indicated in the Station Street Development Brief and City Centre Urban Design Guide, which is ground plus 4 storeys, this is not considered to be significantly so and having regard to the site specific context, the design approach to scale is considered to be acceptable. It is acknowledged that scale on the Station Street frontage is noticeably greater than the Hopkinson building, yet the proposed development is also seeking to balance this against the elevated height of the tramline to the east. Hopkinson is a detached building with sizeable gaps to both sides which are to be retained with both this proposal and the office scheme to the west, for which there is also a current application (18/00916 /PFUL3). These gaps help to mitigate the step up in scale and allow sufficient breathing space for the Hopkinson building to be read in its own right. From the east the lowest element of the building would present itself as approximately 3 storeys above the elevated tramline, which is a very modest scale from this viewpoint.
- 7.6 The former employment exchange also had a low wing fronting Station Street and a larger wing at 90 degrees to this at the rear, fronting the canal. The current proposal is configured in the same way and similarly steps up to a larger east/west orientated wing at the northern end of the site. The stepping up of the building, including the intervening middle section, are designed such that the taller elements would not have a presence from street level on Station Street but rather would be seen in a different context within more distant views. The wing to the rear is also

taller than the previous building on the site and as prescribed within the Station Street Development Brief, but again this extra height has been tested having regard to the site specific context and is considered to be acceptable. Although the taller block is 9 storeys above lower ground, it is in fact a comparable height to the 5 storey (above basement) Loxley House on the opposite side of the tramline, demonstrating the difference in floor heights between residential and office development. From tram level, again this scale is considered to be appropriate and responds to this different aspect from which the townscape is viewed.

- 7.7 The impact of the taller element of the development on the canal towpath, as raised by the Civic Society, is acknowledged. The canal sits to the north of the site and would inevitably be affected by a large block in this location. However, the building is also responding to the historic character of large warehouse buildings alongside the canal and the relationship that this would create would have some comparison to that established by Loxley House to the east, although this sits closer to the canal footpath than the proposed development.
- 7.8 The architectural style of the elevations is felt to be well considered, reflecting the warehouse aesthetic of traditional canal side buildings whilst also picking up on the materials and grid like rhythm of the buildings along Station Street. The fenestration pattern of the individual buildings on Station Street vary in scale and proportion and the proposal does likewise; the double height openings and very deep reveals create a grid of greater scale and a building with its own distinct character, yet one which sits comfortably within the general character of the Station Street frontage. The proposed building is not a continuation of the terrace to the west but rather stands as a clearly detached and separate building, which is also responding to the elevated tramline and larger scale of buildings to the east. Overall the development is considered to offer a strong intervention at street level. The scheme would also constitute a dramatic improvement when compared to the previous Employment Exchange and significantly enhance the character and appearance of the Station Street Conservation Area and setting of Nottingham Train Station.
- 7.9 The Civic Society also challenge the lack of active frontage on the rear elevation overlooking the canal. They note that the gym is located here and will provide such activity and natural surveillance. This occupies the central third of the ground floor rear elevation. Another third is occupied by the plant room which is unavoidably located at lower ground level to avoid it being located a more sensitive part of the building, where its visual impact would be greater. The other third is occupied by the bike store; while this does not offer the activity that would be associated with the gym, its openings would have a degree of permeability that would allow light, movement and activity to be seen within the bike store, thus avoiding a blank façade at this point. The scheme also incorporates landscaping proposals to this part of the canal side that would significantly enhance the character and pedestrian activity associated with this part of the canal, close to the new pedestrian route to be created from Trent Street.
- 7.10 As mentioned above, the height and architectural style of the northern elevation would complement the large warehouse buildings that are found in the Station and Canal Conservation Areas, which include the British Waterways Warehouse Building further to the west. The improvements proposed to the canal directly behind the building would significantly enhance its setting as a non-designated heritage asset that lies within the Station Conservation Area.
- 7.11 The scheme also incorporates the renovation of the former railway arches to so that

they are capable of accommodating street traders. This would present an appropriate use for these prominent yet under-utilised non-designated heritage assets that front Trent Street, and present a significant opportunity to enliven and enhance this busy road frontage and Station Street Conservation Area.

- 7.12 Given the location of the building and its relationship with the immediate townscape, its impact on the setting of other listed buildings in the locality (the Railway Station and Goods Offices, Bentinck Hotel, 111 Carrington Street and the British Waterways Building) would be minimal and would be seen only in their periphery, in the context of existing taller buildings such as Loxley House.
- 7.13 A Townscape and Visual Impact Assessment has been submitted with the application that has assessed the impact of the development on all key vistas and viewpoints. In conclusion it is considered that the impact on listed buildings in the wider skyline of the City such as the Castle, St Mary's Church, The Former Unitary Chapel and The Council House would not be significant, as is also the case with the Lace Market and Old Market Square Conservation Areas.
- 7.14 A notable impact is from Queens Walk where the tallest element of the building would break the skyline, sitting behind the Station dome and in front of the St Mary's Church tower. However, the top of the Station dome above the clock faces and the upper two stages of St Mary's tower would remain clear of the development, maintaining their legibility and prominence. In the assessment this impact is categorised as 'minor neutral'. In views from the Castle terrace the impact would be minimal, seen within the context of an existing varied roofscape of comparable scale and from where it would not obscure views of other landmark buildings or historic elements of the view. Neither would the proposal effect the wider views into and out of the Castle Conservation Area. From the Nottingham Station tram stop the view of the Former Unitary Chapel the building would be maintained and when viewed from Weekday Cross it would again sit as part of the surrounding roofscape.
- 7.15 In conclusion, the proposal is considered to make a positive contribution to the streetscape and has been designed taking into account the requirements of policies 10 and 11 of the ACS, policies BE10 and BE12 of the Local Plan and the NPPF. The impact on heritage assets and non-designated heritage assets is considered to be of less than substantial harm, and the benefits of bringing a vacant site (formerly occupied by a visually harmful 1960s office building) are felt to outweigh any residual concerns about its impact.

Issue (iii) Impact on neighbouring amenity and quality of accommodation
(Policies H2, H6 and NE9 of the Local Plan and Policy 10 of the ACS)

- 7.16 The Crown Courts are located across the canal at a distance of about 28m. There are few windows in the southern elevation of the Court building that faces onto the application site, with the majority of windows being to the upper floor. The Court car park area is bounded by a high brick wall. The former Employment Exchange was located at a similar distance to the Crown Courts and had windows along its rear elevation. Although the proposed building at the rear is taller than the former office building, it is not considered that the potential for overlooking and loss of privacy for the Courts would be significantly different.
- 7.17 The matters raised by the Courts in relation to noise and disturbance during construction can be dealt with through a construction management plan. The

applicants should be advised through an informative to discuss the construction plan with the Courts. The applicants would also need to discuss construction plans with the NET team.

- 7.18 A sunlight and shadow analysis have been submitted which shows little difference in the shadow cast by the proposal when compared to the former Employment Exchange building.
- 7.19 The commercial mix of uses in the immediate vicinity of the site are considered to be compatible with the proposed scale of the development, and the introduction of 323 student units in this location.
- 7.20 The proposed studios will range in size from 16sqm to 26sqm, four of which would be fully accessible studios. All studios would be provided with kitchens, study areas and shower rooms and would have appropriate levels of light and outlook as result of the proposed floor to ceiling windows. The building has been set off the NET Bridge which will assist in reducing noise and disturbance for occupants. A noise impact assessment with regards to residential and commercial noise, together with a sound insulation scheme, can be secured by condition to further safeguard the residential amenity of future occupants. A noise management plan can also be secured by condition and can be used to ensure that the proposed roof terrace area is not used late at night.
- 7.21 Through the use of conditions and as a result of the siting of the development and its location, the scheme complies with policies H2, H6 and NE9 of the Local Plan and policy 10 of the ACS

Issue (iv) Other Matters

Transport (Policy T3 of the Local Plan and Policy 14 of the ACS)

- 7.22 The proposal is located within a highly sustainable location, being opposite the Train Station, Station tram stop and within walking distance of a large a number of bus stops. Details of pick up and drop off of students to ensure that there is no adverse impact on the highway can be secured by condition. The servicing arrangements are considered to be acceptable and Highway colleagues have raised no objections. In this highly sustainable location with restrictions on car parking on streets it is felt that the travel plan condition suggested by Highway colleagues is not appropriate in this instance. The proposal complies with policy T3 of the Local Plan and Policy 14 of the ACS.

Flooding (Policy NE10 of the Local Plan)

- 7.23 The flood risk assessment that accompanies the application has been reviewed, and is considered to be acceptable. The recommendations of the assessment can be secured by condition, the proposal therefore complies with policy NE10 of the Local Plan.

Contamination (Policy NE12 of the Local Plan)

- 7.24 The site raises no adverse risk with regards to contamination. Conditions can be used to secure a remediation strategy and to ensure that groundwater is not affected by any contamination. The proposal therefore complies with policy NE12 of the Local Plan.

Archaeology (Policy BE16 of the Local Plan)

- 7.25 The site may have potential for archaeology so an archaeological watching brief will be secured by condition. The proposal complies with Policy BE16.

Issue (v) Planning Obligations (Policies R2, BE6 and BE7 of the Local Plan, Policy 19 of the ACS and the Open Space SPD)

- 7.26 The development's required contribution towards the provision or enhancement of Public Open Space is to be met through the proposed public realm improvements immediately adjacent to the site, principally to the adjacent section of canal towpath and provision of a pedestrian link from Trent Street. These works are to be secured by planning obligation and will therefore satisfy policies R2 and BE7 of the Local Plan, policy 19 of the ACS and the Open Space SPD.
- 7.27 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.

8 SUSTAINABILITY / BIODIVERSITY (Policies NE2 and NE3 of the Local Plan, and Policies 1 and 17 of the ACS)

- 8.1 The energy statement submitted with the application demonstrates that the proposal will be designed to meet Part L2A 2013 of the Building Regulation and that the building has been designed in line with the energy hierarchy, ensuring the building is energy efficient and that its demand for resources are reduced. The biodiversity of the site can be enhanced through the landscaping proposals and mitigation measures relating to protected species are addressed by condition. Through conditions the development is therefore capable of complying with policies NE2 and NE3 of the Local Plan, and policies 1 and 17 of the ACS.

9 FINANCIAL IMPLICATIONS

Public realm improvements to the canal towpath and to provide a pedestrian link from Trent Street are to be secured through a planning obligation.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a long term cleared brownfield site

with a high quality, sustainable residential development.

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

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

1. Application No: 18/00926/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P8JVEALYGSO00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Miss Jenny Cole, Case Officer, Development Management.

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NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/00926/PFUL3 (PP-06927066)
Your Ref:
Contact: Miss Jenny Cole
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
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Tel: 0115 8764447
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Lichfields
FAO: Ms Alison Bembenek
14 Regents Wharf
All Saints Street
London
N1 9RL

Date of decision:

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

Application No: 18/00926/PFUL3 (PP-06927066)
Application by: Vita Student Nottingham 1 Ltd
Location: Site Of 25, Station Street, Nottingham
Proposal: Erection of part 6, part 8 and part 9 (plus lower ground floor) storey student accommodation (323 units), provision of ancillary coffee shop, refurbishment and use of former railway arches as space for street traders (Class A1, A3 and A5 uses), landscaping and improvements to the public realm.

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

Time limit

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

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

Pre-commencement conditions

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

2. Prior to the commencement of above ground development, precise details of the materials to be used externally within the development including the construction of a sample panel on site, shall be submitted to and approved in writing by the Local Plan Authority. The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that complies with policy 10 of the ACS.



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

DRAFT ONLY
Not for issue

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Continued...

3. Prior to the commencement of above ground development, large scale sections of at least 1:20 shall be submitted to show the placement and position of windows and balconies and the depth of proposed reveals to windows and doorways. The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.

4. Prior to the commencement of the development, an assessment of the heating and power generating proposals for the development, which includes the following components, shall be submitted to and be approved in writing by the Local Planning Authority:
- (i) Air quality impact assessment
 - (ii) Stack height calculation
 - (iii) Abatement techniques and mitigation of potential impacts

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

Reason: To ensure that the heating requirements of the building do not adversely affect air quality to accord with policy NE9 of the Local Plan.

5. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 and 2 Geo-Environmental Assessment Report by BWB dated April 2018 (ref MCS2365) 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:

a) A supplementary post-demolition site investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan as required, based on a) 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).

c) A Verification Plan as required, providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

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

Reason: To ensure that any contamination of the site is adequately dealt with and to accord with policy NE12 of the Local Plan.

6. Prior to the commencement of the above ground development, an environmental noise assessment covering residential noise impacts together with an appropriate sound insulation scheme, which has regard to the Environmental Noise Study by Fisher Acoustics dated May 2018 (Ref PR0596-REP01A-MPF), 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 acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

Reason: To ensure that future occupants of the building are not adversely affect by noise and to accord with policy NE9 of the Local Plan.

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

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

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

Reason: To ensure that the operation of the building causes no adverse noise and disturbance impacts on neighbouring uses or on the future occupants of the building to accord with policy NE9 of the Local Plan.

8. Development shall not be commenced, including the breaking of any ground unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:
- a) Excavation of areas to be affected by development and the implementation of a watching brief during the course of groundworks for service installation;
 - b) Preservation, in situ, of any remains which, upon archaeological investigation, are found to significantly contribute towards understanding of the historic Nottingham City Centre;
 - c) Arrangements for the recording of archaeological remains and finds during the investigation and for the preparation of a final report;
 - d) Arrangements for the deposition of the material and documentary archive in a registered museum;
 - e) Arrangements of the publication of a summary of the final report in an appropriate journal

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

The archaeological work 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 issued by the City Archaeologist.

Reason: To ensure that any archaeological remains at the site are appropriately preserved and to accord with policy BE16 of the Local Plan.

9. Prior to the commencement of development, details of precautionary measures to protect the canal and its banks during and after construction works shall be submitted to and approved in writing by the Local Planning Authority. The details shall be incorporated into a method statement detailing working practices.

Reason: The site is adjacent to the Canal which may provide foraging area for waterside wildlife, like water voles, to ensure that there are no adverse impacts on local wildlife details of canal and bank protection measures are required to accord with policy 17 ACS.

10. Prior to the commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to reduce noise and disturbance to neighbouring properties; proposed hours of working; the type, size and frequency of vehicles to/from the site; haul routes (if any); staff parking provision; site security; traffic management plans; to enable the safe operation of the NET Tram network; 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 ensure that the construction of the development has no adverse impact on the local highway network, the NET Tram Line and has no significant impact on neighbouring properties to accord with policy NE9 of the Local Plan.

11. Prior to the commencement of development details of any piling, or of any other foundation designs using penetrative methods, shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall demonstrate that there would be no



unacceptable risk to ground water. No further piling, or any other foundation designs using penetrative methods shall be utilized unless prior agreed in writing by the Local Planning Authority.

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

Reason: Piling or any other foundation using penetrative methods can result in risks to groundwater supplies it therefore needs to be demonstrated that piling would not result in contamination of groundwater to accord with Policy NE10 of the Local Plan.

Pre-occupation conditions

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

12. Prior to the development being first occupied details of the proposed refurbishment works to the railway arches including the provision of power, water, lighting and enclosures shall be submitted and approved in writing by the Local Planning Authority.

Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.

13. Prior to the development being first occupied provision shall be made within the application site for the parking of cycles in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, this facility shall not be used for any purpose other than the parking of cycles.

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

14. Prior to the development being first occupied the site shall be hard surfaced in accordance with details (location and type of surfacing) that have first been submitted to and approved in writing by the Local Planning Authority. Hard surfacing shall be porous or permeable materials. The development shall be constructed in accordance with the approved details.

Reason: To ensure that the proposed use has appropriate surfacing that will not cause surface water runoff to Station Street or adversely affect the areas surface water drainage pattern to accord with policy 10 of the ACS and policy NE10 of the Local Plan.

15. Prior to the development being first occupied a traffic management scheme for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term shall be submitted to and approved in writing by the Local Planning Authority. The traffic management scheme shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To ensure that the loading and unloading of vehicles associated with the student occupation at the start and finish of the each academic term does not adversely affect highway safety to accord with policy 10 of the ACS.

16. Prior to the development being first occupied a landscaping scheme, including details to enhance biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of the proposed trees and shrubs.

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

17. Prior to the development being first occupied details of a management and maintenance plan for the new areas of public realm shall be submitted to and approved in writing by the Local Planning Authority. The landscaping areas shall be maintained in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory to comply with policy 10 of the ACS.

18. Prior to the development being first occupied a detailed Noise Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The Noise Management Plan shall identify the types and locations of operational activities which are likely to cause noise disturbance to sensitive receptors and:

- Minimise noise arising from operational activities by technical and physical means, and through management best practice

- Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from any residents

Provision for the regular review the Noise Management Plan shall be also be made. The plan shall also set out the measures for controlling noise associated with the use of the southern roof terrace.

Reason: To ensure that noise associated with the occupation of the building and the use of the southern terrace does not adversely affect surrounding properties or causes disturbance to any occupants of the building. To accord with policy NE10 of the Local Plan.

19. Prior to the development being first occupied, verification that the approved heating and power scheme has been implemented and is fully operational shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the heating and power scheme complies with the approved details to accord with policy NE9 of the Local Plan.

20. Prior to the development being first occupied the following shall be submitted to and be approved in writing by the Local Planning Authority:

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

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

Reason: To ensure that site is remediated appropriately in line with the approved remediation strategy to accord with policy NE12 of the Local Plan.

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

Reason: To ensure that the sound insulation schemes approved to safeguard residential amenity and to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.

22. Prior to the development being first occupied, verification shall be submitted to and approved in writing by 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.

Reason: To ensure that approved mitigation measures schemes to deal with noise associated with the operation of the building have been implemented to accord with policy NE9 of the Local Plan.

23. Prior to the development being first occupied an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and shall demonstrate that it is ecologically sensitive.

Reason: To ensure that there is no adverse impact on local wildlife, such as bats to accord with policy 17 of the Local Plan.

24. Prior to the development being first occupied precise details of the works to create the new public realm, incorporating the foot path link from Trent Street to the canal towpath and the area of land between the canal towpath edge and to the north of the substation and proposed building, shall be submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details of hard and soft landscaping.

Reason: To ensure that appropriate public realm improvements are undertaken to accord with Policy R2 and BE7 of the Local Plan.

Regulatory/ongoing conditions

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

25. The proposed coffee shop shall remain ancillary to the primary use of the building as student accommodation and shall not become a separate planning unit.

Reason: To define the scope of the permission and to ensure that the use of the proposed coffee shop does not cause any adverse noise and disturbance to occupants of the building to accord with policy NE9 of the Local Plan.

26. Servicing arrangements (including waste collection) shall not take place between the hours of 08:00 to 18:00 hours Monday to Saturday.

Reason: To ensure that the servicing requirements of the proposed development do not adversely affect the highway to accord with policy 10 of the ACS.



27. The development hereby permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (2180015, revision P2, dated May 2018) and in particular the following mitigation measures detailed within:

- i) Finished floor levels (FFL) of all residential accommodation shall be set no lower than 26.26mAOD;
- ii) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- iii) Flood resilient construction measures shall be incorporated throughout the development.

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

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

28. The lower ground floor accommodation of the development hereby approved shall be available for 'less vulnerable' flood risk vulnerability uses only (i.e. plant, cycle parking, storage and gym facilities), and at no time shall it be used for any other purpose without the express permission of the Local Planning Authority.

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

29. 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 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. Any remediation strategy approved as a result of any unidentified contamination being found shall be implemented as approved.

Reason: To ensure protection of controlled waters to accord with policy NE10 of the Local Plan.

30. Any trees or plants which die or are removed or become seriously damaged or diseased within 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 to comply with Policy 10 of the ACS.

31. If the development is not commenced within 2 years from the date of the decision, then prior to the development taking place a bat survey together with an assessment and proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved details to a timetable that has been prior agreed.

Reason: To ensure that wildlife in the area is appropriately safeguarded and to comply with policy 17 of the ACS.



32. The refurbishment of the railway arches shall be undertaken in accordance with the approved details and completed in accordance with a timetable that has been prior agreed in writing by the Local Planning Authority.

Reason: To secure the implementation of the archway refurbishment to ensure a satisfactory development that accords with policy BE12 of the Local Plan and policie 10 and 11 of the ACS.

33. The public realm works shall be implemented in accordance with the approved details to a timescale that has been prior agreed in writing by the Local Planning Authority.

Reason: To ensure that the public realm works are carried out in accordance with the approved details to secure a development of satisfactory appearance to comply with policies R2 and BE7 of the Local Plan and policy 10 of the ACS.

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:

General reference 17 026 90 003 revision R4
Drawing reference 17 026 20 00 revision R8
Drawing reference 17 026 20 01 revision R15
Drawing reference 17 026 20 02 revision R13
Drawing reference 17 026 20 03 revision R9
Drawing reference 17 026 20 04 revision R9
Drawing reference 17 026 20 05 revision R9
Drawing reference 17 026 20 06 revision R9
Drawing reference 17 026 20 07 revision R14
Drawing reference 17 026 20 08 revision R10
Drawing reference 17 026 20 09 revision R10
Elevations reference 17 026 20 100 revision R9
Elevations reference 17 026 20 101 revision R6
Elevations reference 17 026 20 102 revision R7
Elevations reference 17 026 20 103 revision R7
Landscaping reference 095LYRXXXXDWGL revision 1000-04 PLN
Planning Layout reference 095LYRXXXXDWGL revision 5001-00 PLN
General reference 095LYRXXXXDWGL revision 1001-00 PLN
Ecology Report dated 29 August 2018
General reference 21800515 FRA revision Rev 2

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. Construction and Dust Management Plan

This covers access to the site and minimisation of dust. However the hours of construction have not been set out explicitly. The acceptable hours for demolition or construction work (including deliveries to and from the site) are detailed below; -

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

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (email: pollution.control@nottinghamcity.gov.uk). The Plan should be amended accordingly.

Furthermore the site investigation indicated that piled foundation would be required for the development and recommend that CFA piling would be the most suitable method. The Management Plan should therefore be amended to include details of any piling or other foundation designs using penetrative methods demonstrating that industry best practice shall be used to minimise the effects of noise and vibration on surrounding occupiers, as piling often give rise to complaints.

4. Air Quality - Heating and Power Generation

The proposals for biomass for heating (and power generation) or any Combined Heat and Power systems (over 60kWe) using natural gas or bio-fuel will be screened and assessed against the guidance set out in Biomass and Air Quality Guidance for Local Authorities by Environmental Protection UK (June 2009) which may be found at <http://www.lacors.gov.uk/lacors/upload/22062.pdf> and Combined Heat and Power: Air Quality Guidance for Local Authorities by Environmental Protection UK (February 2012) which may be found at http://www.iaqm.co.uk/text/guidance/epuk/chp_guidance.pdf

Contaminated Land, Ground Gas and Groundwater

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

- i) Cut and fill operations on site
- ii) How trees retained on site will be dealt with
- iii) How gas precautions including any radon gas precautions will be validated
- iv) Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

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

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

Environmental Noise Assessment

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

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

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.

Noise Management Plan

The applicant must adhere to the agreed Noise Management Plan while the premises remain operational and regularly review the Noise Management Plan. Any amendments which may have an impact on noise sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders.

5. 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: 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.

iii: The applicant is advised that the site is adjacent to the NET tram line.. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method during construction. To get authorisation the applicant must request a NET Work Request Form which can be obtained from NET by telephoning 0115 942 7777, or by writing to: Infrastructure Manager NET Depot Wilkinson Street Nottingham NG7 7NW.

6. The developer is strongly advised to consult the Ministries of Justice to prepare the Construction Management Plan to ensure that the construction of the development does not adversely affect Court proceedings.

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: 18/00926/PFUL3 (PP-06927066)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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WARDS AFFECTED: Bridge

Item No:

PLANNING COMMITTEE
18th July 2018

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Plumb Centre, Waterway Street West

1 SUMMARY

Application No: 18/00819/PFUL3 for planning permission

Application by: RPS on behalf of Southern Grove Traffic Street Ltd

Proposal: Demolition of existing building and erection of a part 5, part 6, part 10 and part 12 storey building comprising 118 student apartments along with associated access, communal space, landscaping, cycle parking and two Class A1 retail units.

The application is brought to Committee because it is a major application on a prominent city centre site where there are important design considerations and there has been significant public interest.

To meet the Council's Performance Targets this application should be determined by 26th July 2018

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

2.1 (a) prior completion of a Section 106 Planning Obligation to secure:

(i) a Public Open Space financial contribution of £97,403.46 towards improvements at the Queens Walk recreation ground and Victoria Embankment.

(ii) a student management plan, to include restrictions on car use.

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

2.2 Power to determine the final details of both the conditions and the section 106 obligation to be delegated to the Director of Planning and Regeneration.

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

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

3 BACKGROUND

- 3.1 The application site is located at the western corner of the Southside Regeneration Zone (SRZ) on the southern edge of the City Centre. It is located at the junction of Wilford Road, Queens Drive, Waterway Street West and Traffic Street and is bound by all four streets. The site is largely rectangular in shape and measures approximately 2.77 ha in area. It is currently split into two uses with the northern part a cleared site which has been used for temporary parking and the southern part which is occupied by the Plumb Centre trade/retail unit, with access from Traffic Street. The site slope upwards from east to west.
- 3.2 The site lies within a mixed commercial environment currently comprising industrial, warehouse and office uses. To the east of the site is a large cleared site, which sits between Traffic and Waterway Street. The City Council's Karlsruhe House is an office located at the eastern end of Traffic Street.
- 3.3 On the northern side of Traffic Street is a cleared and vacant site which has previously had permission for a 10 storey office development (approved 2012). Adjacent to this in an easterly direction is an Enterprise car rental unit, a further cleared site with planning permission for an apartment development, and the Castle Rock Brewery and its associated buildings.
- 3.4 To the south the site is bounded by the southern ring road and tram line. Beyond this transport infrastructure and the associated acoustic screening are the dwellings of the Meadows
- 3.5 The site has been the subject of various small scale planning permissions which have no bearing on the consideration of this application. Of greater relevance are two planning permissions for major development on the northern side of Traffic Street, referred to above, which are as follows:
- 3 Wilford Road, on the opposite side of Traffic Street to the north (planning ref. 11/01251/PFUL3). Planning permission granted in 2008 and subsequently renewed in 2012 for the erection of new office/retail development with associated basement parking. The development took the form of an 9/10 storey building
 - Former Hindle and Caliba Site, east of Enterprise car rental (planning ref. 15/03198/PFUL3). Planning permission granted in 2016 for 62 apartments in a four storey building

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for the demolition all existing buildings on the site and the erection of a part 5, 6, 10 and 12 storey building to be used as student accommodation. It would comprise of 118 student apartments (462 bedrooms) organised into a range of 49 cluster and 69 studio apartments. Ancillary communal accommodation is to be provided on the lower ground, ground and 9th floors comprising reception/entrance areas, student hubs, sports and games areas,

laundry/cycle facilities, study rooms/zones, ancillary offices and a possible small retail space.

- 4.2 The proposed building is largely rectangular in shape and occupies all of the site. It has frontages onto Queens Drive, Wilford Road, Traffic Street and Wilford Road West. A stepped tower of 10 and 12 storeys in height (taken from ground level) has been positioned at the western corner of the building fronting Queens Drive/Wilford Street/Traffic Street. It has been designed to create a prominent corner feature as you enter the City Centre from the south west along Queens Drive. The main entrance to the building is located at the base of the tower. The remaining part of the building ranges from 5 to 6 storeys in height (including lower ground level), stepping down to 5 storeys at its eastern end as it wraps around Traffic Street. A secondary access to the building is provided from the eastern end of the building on Traffic Street. The lower ground floor level would be visible at the eastern end of the building but as the site rises to the west would sit below ground level.
- 4.3 In terms of its design the elevations of the building has been broken down using different architectural treatments and varying external materials to create what appears as a collection of smaller buildings. The palette of materials is predominantly brick with a combination of a smooth red 'Nottingham' brick for the main trapezoidal element of the tower and eastern end of the building, a dark grey/black brick for 6 storey elements and a smooth pale grey brick to the courtyard elevations. The taller tower element is finished in an anodised aluminium cladding system, pale bronze in colour. The same cladding system is used for the returns at the eastern end of the building and incorporates perforated panels in a matching anodised finish. Deep window reveals are incorporated throughout.
- 4.4 The building is configured around a central courtyard space above the lower ground level which is predominantly hard paved but with specimen tree planting in planters, together with a good quality lighting scheme. A combination of green and brown roofs are incorporated on the flat roofed elements to provide some biodiversity and rainwater attenuation.
- 4.5 There are no on-site parking spaces but a total of 220 secure cycle spaces are provided at the eastern end of the building at lower ground level.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

18 Neighbouring properties on the following streets have been notified of the proposal:

Kinglake Place
Castlefields
Traffic Street
Castle Park

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

14 letters of objection have been received which are summarised below.

- This is a quiet residential area with a mix of residents where background noise levels are quite low at night time and the weekend. They consider that the development would likely result in significant increases in evening and weekend noise and antisocial behaviour (ASB). The clash of lifestyle between current residents and the proposed student population is likely to result in a situation similar to that currently experienced in the Lenton Triangle, including an increase in the levels of nuisance. They feel that there would also be similar problems of dealing with any reported nuisance, as the students are a transient population, and each year new students would cause similar problems. They highlight the City Council's difficulty in ascertaining the potential noise disturbance to an individual room in response to noise complaints. The issue of increased noise and disturbance from students returning late at night.
- Concerns regarding the scale of the student accommodation and its close relationship with the small houses located opposite the site on Kinglake Place and Castlefields. They question the height of the building at the corner with Queens Drive and Wilford Road and consider that the building at 12 storeys in height would tower above everything. They consider that it would not form an appropriate gateway building into the city centre.
- They consider that there are other locations in the area that would be more suitable for this type of development, sites where there could be more separation planned in between the existing residential and the student apartments, or with a less sensitive use to separate the two housing types. However if this proposal is likely to move forward serious consideration should be given to a reduction in the size of the development, and therefore the number of students, to reduce the impact of the development on the peace and amenity of residents.
- The design includes a bar and roof terrace on the 9th Floor that faces the existing residential houses across the road and they consider that its use is likely to result in noise nuisance and associate antisocial behaviour. This element should be removed from the design.
- They are concerned that the 10-12 storey block would remove views of the Castle, the top of the Council House and Waterways building, currently enjoyed by the properties of Castlefields and Kinglake Place. It will also reduce the amount of visible skyline from rear windows. They are of the belief that that this, in conjunction with the 5-6 storey main block, would reduce the amount of visible sky line by more than the 20% reported in the document submitted with the Planning Application. In their opinion it is, more likely to be 50%.
- Concern regarding the initial consultation exercise initiated by the developer and documented as part of their Statement of Community Involvement. A further residents meeting has now taken place but their still remains concerns that the level of consultation has not been as inclusive as suggested.
- The height of the development is not considered to be in keeping with the other existing buildings in the area, especially the 10-12 storey block proposed for the Waterway Street/Queen's Drive corner. The planning permission given for residential apartments on the former Hindle House on Traffic Street is considered to be more sympathetic to the residential area on the opposite side of the road.
- The 5-6 storey main development and the 10-12 storey block would reduce the security and privacy of the residential gardens and first floor bedrooms.
- There is also the concern that this is one of two currently proposed student developments in the area. The other is the application to convert the Tax Office on

Wilford Road into student accommodation. They consider that these developments, and any further permissions for student accommodation in this area, would result in a cumulative impact of a large number of students and the clash of lifestyles this brings with it. This will include noise from the accommodation premises, late night noise on the streets and increased 'studentification' of the bars and entertainment on the Canal. There is also concern that other leisure activities will be built in this area to cater for the students' leisure needs that will bring with them increased noise nuisance and ASB.

- The effect of noise from plant and air handling units shown on the roof areas of the development on existing residents has not been addressed in the information submitted with the Planning Application.
- The effect of noise from activities in the lower ground communal space of the development on existing residents has not been addressed in the information submitted with the Planning Application.
- The Management Plan for the building does put forward some measures for mitigating noise and nuisance from its residents. However, it states that complaints need to be made in writing and gives no time frame for resolution of the complaint or for first contact with the person being affected by the issue from the development. If this development is given permission, there should be a 24hr number that residents can ring so any nuisance behaviour can be dealt with as it happens and the culprits are identified. This is especially important if the problem is noise at night that should be stopped immediately once the building management have been informed. They should also include mitigation measures for dealing with noise associated with the students returning in the evening/late at night.
- The impact of the demolition of the Plumb Centre and the building of the new complex on existing residents has not been addressed in the information submitted in the Planning Application. This includes the effect on the structure of the existing residences, unacceptable levels of noise, dust, loss of privacy and security; and the escape of vermin – as experienced by the residents of Arkwright Walk during the new development there. This needs to be addressed and existing residents reassured if the development goes ahead.
- Errors in the submission concerning the 9th Floor terrace, bar and sports facilities.
- They acknowledge that the developer did recently meet with a group of residents to allow issues regarding visual impact, possible noise and loss of light to be raised. Whilst the developer did try to respond to the concerns raised, those about overlooking remain.

Nottingham Civic Society - Nottingham Civic Society objects to the development as it is far too tall and bulky, greatly exceeding and in some places doubling the Council's adopted building height guidance for this area. In their opinion the development would result in a 'lumpen' building in a prominent location. They are of the opinion that its proportions seemed to have been designed to maximise floorspace at the expense of sustainability, its relationship to its city context or concern for its overall appearance.

Whilst some attempt has been made to model the building's Queen's Drive/Wilford Road short elevation with contrasting forms to break up some of the building's bulk, from Waterway Street West, from the tram route, from the Meadows and from the south and south-west viewpoints, the building reads from ground level as massive, assertive, unrelieved building blocks, compressed into the site. They consider that

the scale of this building would overwhelm some of the attractive early 20th-century industrial buildings in Traffic Street and would probably interfere with some of the longer views of the city centre focal points from the south.

They are concerned that due to the building's height and layout, the student accommodation facing into the small 'lightwell' would be gloomy in the extreme. Any redevelopment on the north side of Traffic Street would also be seriously over-shadowed. The design also fails to address Traffic Street with any active ground floor uses, its frontage is occupied with refuse/service functions, to the detriment of community safety and the streetscene generally. The development is so densely packed onto the site; there is insufficient room for any meaningful planting.

The Civic Society consider the height and massing of this development should be completely reconsidered as this development is wholly unsustainable and contrary to adopted Council policy.

Additional consultation letters sent to:

Environmental Health and Safer Places (EHSP): No objections. Conditions relating to a contamination remediation strategy, noise insulation and ventilation scheme, and noise assessment in relation to mechanical services plant and extraction systems, are recommended.

The impact of the use of communal spaces on the 9th floor needs to be considered both on future residents and in terms of potential noise breakout affecting existing residents. The submitted plans show a licensed bar and open roof terrace, which would be accessible to students. EHSP consider that the operating hours of any roof terrace would need to be restricted.

This is a large residential development which is close to existing low level housing (the development is approximately 27m from the nearest residential boundary on Kingslake Place). As well as illumination from the individual rooms, there may also be building illumination. While it is not anticipated that there would be significant direct illumination of the habitable rooms of existing residential properties it is anticipated that there would be significant general illumination in the evenings & at night, which may affect existing residents. In addition, lighting for the development should be designed to minimise glare and spillage, and direct or reflected illumination of the sky; the effect known as 'skyglow'. Details of lighting are requested by condition.

Highways: No objections subject to conditions. The current footways surrounding the site fall below the recommended footway width of 2m. Footway widths are proposed to be increased, it is however noted that Waterway Street West is a busy traffic route, and the proposed student/retail use will increase footfall at this point. It is recommended that the width of the footway along Waterway Street West be a minimum width of 3m. Amended plans have been received to show this.

The lower ground floor level of the building is below the level of the highway for a section of both Waterway Street and Traffic Street. Retaining walls will be required to support the highway, although no structural details have been provided at this stage. A planning condition will be required requesting full details of the retaining walls adjoining the highway to be submitted for approval, In addition, Highways will require a detailed method statement outlining how the road is to be supported during the construction of these retaining walls.

The level of cycle storage proposed is considered acceptable.

Further details will need to be provided on potential landscape improvements proposed to the western end of Traffic Street and for the treatment to the hammer head at the western end of Traffic Street. These should be agreed in principle prior to planning permission being granted.

Conditions relating to the submission of a Construction Management Plan, closure of all redundant crossovers and the submission of a Student Traffic Management Plan for the drop off/pick of students, are also recommended.

Environment Agency: No objections subject to conditions relating to the submission of a remediation strategy to deal with the risks with contamination of the site and details of piling or other foundation designs using penetrative methods.

Biodiversity Officer: No objections subject to conditions. The submitted Ecological Appraisal is considered to be sufficient to inform the application. The site has minimal existing ecological value and there is not anticipated to be an adverse impact on designated sites as a result of the proposals. However, there is scope for the site to support nesting birds and for construction impacts on foraging bats from artificial lighting to be addressed. There is scope to improve the biodiversity of the site as part of the development (as is required under NPPF), which should be secured by condition.

Tree Officer: The trees on site are of no practical significance and should not constrain development. We should take this opportunity however to obtain a number of street trees in an area that is low in tree cover and will benefit from new planting. Street planting will form part of a highways agreement but can also be part of a landscaping condition.

Drainage: The development should be carried out in accordance with the revised Flood Risk Assessment. Details of the surface water drainage strategy should be conditioned.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

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

The NPPF sets out the core planning principles in paragraph 17, many of which apply to the proposed development. They include, amongst others, the requirements to proactively drive and support sustainable economic development; encourage the efficient use of land by reusing brownfield land, secure high quality design; promote mixed use developments, conserve heritage, support the transition to a low carbon future, to manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

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, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses 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, with paragraph 61 advising this not just limited to architectural appearance but wider design issues such as connectivity and integration of new development into the built environment.

Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Aligned Core Strategy:

Policy A - Presumption in Favour of Sustainable Development.

Policy 1 - Climate Change.

Policy 5 - Nottingham City Centre.

Policy 7 – Regeneration.

Policy 8 - Housing Size, Mix and Choice.

Policy 10 - Design and Enhancing Local Identity.

Policy 14 - Managing Travel Demand.

Policy 17 – Biodiversity.

Policy 19 – Developers Contributions.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

MU3.7 – Southside Regeneration Zone - Mixed Use Sites.

H2 - Density.

H6 - Student Housing.

BE8 – City Skyline and Tall Buildings.

R2 - Open Space in New Development.

NE9 - Pollution.

NE10 – Water Quality and Flood Protection.

NE12 - Derelict and Contaminated Land.

T3 – Car, Cycle and Servicing Parking.

Supplementary Planning Policy Documents

Southside Regeneration Supplementary Planning Guidance 2003

Building Balanced Communities SPD (BBC SPD)

Nottingham City Centre Urban Design Guide

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the development within the Southside Regeneration Zone
- ii) The scale, layout and design of the proposed development
- iii) Impact on residential amenity
- iv) Highway considerations
- v) Planning Obligations

i) Principle of the development within the Southside Regeneration Zone (Policies A, 5, 7 and 8 of the Aligned Core Strategy; Policies ST1, MU3.7, H2 and H6 of the Local Plan; the Southside Regeneration Supplementary Planning Guidance 2003; and the Building Balanced Communities SPD (BBC SPD))

- 7.1 The application site falls within the Southside Regeneration Zone (SRZ) and occupies a prominent corner site on one of the main approaches into the City Centre. The policies relevant to the SRZ seek to encourage comprehensive, mixed use, sustainable developments that promote the Southside as a major location for inward investment, and ensure that new developments are integrated in a comprehensive way to maximise employment and regeneration benefits. Policy 7 of the ACS Identifies the SRZ as a mixed-use business district with a predominance of offices supported by residential development, new hotels and complimentary retail leisure activity. The site is also specifically designated as being a key site in the SRZ, which could provide a large scale building to create a focal point at this gateway into the City Centre.
- 7.2 The application site is located on the southern fringe of the City Centre which in general terms is an appropriate location for purpose built and managed student accommodation, in accordance with the BBC SPD and Local Plan Policy H6. The

latest Nottingham Authority Monitoring Report (March 2017) recognises that there is still a need for purpose built accommodation and the demand for student accommodation remains high. It is considered that the provision of further good quality purpose-built accommodation would attract students that would otherwise occupy houses of multiple occupation outside of the City Centre. The location of the site is distant from the main areas of high student concentration (largely) to the west, rather being situated in a mixed-use commercial environment at the periphery of the City Centre. It is also set away from the nearest residential area, the Meadows, from which it is separated by the southern ring road and tramline.

- 7.3 The proposed accommodation is of an appropriate size internally with cluster bedrooms averaging 12sqm and benefitting from associated communal kitchen/living areas commensurate to the size of the cluster flat, and studios ranging from 18-25sqm. It is in a highly accessible location with good pedestrian, cycle and tram links to the City Centre and both University campuses.
- 7.4 It is concluded that the principle of the development for student occupation is acceptable and the proposal accords with the Policies A, 5, 7 and 8 of the Aligned Core Strategy, Policies ST1, MU3.7, H2 and H6 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Building Balanced Communities SPD.

ii) The scale, layout and design of the proposed development (Policy 10 of the Aligned Core Strategy, Policy BE8 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Nottingham City Centre Urban Design Guide)

- 7.5 This prominent site has been identified, in the SRZ, as being capable of accommodating a large building, designed to create a focal point on this approach into the City Centre. The City Centre Urban Design Guide has also identified the application site as falling within a 'Zone of Reinvention' where it is expected that a new urban form would emerge, through the introduction of high quality gateway buildings, whilst respecting the wider historic context, and in particular views to/from the Castle. The application includes images illustrating the impact of the development from a number of key viewpoints, including from the Castle and longer distant views from the south.
- 7.6 The development has been the subject of significant design amendment in terms of its scale, massing and architectural treatment, including the use of City Centre wide contextual 3D modelling and guidance from the Design Review Panel. Great weight has been given to its relationship with the Castle, its relationship with existing and future development along traffic Street, views of the western corner from Queens Drive and its impact upon Meadows.
- 7.7 An important consideration has been the maintenance of views to and from the Castle. It has been demonstrated that whilst the building and in particular its 10/12 storey element would clearly be visible from the Castle, it would not break the skyline. Furthermore, long views of the Castle from the Embankment would not be interrupted. The Design Review Panel were comfortable with the scale of the building and in particular the creation of greater height at its western end to create a gateway development and important marker for the regeneration of this area. Further work was required to break down the perceived massing at this corner. In response a stepped approach has been adopted. An angled 10 storey trapezoidal tower element would form a key view of the site when travelling into the City Centre

along Queens Drive. This would then step up to a 12 storey bronze clad rectangular block on the corner of Wilford Road and Traffic Street. In line with comments from the Design Review Panel, the principal entrance to the building has been moved to the more prominent western elevation and it is proposed to create an area of public realm in front of this, to further accentuate the entrance to the building.

- 7.8 It is noted that the planning permission was granted in 2011 for a 9/10 storey building on the site of 3 Wilford Road, to the northern side of Traffic Street. Indicative massing for this neighbouring site was included in the 3D modelling to explore the relationship of the current scheme with future adjacent developments.
- 7.9 It is acknowledged that the scale of the building, particularly the taller element, would result in the loss of northward views from the closest residential properties in the Meadows, including views of the Castle. However, private views are not a material planning consideration and a view of the Castle from this group of residential properties is not identified as a key view in the City Centre Urban Design Guide. Indeed, the site is part of the SRZ, which is designated for larger scale regeneration projects that is intended to expand the City Centre southwards. Furthermore, the public benefits of this regeneration scheme are considered to outweigh any concerns in this regard and would not be sufficient to warrant refusal of the application.
- 7.10 The predominant part of the building would be 5-6 storeys in height. Although this represents a significant amount of development in massing terms, Waterways Street is a main transport corridor around the City Centre and given its status in the highway hierarchy, it is considered that 5-6 storey development would be commensurate with the character and function of this route.
- 7.11 Considerable effort has also been made to break down the length and massing of the long frontages of the building along Traffic Street and Waterways West by incorporating changes in the building plane, to the roof form, to the fenestration pattern and in the use of differing external materials. The result has been to create the appearance of a series of smaller, adjoining buildings. Since the submission of the application, further revisions have been made to the scheme which are summarised as follows:
- the removal of the sixth floor at the eastern end of the building and introduction of a simplified roof form on this part of the building
 - further stepping in the massing to respond to the gently sloping topography, along with amendments to the roof form, including the introduction of additional 'sawtooth' elements that reference the industrial heritage of the area
 - introduction of deeper recesses for the main glazed elements, to help break down the massing into a series of architectural forms
 - amendments to the fenestration pattern with deep reveals and additional brick detailing to add variety
 - rationalising the uses/window openings at lower ground floor level to maximise the opportunity for active frontages
 - re-working of the elevation at the eastern end of the building as it wraps around Traffic Street, introducing projecting oriel windows at top floor level

- introduction of decoration to the trapezoidal element, introducing perforated, patterned elements where there are opening vents in light bronze aluminium

7.12 In conclusion, it has been established that the scale is appropriate in this location and having regard to key vistas and longer views. It is also considered that the design satisfactorily mitigates concerns regarding the massing of the development. The proposal would deliver a high quality development that would enhance the existing townscape in compliance with Policy 10 of the Aligned Core Strategy, Policy BE8 of the Local Plan, the Southside Regeneration Supplementary Planning Guidance 2003 and Nottingham City Centre Urban Design Guide.

iii) Impact on amenity of surrounding residents (Policy 10 of the Aligned Core Strategy, Policies H2, H6 and NE9 of the Local Plan the Building Balanced Communities SPD)

- 7.13 A number of residents of Kinglake Place and Castlefields have responded to the consultation process and expressed concern about the impact of the development on their properties, in terms of loss of privacy, view, outlook, light and potential noise and disturbance.
- 7.14 A group of up to 20 residential properties on Kinglake Place and Castlefields have rear elevations and gardens facing north, or their blank side elevations facing towards the site. The rear gardens of these properties immediately adjoin Meadow Way, which has been adapted to accommodate the tramline. A 2m wide footpath and 1.8m fence sit between Meadow Way to and Waterway Street West, which takes the form of a dual carriageway at this point.
- 7.15 Given the concerns of neighbouring residents, a daylight/sunlight assessment has been carried out for the proposed development. It states that the adjacent properties remain compliant with the Building Research Establishment's (BRE) recommended targets for the Vertical Sky Component test and that no material change in daylight levels would result. The survey concludes that the effects of the proposal would adhere to the BRE guidelines in terms of daylight. The report also confirms that the proposed development would not result in any additional overshadowing of neighbouring gardens.
- 7.16 A distance ranging between 36-46 m (dependent on the location of the property) would be maintained between the Waterway Street West elevation of the proposed development and the rear elevations of existing residential properties which face towards the site. A distance of 29-32m would exist between the boundary of properties rear gardens. Given this distance, it is not considered that the proposal would result in a loss of privacy sufficient to warrant refusal of the application.
- 7.17 It should be noted that the loss of a view and property value are not material planning considerations in the determination of a planning application. The impact of views of the Castle have been discussed in a previous section of this report.
- 7.18 The applicant's recognise that there is a need for strong management arrangements with purpose built student accommodation. Accordingly, a management plan is proposed as part of the S106 to negate issues regarding waste management and anti-social behaviour issues within the locality. An integral part of the management plan would be a contact point for local residents to liaise directly with those responsible for the management of the accommodation.

- 7.19 In response to residents' concerns, the applicants have revised the communal area on the 9th Floor so that it will not include a bar and the open terrace has now been enclosed to remove any concern about potential noise and disturbance.
- 7.20 Environmental Health have also recommended noise assessment/sound insulation conditions to protect future residents of the scheme and to address potential noise disturbance arising from the building and external mechanical plant.
- 7.21 On this basis, the design of the scheme and relationship with surrounding properties would ensure that the proposal would not result in an unacceptable level of harm to existing residents, or result in the types of issues identified in the Building Balanced Communities document such as noise and disturbance, poorly maintained properties and inappropriate management of waste disposal. The proposal therefore complies with the requirements of Policy 10 of the Aligned Core Strategy, Policies H2, H6 and NE9 of the Local Plan and the Building Balanced Communities SPD.

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

- 7.22 There is no parking provision for this development and there would be a restriction within the Section 106 Obligation to prevent residents from keeping vehicles within the City. A condition is recommended with regard to drop off and pick up arrangements and Highways are satisfied that the proposed development should not pose a risk to highway safety. In addition, the scheme incorporates generous cycle parking provision for 220 cycles in a secure and easily accessible facility at lower ground level. In light of these factors, the development is considered to accord with Policy 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.
- 7.23 The requirement for a construction management plan together with other matters requested by Highways can be addressed by condition.

(v) Planning obligations (Policy A and 19 of the Aligned Core Strategy and Policies ST1 and R2 of the Local Plan)

- 7.24 In order to comply with the requirements of the Supplementary Planning Guidance, the developer is required to enter into a section 106 obligation to secure the following financial contributions and obligations:
- A financial contribution towards off-site Public Open Space – £97,403.46
 - A student management scheme, which shall include a restriction on car usage
- 7.25 The Public Open Space contribution is based on the formula within the Council's Open Space Supplementary Planning Guidance. This would be directed towards the improvement of play facilities at the Queens Walk recreation ground and Victoria Embankment, which are both areas of public open space readily accessible to the residents of this development.
- 7.26 It is confirmed that the Section 106 obligation(s) sought would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

OTHER ISSUES

Flood Risk (Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan):

- 7.27 The NPPF states that inappropriate development in areas at risk of flooding should be avoided, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Authorities should apply a sequential, risk-based approach to the location of development. The site has previously been sequentially tested and is considered acceptable for residential development with appropriate flood mitigation measures.
- 7.28 The site lies within Flood Zone 2. The main source of potential flood is seen to be from the River Trent and as such, the application has been accompanied by a Flood Risk assessment (FRA). The Environment Agency (EA) have assessed this document and raised no objections to the proposal in terms of flood risk.
- 7.29 A revised FRA was submitted to clarify the principles of the surface water drainage strategy for the site, which includes sustainable drainage measures. The Council's Drainage team are now satisfied with the principle of the scheme subject to details of drainage being submitted, by condition.
- 7.30 The proposal therefore accords with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

Contamination and Noise (Policies NE9 and NE12 of the Local Plan)

- 7.31 The requirements for a remediation strategy to deal with ground contamination and a noise assessment/sound insulation scheme to protect neighbouring residents and future occupiers of the development would be secured by condition. The proposals are therefore in accordance with Policy NE9 and NE12 of the Local Plan.

8. SUSTAINABILITY / BIODIVERSITY (Policies 1 and 17 of the Aligned Core Strategy and Policy NE 2 of the Local Plan)

- 8.1 The building is proposed to exceed current Building Regulations requirements. This is mainly achieved by a 'fabric first approach' involving appropriately insulated walls, floors and roofs to provide a high 'u' value. Photovoltaic panels are proposed at roof level. Energy efficient lighting and reduced consumption water fittings are also proposed.
- 8.2 The Biodiversity Officer is satisfied with the contents of the submitted ecological assessment and that there are no constraints from European Protected Species. Conditions can be used to secure enhancements to the ecological interest of the site, which should include the provision of bird and bat boxes. The incorporation of green and brown roofs is welcomed.

9 FINANCIAL IMPLICATIONS

A financial contribution of £97,403.46 has been negotiated in accordance with the Open Space SPG.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

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

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/00819/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P7SIPELYFKW00>

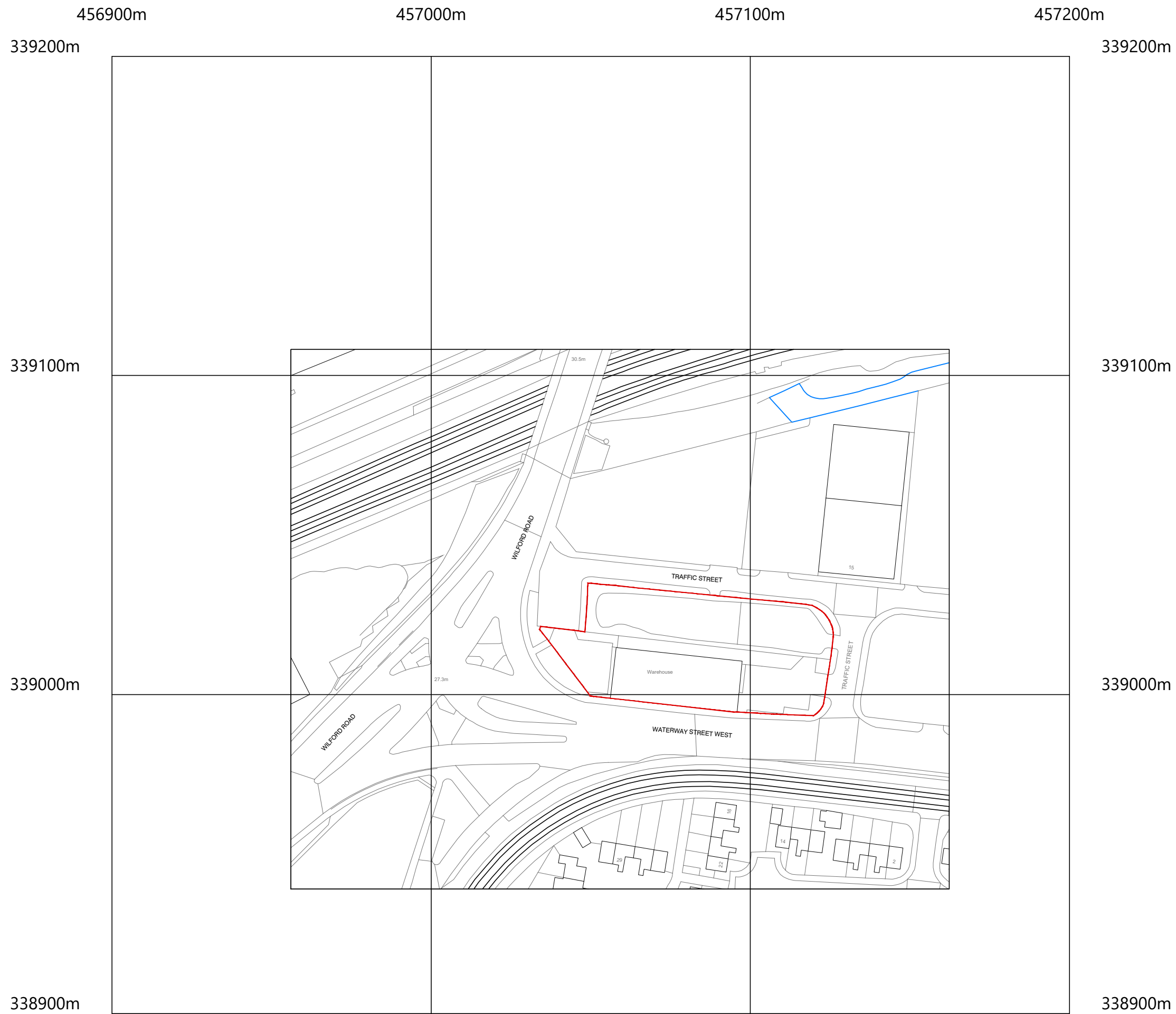
17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

Mrs Jo Bates, Case Officer, Development Management.

Email: joanna.briggs@nottinghamcity.gov.uk. Telephone: 0115 876404



THE VANTAGE, NOTTINGHAM

PROPOSED LOCATION PLAN

TALBOT CHAMBERS 2-6 NORTH CHURCH STREET SHEFFIELD S1 2DH
TEL 0114 2490944 FAX 0114 2490966 www.axis-architecture.com
 SCALE 1:1250

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My Ref: 18/00819/PFUL3 (PP-06912932)
Your Ref:
Contact: Mrs Jo Bates
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Tel: 0115 8764447
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RPS
FAO: Mr Matthew Roe
140 London Wall
LONDON
EC2Y 5DN

Date of decision:

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

Application No: 18/00819/PFUL3 (PP-06912932)
Application by: Southern Grove Traffic Street Ltd
Location: Plumb Centre, Waterway Street West, Nottingham
Proposal: Demolition of existing buildings and erection of a part 5, part 6, part 10 and part 12 storey building comprising 118 student apartments along with associated access, communal space, landscaping, cycle parking and two Class A1 retail units.

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

Time limit

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

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

Pre-commencement conditions

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

2. The development shall not be commenced until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of delivery vehicles to/from the site, haul routes (if any), site security, traffic management plans, measures to prevent the deposit of debris on the highway, working times 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 existing occupiers in accordance with Policies 10 and 14 of the Aligned Core Strategy and Policies NE9 and T3 of the Local Plan.



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Nottingham
A city we're all proud of

DRAFT ONLY

Not for issue

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Continued...

3. The development shall not be commenced until details of the design and specification for the basement walls, including details of any necessary temporary works to the highway, have been submitted to and approved in writing by the Local Planning Authority.

The works shall thereafter be constructed in full accordance with the approved details prior to the commencement of the development on site.

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

4. Prior to the commencement of the development, a Remediation Strategy that has regard to the Phase 1 Desk Study by Idom Merebrook Ltd dated April 2018 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:

a) A Site Investigation above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on a) 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).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) 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.

To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.



5. Prior to the commencement of above ground development, a sound insulation scheme which has regard to the Planning Noise Assessment and the finalised Ventilation and Air Quality Statement both by Waterman Infrastructure & Environment Ltd (dated April 2018), shall be submitted to and be approved in writing by the Local Planning Authority.

The sound insulation scheme shall:

- a) include predicted internal noise levels for any plant and equipment which will form part of the development and address issues of transmission of noise through the structure.
- b) address the sound insulation requirements for the proposed 9th floor bar and terrace area and other indoor communal spaces within the development including the transmission of noise through the structure.
- c) include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:
- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
 - ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
 - iii. Not more than 45dB LAmax(5 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
 - iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

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

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

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

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

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

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

To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

8. The development shall not be commenced until a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials including details of the windows/doors, means of enclosure and hard surfaced areas of the site shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall thereafter be implemented in accordance with the approved materials.

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

9. Prior to the commencement of above ground development large-scale elevation and section drawings (e.g. at a scale of 1:20/1:10) of the detailed design of the following elements for each architectural variation to the building's elevations shall be submitted to and approved in writing by the Local Planning Authority:

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

b) Roofs: including edges, parapets, and oriel windows;

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

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014.

10. Prior to the commencement of above ground development details of the proposed green/blue roofs shall be submitted to and agreed in writing with the Local Planning Authority and shall include plant specification (native species where possible), an agreed timescale for the implementation and maintenance arrangements.

The green/blue roofs shall be installed in accordance with the approved details and maintained for the life of the development.

Reason: In the interests of nature conservation in accordance with Policy NE3 of the Local Plan and Policy 17 of the Aligned Core Strategy.

11. Notwithstanding the submitted Flood Risk Assessment, the development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures and additional source control features, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

Pre-occupation conditions

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

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

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

13. 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, has been implemented prior to occupation of any part of the development.

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

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.

To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

15. The development shall not be occupied until details of a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of occupants of the proposed student accommodation at the start and finish of each academic term has been submitted to and agreed in writing with the Local Planning Authority.

The Traffic Management Plan shall be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

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

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

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

17. The development shall not be occupied until a scheme of works for the new areas of public realm, to include details of the pedestrian and environmental works to Traffic Street, Waterway Street West and Wilford Road, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard surfacing, street furniture, the type, height, species and location of the proposed street trees (along with details of the tree pits/trenches and aeration pipes) and future maintenance arrangements.

No part of the development shall be occupied until the approved scheme of works has been completed.

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

18. The development shall not be occupied until a scheme of landscaping and works to the retained trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the type, height, species and location of proposed trees and shrubs, including appropriate replacements for the mature trees to be removed. The approved scheme shall be carried out in the first planting and seeding seasons following the completion of the development and any trees which die are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development and ecological value of the site are satisfactory in accordance with Policy 10 of the Aligned Core Strategy.

19. Prior to the installation of the lighting scheme an external & internal lighting assessment for the development shall be submitted to and be approved in writing by the Local Planning Authority.

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

20. The development shall not be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been reinstated in accordance details which have first been submitted to and agreed in writing with the Local Planning Authority.

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

21. The development shall not be occupied until bin storage has been provided within the site in accordance with the approved details.

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

22. No part of the development shall be occupied until a scheme for the inclusion of bird and bat boxes within the development has been implemented in accordance with details that shall first have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of the location, type, number and position of the bird and bat boxes, using where possible boxes integrated into the fabric of the building and positioned to avoid artificial lighting.

Reason: In the interests of nature conservation 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)

23. 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.

To safeguard the health and residential amenity of the occupants of the proposed development and to prevent pollution of controlled waters to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 26 April 2018.

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 officer's delegated 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. Highways:

a) Planning consent is not consent to work on or from 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.

b) 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. For further information please contact Highways Network Management on 0115 8765293

c) 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.



d) 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.

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, 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 & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

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

5. Environmental Noise Assessment

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



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.

6. 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.

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).

7. Piling can result in risks to groundwater quality from, for example, mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

8. 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.

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:
othe Position statement on the Definition of Waste: Development Industry Code of Practice and;
oThe Environmental regulations page on GOV.UK

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

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

RIGHTS OF APPEAL

Application No: 18/00819/PFUL3 (PP-06912932)

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

WARDS AFFECTED: St Anns

Item No:

PLANNING COMMITTEE
18th July 2018

REPORT OF CHIEF PLANNER

123 Huntingdon Street, Nottingham

1 SUMMARY

Application No: 18/00449/PFUL3 for planning permission

Application by: Aspbury Planning Limited on behalf of Ms Rachel Warren

Proposal: Demolition of existing buildings and erection of student accommodation development of varying heights (maximum 8 storeys) and ancillary facilities.

The application is brought to Committee because it is a major application, with Section 106 obligations, which raises important local issues.

To meet the Council's Performance Targets this application should initially have been determined by 6 June 2018. Having revised aspects of the layout and design of the proposed development, the applicant has agreed an extension of time for the determination of the application until 17 August 2018.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

- 2.1 (a) prior completion of a Section 106 planning obligation to secure:
- (i) a public open space contribution of £63,459.83 towards pedestrian and environmental improvements to Great Freeman Street in association with the construction of the proposed development and;
 - (ii) a student management plan, to include restrictions on car use.
- (b) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.
- 2.2 Power to determine the final details both of the conditions and the section 106 obligation to be delegated to the Chief Planner.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.
- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations according to Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site is located on the east side of Huntingdon Street and is currently occupied on this frontage by a single storey flat roofed building that is in use as a furniture store. To the rear of this building is a large associated surface car park with vehicle accesses and a boundary wall along Great Freeman Street. There is a further single storey building within the site to the rear of the car park area. Forming the final element of the site to its eastern end is a vacant large single span depot building that has previously been used for car storage and valeting. Neighbouring properties to the site are Geneva Court flats to the east, with frontages onto the end of Great Freeman Street and onto Shelton Street. To the north of the site is terraced housing onto Watkin Street and Grimsby Terrace. Lastly, there is a pair of neighbouring semi-detached properties onto Huntingdon Street.
- 3.2 The site has a limited recent planning history, with the most relevant previous planning permission being 05/00011/PFUL3 for the erection of 86 flats and associated car parking, and with a ground floor retail use on Huntingdon Street. This scheme was to be for a five storey development in an L-shaped form with elevations onto Huntingdon Street and Great Freeman Street and basement car parking. This planning permission expired without being implemented.
- 3.3 The application site is an unallocated site within the Local Plan. It falls within the boundaries of the Eastside Regeneration Zone and the Archaeological Constraints Area.

4 DETAILS OF THE PROPOSAL

- 4.1 The application proposes the redevelopment of the site following the demolition of all of the existing buildings. The proposal is for a student accommodation development with ancillary facilities. A total of 301 student bedrooms would be provided within the scheme, to be accommodated within a range of cluster bed apartments, twin clusters, studios and townhouses. Communal amenity and study areas, a front reception and offices, a laundry room, and cycle and refuse storage areas are also provided. The refuse storage area will include a 25% increase in capacity to allow for separate recycling.
- 4.2 The new development is proposed in a perimeter block quadrant form, with building blocks of varying heights being arranged around an internal linear courtyard space. The primary new development blocks would front onto Huntingdon Street and Great Freeman Street. The tallest 8-storey block would sit at the primary and prominent junction of the two streets. There would be 4-storey 'shoulder' element to this block onto Huntingdon Street. A separate 4-storey block with a fifth storey set-back block is proposed along the length of the site on Great Freeman Street. There would be two facing 3-storey terrace style blocks to the rear, being positioned to continue the line of the neighbouring Grimsby Terrace. Lastly, there would be a single storey facilities block positioned along the northern boundary of the site adjoining the rear boundaries of neighbouring properties on Watkin Street.
- 4.4 The developer has indicated that they will work with the Council's Employment and Skills team in relation to the use of local labour for the construction phase of the development and is prepared to commit to this via the S106 agreement.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

6 – 20 Watkin Street
1 – 11 Grimsby Terrace
27 – 39(o) Shelton Street
Geneva Court, Shelton Street (all apartments)
Browns Building, Great Freeman Street
117, 119, 151, & 178 Huntingdon Street

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

The following comments have been received:

Neighbour: Objection. Concerned about noise levels, not only from the construction of the site, but also from students exiting and entering the building between 23.00 and 07.00. Appreciate that a noise report has been provided, but this does not cover loud noise made by students outside of the building, or loud noise coming through open windows during the summer. Watkin Street already has issues with parking and traffic, and am concerned of what lies ahead during “peak times” such as the beginning and end of student term. Furthermore, do not see the need for the development of more student accommodation so close to an already highly student-populated residential area, which would overwhelm non-student residents further.

Neighbour: Objection. Flat currently does not get much sun and instead of this small amount, it will get permanent shade instead. Also, consider that students do not make good neighbours.

Neighbour: Concern over disruption to Great Freeman Street and safe pedestrian use of this route, including levels of noise and dust.

Additional consultation letters sent to:

Environmental Health: No objections subject to planning conditions requiring contamination remediation and verification; verification of implementation of sound insulation scheme; verification of mitigation of noise associated with mechanical services and plant; air quality assessment and management; and details of any piling or other foundation designs using penetrative methods.

Highways: The development does not provide car parking spaces on-site for residents, staff or visitors, which is welcomed for this central location. Three disabled parking bays are proposed within the site, with access from Great Freeman Street. Tracking will be required to demonstrate that vehicles can turn within the site, and thereby enter and exit Great Freeman Street in a forward gear. The proposal will result in a significant increase in pedestrian trips over that of the existing use. The majority of pedestrian movements will impact on the Huntingdon Street/Great Freeman Street/Cairns Street signalised junction. Currently there is no dedicated green man facility at this junction. The junction and A60 corridor is a critical area of traffic concern and any decrease in operational capacity should be avoided as far as possible. A design would need to be produced, and an assessment provided on the impact on traffic in the area. The level of proposed cycle provision (76 cycles) is considered acceptable. Deliveries and servicing for the proposed development will be achieved from Great Freeman Street, similar to the existing arrangements. The process of students moving in and out of the

accommodation will require planning, including the potential suspension of pay and display parking bays on Great Freeman Street. Planning conditions are proposed to reflect these comments.

Drainage: Satisfied with the submitted additional drainage strategy information and recommend implementation in accordance with this information.

City Archaeologist: An archaeological watching brief should be required as a condition, during groundworks associated with the development. Fieldwork in the vicinity has demonstrated that rock-cut features often survive below construction and demolition levels. Being located only 80m from a known medieval burial ground and approximately 100m from an area of intense medieval pottery production, there is the potential that domestic and industrial activity took place within the site boundary. Indeed the site lay within the Clayfields that are believed to have been associated with pottery production. It is therefore considered that there is archaeological potential for this site for remains of medieval and post-medieval date. Whilst the potential for caves may be low, it must not be ruled out and further ground investigations should be required. The archaeological watching brief of groundworks should be undertaken by a suitably qualified and experienced archaeological contractor.

Nottingham Civic Society: Concerned that the proposed scheme is tall and of a very high density where it adjoins two-storied Victorian dwellings (Watkin Street). Whilst the scheme has evidently been modified to take account of the Council's design guidance on building heights in Eastside, which is welcomed, the overall density of the scheme is still likely to have an oppressive impact upon the Watkin Street area, the dwellings and their small external spaces which are sited due north of the tall buildings. Providing sun-path studies for projected summer conditions as reassurance minimises the overshadowing effects for the majority of the year, a contributor to the loss of amenity. The density of the scheme should be re-considered.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

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

- 6.4 Paragraph 96 states that new development should be expected to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.5 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed.
- 6.6 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):

BE16 - Archaeology

H6 - Student Housing.

NE9 - Pollution.

NE12 - Derelict and Contaminated Land

R2 - Open Space in New Development.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014)

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 5 - Nottingham City Centre

Policy 7 - Regeneration

Policy 10 - Design and Enhancing Local Identity.

Other Planning Guidance

Nottingham City Centre Urban Design Guide

Building Balanced Communities Supplementary Planning Document

Eastside Regeneration Area Interim Planning Guidance

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

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Use for student accommodation and impact on the amenities of neighbouring occupiers
- (ii) Layout, scale and design of proposed development.
- (iii) Highways

Issue (i) Use for student accommodation and impact on the amenities of neighbouring occupiers (Policy H6, Policy 5, Policy 7 and Building Balanced Communities Supplementary Planning Document)

- 7.1 The application site is conveniently located within a short walking distance of Nottingham Trent University campus and the city centre amenities. It falls within the Eastside Regeneration Zone where, in accordance with the Building Balanced Communities Supplementary Planning Document, the further provision of purpose built and managed student accommodation is to be encouraged subject to the consideration of the proposal on its merits. Whilst having been adopted in 2004, the Eastside Regeneration Interim Planning Guidance also identifies the opportunity for a possible 'student village' to the east of the Victoria Centre. Policy 5 of the Aligned Core Strategies also supports city centre living initiatives including student housing where appropriate.
- 7.2 It is considered that the provision of good quality purpose built accommodation in this location will attract students that could otherwise occupy houses of multiple occupation outside of the city centre. Consequently, it is considered that the proposed student accommodation use accords with the Building Balanced Communities Supplementary Planning Document, the Eastside Regeneration Interim Planning Guidance, Policy H6 of the Local Plan regarding the location of student accommodation development and Policies 5 and 7 of the Aligned Core Strategies.
- 7.3 The proximity of neighbouring residential properties at Geneva Court, Watkin Street and Grimsby Terrace are noted and have been reviewed as part of the assessment of the impacts of this proposed development, including the relationships of layout, scale and design below. A student management plan has been submitted with the application and is to be incorporated into the S106 agreement as part of any consent. The student management plan includes a commitment to work proactively with the local community, including 24 hour on-site management and community liaison. It is considered that appropriate measures have been identified within the student management plan to minimise any impact of the student accommodation use on the local community in accordance with Policy H6.

Issue (ii) Layout, scale and design of proposed development (Policy 10)

- 7.4 The layout of the proposed development appropriately addresses the primary street frontages of Huntingdon Street and Great Freeman Street, with reception and common areas being provided at ground floor level onto Huntingdon Street. The depth of plan of these principal blocks allows for the formation of an internal pedestrian street/courtyard space, with a single storey facilities block then being provided along and up to the boundary of the application site with the rear of properties on Watkin Street. It is considered that the siting of this single storey block will act as a buffer between the properties on Watkin Street and the development and, including the width of the courtyard space, also ensures that an appropriate separation distance is provided between the proposed blocks and those residential properties. This separation distance is increased from that of the previously approved development of the application site for the erection of 86 flats

(05/00011/PFUL3).

- 7.5 There are two secondary blocks of development proposed to the rear of the principal block onto Great Freeman Street. These are aligned to continue the pattern of the neighbouring Grimsby Terrace. The layout and form of these secondary blocks are intended to reflect the terrace pattern of development in a contemporary style and the format of accommodation within the block on the boundary with Geneva Court is also varied to provide shared terrace-style units. The 'street' space between these blocks is to be hard and soft landscaped, and includes three disabled car parking spaces.
- 7.6 It is considered that the proposed layout of building blocks across the application site provides emphasis to the primary streets, whilst also having regard to the pattern of neighbouring developments and appropriate separation distances.
- 7.7 The scale of the proposed development also reflects the arrangement and positions of the proposed blocks. The tallest 8-storey element occupies the most prominent position of the site at the corner of Huntingdon Street with Great Freeman Street, with a lower 4-storey 'shoulder' element providing the transition between this prominence and the neighbouring 2-storey semi-detached properties on Huntingdon Street. Whilst not being directly relevant to the proposed development, the applicant has also referred to the historic precedent for the scale of the 'shoulder' element from the factory building that previously occupied this part of the site.
- 7.8 The application site falls within the 'Tall Building Zone' identified within the Nottingham City Centre Urban Design Guide, which also borders the lower rise residential area of St. Ann's. The strategy for building heights in this area recognises that new developments should be reduced along the residential fringe and the proposed development has acknowledged this strategy. It is considered that the scale and form of the 8-storey element is appropriate to the site and its context, without dominating neighbouring buildings and the adjacent residential properties in particular. The comments of Nottingham Civic Society are noted in this respect. However, in taking into account the layout and scale of proposed development, plus the historic factory precedent, plus the layout and scale of the previously approved flats development of the site, it is considered that the density and scale of the proposed development would not have the oppressive impact upon the Watkin Street area suggested by the Society. The Society's recognition of the modification of the proposed development to take into account the City Centre Design Guide is however also noted and welcomed.
- 7.9 There is a unifying contemporary aesthetic to the design of the proposed development, whilst also incorporating variation in form and detail to reflect the position and status of each block within the layout. The primary 8-storey block is emphasised with the use of glazing that is to be fitted flush to the façade therefore giving it a monolithic quality. The verticality of this block has recently been further emphasised with the use of a recessed slot between the taller and shoulder elements. Whilst being simple in its form and appearance, it is considered that the use of a high quality red brick, including vertical and header bonding between floor levels and a clear accent to the top floor will provide a strong finish to the block. The applicant has also recently opted to include a resident lounge at the top floor with a large north facing picture window, which repeats a similar window element to an apartment kitchen/living room on the south elevation.

- 7.10 The shoulder block and long block onto Great Freeman Street have a similar aesthetic, securing the position of the taller corner block by their similar form and scale. The fenestration to both blocks are treated in an identical fashion with their repetitive glazing and louvers to be rebated within a brick framed deep reveal and therefore providing those blocks with a contemporary warehouse quality of appearance. Vertical brick bonding between floors and at parapet level is used again as a unifying design element. There is an additional fifth storey black clad set-back level to the Great Freeman Street block and there are recessed breaks along its length, with ground floor carriageway openings allowing pedestrian and service access into the internal shared courtyard space. The regular and repetitive strength of appearance of the façade to Great Freeman Street and softening of the streetscape by associated resurfacing and landscaping is considered to be an appropriate and positive enhancement to this street.
- 7.11 The design of the three blocks to the rear also maintain the common design aesthetic at their reduced scale. Amendments to the extent, form and design of these blocks have been negotiated to minimise any impact upon neighbouring properties. Accordingly it is now consider that appropriate relationships have been achieved and that the design of these blocks, including their associated internal courtyard space surfacing and landscaping, will also provide an appropriate environment for future student occupants.
- 7.12 Subject to conditions to ensure the quality of construction, it is considered that the design of the proposed development is appropriate to the site and area in accordance with Policy 10 of the Adopted Core Strategy.

Issue (iii) Highways (Policy T3)

- 7.13 With the exception of the provision of three disabled spaces, the proposed development makes no provision for on-site parking, which is welcomed by Highways. There are pay and display car parking spaces along one side of Great Freeman Street and there are other car parks in the vicinity of the site that will allow the families of students to park off-street at the beginning and end of terms. Planning conditions, including the management of student arrival/departures, are also recommended in the interests of highway safety and these are included in the draft decision notice that is attached to this report.
- 7.14 Obligations within the S106 agreement aim to ensure that student occupants do not keep or use their cars within the City. This has become a successful deterrent to student car use and is common to all major student accommodation developments within and around the City Centre. It is therefore considered that the proposed development accords with Policy T3.
- 7.15 The applicant is proposing to upgrade Great Freeman Street in association with the development and an initial plan of these proposals is being discussed with Highways. Whilst the street is intended to remain fully accessible for traffic, car parking and servicing, it is considered that there are significant opportunities for environmental improvements as part of an upgrade, which would enhance the pedestrian experience along this direct route between St. Ann's and the city centre. In association with the resurfacing of the highway it is currently intended to upgrade the quality of the pedestrian footpaths, define the on-street car parking bays with setts, provide a platform crossing at the junction with Huntingdon Street for pedestrian convenience, and to provide street trees along the length of Great Freeman Street with other trees also being provided within the demise of the

application site. The applicant has advised that they are seeking separate agreement with the owners of the Hopewells furniture store to upgrade the appearance of the rendered boundary wall along the southern edge of Great Freeman Street.

- 7.16 It is proposed below that the costs of facilitating the upgrade works would be partially met through the use of the S106 public open space contribution that the development would be required to provide, with the costs of the uplift in the quality of finishes to be fully quantified and verified. It is considered that there would be significant public benefit in providing these improvement works in association with the proposed development and that the allocation of the public open space contribution for this purpose would ensure that the quality of design and finishes are appropriate and above the standard that would otherwise be required under general highway repair and reinstatement.

Other Matters (Policies BE16, NE9, NE12, and R2)

- 7.17 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG it is intended that the Section 106 planning obligation secures a public open space contribution of £63,459.83 towards pedestrian and environmental improvements to Great Freeman Street in association with the construction of the proposed development.
- 7.18 Environmental Health advises that they have no objection subject to conditions. In accordance with Policies NE9 and NE12, it is therefore recommended that conditions relating to: air quality assessment and management; site investigations relating to any contamination and remediation; implementation of sound and acoustic ventilation measures; maximum noise levels in relation to any plant equipment; and details of any piling or other foundation designs using penetrative methods are attached to a consent.
- 7.19 The City Archaeologist has identified the potential for archaeological remains and potential caves and has therefore requested an archaeological watching brief as a condition of any consent in accordance with Policy BE16.

8. SUSTAINABILITY / BIODIVERSITY (Policy 1)

- 8.1 The city centre location of the application site is inherently sustainable with good access to local services and public transport. The energy report submitted with the application advises that the development will adopt a number of passive design and energy efficiency measures in order to reduce its energy demand. These include fabric enhancement and highly efficient ventilation, cooling and heating systems. The applicant also advises that the potential for connection to the nearby District Heating system has been investigated, with initial technical and commercial information indicating that this will be used. The proposed energy strategy incorporating District Heating is calculated to reduce annual CO2 emissions by 49%. It is therefore considered that the proposed development accords with Policy 1.

9 FINANCIAL IMPLICATIONS

A financial contribution of £63,459.83 will be negotiated in accordance with the Open Space Supplementary Planning Guidance.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

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

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 VALUE FOR MONEY

None.

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

1. Application No: 18/00449/PFUL3 - link to online case file:
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P54FUNLYMPU00>
2. Environmental Health, 3.5.18
3. Highways, 28.3.18
4. Drainage, 4.6.18
5. City Archaeologist, 22.3.18
6. Nottingham Civic Society, 29.3.18
7. Neighbour, 28.3.18
8. Neighbour, 3.4.18
9. Neighbour, 18.6.18

17 Published documents referred to in compiling this report

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

Contact Officer:

Mr Jim Rae, Case Officer, Development Management.
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NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/00449/PFUL3 (PP-06781990)
Your Ref:
Contact: Mr Jim Rae
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
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Tel: 0115 8764447
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Aspbury Planning Limited
Mr Antony Aspbury
Aspbury Planning Limited
20 Park Lane Business Centre
Park Lane
Nottingham
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United Kingdom

Date of decision:

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

Application No: 18/00449/PFUL3 (PP-06781990)
Application by: Ms Rachel Warren
Location: 123 Huntingdon Street, Nottingham, NG1 3NG
Proposal: Demolition of existing buildings and erection of student accommodation development of varying heights (maximum 8 storeys) and ancillary facilities.

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

Time limit

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

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

Pre-commencement conditions

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



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Nottingham
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Continued...

2. No development shall commence until a Remediation Strategy that includes the following components to deal with the risks associated with ground contamination of the site has been submitted to and 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 contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

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

4. No development shall commence until a Construction Traffic Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority for that phase. The plan shall as a minimum include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision (including subcontractors), site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and a timetable for its implementation. Thereafter the Construction Traffic Management Plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

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



5. Other than the demolition of the existing site buildings, the redevelopment of the site shall not commence until a programme of archaeological works involving the minimum of a field evaluation to determine the character, condition and extent of archaeological remains within the site, and any recommendations for further archaeological works, has been submitted to and approved in writing by the Local Planning Authority. The redevelopment works shall thereafter be carried out in accordance with the recommendations of the approved submission.

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

6. Other than the demolition of the existing site buildings, development shall not commence until large-scale elevation and section drawings (e.g. scale 1:20/1:10) of the detailed design of the following elements of each of the approved new buildings have been submitted to and approved in writing by the Local Planning Authority:

a) Elevations: including glazing systems, louvers, reveals, soffits, and entrances;

b) Roofs: including edges, parapets, and dormers;

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

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

Reason: In order to ensure that the detailed design of these areas are consistent with the high quality of the development and in accordance with Policy 10 of the Adopted Core Strategy 2014.

7. Other than the demolition of the existing site buildings, development shall not commence until a large scale sample panel of all proposed materials to be used on the external elevations of the approved development has been constructed on site and has been reviewed and agreed in writing by the Local Planning Authority. Confirmation of the proposed external materials shall also be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall thereafter be implemented in accordance with the approved materials.

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

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

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

Pre-occupation conditions

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



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

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

Reason: To ensure that the site can be developed without health or safety risks to the environment, the users of the development, and/or adjoining occupiers in accordance with Policy NE12 of the Nottingham Local Plan.

10. Prior to first occupation of the development, verification that the approved air quality management scheme as outlined in Section 5 of the Air Quality Impact Assessment Report (Document Number 60551961_AQ_1, dated 22 February 2018) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

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

11. Prior to first occupation of the development, verification that the approved sound insulation scheme outlined in the Planning Noise Report (Project Number 60551961, dated 23 February 2018) has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

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

12. Prior to the first occupation of the development, 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 and outlined in the Planning Noise Report (Project Number 60551961, dated 23 February 2018), including any mitigation measures, have been implemented.

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

13. The approved development shall not be occupied until such time that a Traffic Management Plan for the loading and unloading of vehicles collecting and delivering the belongings of the student occupants at the start and finish of each academic term has been submitted to and approved by the Local Planning Authority. The Traffic Management Plan shall thereafter be exercised in accordance with the approved details unless varied by the prior written consent of the Local Planning Authority.

Reason: To avoid the prejudice to traffic conditions in the vicinity of the development site and in the interests of highway safety.



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

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

15. The approved development shall not be occupied until the full details and specification of the pedestrian and environmental improvement works to Great Freeman Street (see Drawing 260618/01/Rev 1), including an agreed timescale for the implementation of these works in association with the Local Highway Authority, have been submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The approved details and specification shall thereafter be implemented in accordance with the agreed timescale unless varied with the written consent of the Local Planning Authority.

In the interests of ensuring the appropriate design and completion of these improvements in association with the implementation of the approved development and in accordance with Policy 10 of the Aligned Core Strategies.

Regulatory/ongoing conditions

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

16. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or the completion of the development whichever is the sooner, and any trees which die, are removed, or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Standard condition- scope of permission

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
As listed on Drawing Issue Sheet reference 2132-C.4-180705-ISHT-DH-01, received 6 July 2018
Drawing reference 260618/01 revision Rev 1

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. Contaminated Land

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance 'Model Procedures for the Management of Land Contamination, CLR 11' and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

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

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

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

4. Air Quality

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

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

5. Domestic Noise

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

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

7. 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.

8. 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.

9. 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.

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

11. Archaeology

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

12. Construction Hours

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

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

Appropriate measures include;-

Flexible plastic sheeting

Water sprays /damping down of spoil and demolition waste

Wheel washing.

Periodic road cleaning.

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.

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.



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

DRAFT ⁸ ONLY

Not for issue

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Continued...

RIGHTS OF APPEAL

Application No: 18/00449/PFUL3 (PP-06781990)

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

WARDS AFFECTED: Dunkirk And Lenton

Item No:

PLANNING COMMITTEE
18th July 2018

DIRECTOR OF PLANNING AND REGENERATION

Site Of 31, Gregory Street

1 SUMMARY

Application No: 18/00700/PFUL3 for planning permission

Application by: Zenith Planning and Design Alison Dudley on behalf of Mr Sajaid Mahmood

Proposal: Erection of 22 two bed apartments and 1 one bed apartment

The application is brought to Committee because the application relates to a major development on a prominent site where there are important design considerations. The Ward Councillors have also objected to the proposal.

To meet the Council's Performance Targets this application should be determined, with an extension of time, by the 24th August 2018.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to:

2.1 (a) Satisfactory resolution of the Environment Agency's objection to the scheme and subject to no material issues arising from any changes that are necessary to the scheme in this regard;

(b) Prior completion of a Section 106 Planning Obligation which shall include a Public Open Space financial contribution of £20,838 towards infrastructure improvements at Highfields and Priory Park;

(c) the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report and any additional conditions arising from the requirements of 2.1(a).

Power to determine the final details of the conditions and the terms of the Planning Obligation to be delegated to the Director of Planning and Regeneration.

2.2 Providing 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 Providing also that Councillors are satisfied that the section 106 obligation 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 site comprises vacant land formerly occupied by the Red Cross building, now demolished, and bounded by Abbey Bridge and Gregory Street. To the east are residential properties in the form of two storey terraced houses, to the south is the NET tramline on Gregory Street, and to the north and west is a mix of residential and commercial properties. Opposite the site, to the south, is The Priory Church of St Anthony which is a Grade II Listed Building and is bounded by a Grade II listed boundary wall. The church stands within the Lenton Priory Scheduled Monument Area.
- 3.2 The site is located within an area at risk of flooding and also within an area of archaeological constraints.
- 3.3 A previous application for 43 student apartments was reported to Planning Committee in 2016 (16/02055/PFUL3). This application was refused due to the impact that the proposal would have on the balance and sustainability of the community and the impact that the proposal would have on living conditions of residents. The decision was subsequently upheld at appeal.

4 DETAILS OF THE PROPOSAL

- 4.1 The current scheme proposes 23 apartments (22 x 2 bed and 1 x 1 bed) within a building that would range in height from two to four storeys, rising in scale at the junction of Gregory Street and Abbey Bridge. The external appearance of the proposed building is very similar to the previous scheme. The building would be U shaped and would be curved to reflect the corner of the site. The main entrance would be from this corner, which would be raised and accessed via steps and a ramp off Abbey Bridge. Car parking is proposed to the rear of the building and would be accessed from the existing entrance off Gregory Street, comprising 10 car parking spaces (1 disabled). The area around the front of the building would be landscaped.
- 4.2 Discussions have taken place to refine the design of the building further and to make its appearance closer to that of the previous scheme. These alterations have primarily concerned the fenestration pattern and the re-introduction of balconies. The proposed building would be constructed using brick and the windows would be aluminium set within deep reveals.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

25 neighbouring properties were notified of the application in writing. The application was also publicised through press and site notices. The notification period expired 23rd May 2018. As a result of this publicity 8 letters of representation have been received, which raise the following objections:

- The development is still likely to be occupied by students, and as such raises similar issues to the previous scheme with regard to the population balance in the area and creating sustainable communities

- The impact that additional students in the area would have on residential amenity in terms of noise, disturbance and other forms of anti-social behaviour.
- The scheme will only be attractive to those renting short term, occupation will be transient and will not assist in creating community cohesion.
- The height of the building is out of keeping with the area and will affect the residential amenity of neighbouring properties regarding loss of light, privacy and impact on immediate outlook.
- The external appearance of the building is out of keeping with the character of the area.
- The site has flooded in the past.

The Ward Councillors Trimble and Piper have also objected to the proposal. Their comments are summarised below:

We object to the proposal on the grounds that the development will not contribute to the creation of a balanced community in Lenton and will introduce short term renters into the area to the detriment of long term residents. The area is well recognised as having an unbalanced community with a severe shortage of housing for families.

The developer previously submitted an application for 43 student studio flats which was unsuccessful. The site was owned until fairly recently by the City Council and was included in a Housing Land availability report for February 2013 as being suitable for 12 dwellings. It is understood that the applicant did not seek pre-application advice.

The site is bounded by family housing on all sides. The proposal is located in an area where the average concentration of student households is 29%. The developer has stated that the development would be attractive to workers at the local hospital, however the type of accommodation proposed would also be attractive to students.

Having reviewed the design it is primarily aimed at students and is not substantially different to the previous application. The development includes a communal laundrette, a common room and a shared garden. The features of the scheme make it attractive to short term renters or students which will still add to the transient nature of the ward and do nothing to improve social cohesion. It will still raise the amenity matters that the Planning Inspector pointed to in his appeal decision.

The scheme would prejudice the creation and maintenance of a balanced community contrary to policies ST1 and H6 of the Local Plan, policy 8 of the ACS, the Building Balanced Communities Supplementary Planning Document and paragraph 50 of the National Planning Policy Framework.

Concerns are also raised about the impact of the proposal on the Tram Network and traffic flows on Abbey Bridge.

Their view is that the application should be refused. If it is to be approved, they

have requested that residents should not be able to apply for residents parking permits.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections subject to conditions securing a remediation strategy and its implementation; a noise impact assessment; a sound insulation scheme and its implementation; and requiring details of any proposed piling.

Highways: No objections subject to conditions securing a construction management plan; provision of visibility splays to the vehicular access; cycle parking provision; making good of redundant crossings; and surfacing of the car park with spaces marked out.

Drainage: No objections.

Archaeology: No objections subject to a condition securing a programme of archaeological investigation.

Environment Agency: In the absence of an acceptable Flood Risk Assessment (FRA) that sets finished floor levels at 26.74m AOD the Environment Agency objects to the proposed development. A finished floor level of 26.74m AOD is in line with the amended figures provided in the Greater Nottingham Strategic Flood Risk Assessment (GNSFRA) addendum 2017.

In relation to this objection, it should be noted that the current proposal sets the finished floor level of the development at 26.44m AOD. The difference between the proposed and that required by the latest GNSFRA is 300mm. The matter is further discussed below at 7.20. The potential need to increase the height of the building is discussed at 7.8 in relation to design matters and the potential impact on neighbouring residents is considered at 7.12 below.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework

The NPPF advises that there is a presumption in favour of sustainable development and advises that development which is sustainable should be approved. Of relevance to this application are paragraphs 50 (relating to housing mix and creating sustainable communities), 56 to 64 (relating to design), 100 to 104 (relating to flooding) and paragraph 132 relating to listed building settings.

Nottingham Local Plan (November 2005):

ST1 – Sustainable Communities

H2- Density

NE9 – Pollution

NE10 – Water Quality and Flood Protection

NE12 – Derelict and Contaminated land

BE10 – Development around Listed Buildings

BE16 – Archaeological Constraints

R2- Open Space in New Development

Aligned Core Strategy (September 2014):

Policy A – Sustainable Development
Policy 1 – Climate Change
Policy 8 – Housing Size, Mix and Choice
Policy 10 – Design and Enhancing Local Identity
Policy 11 – The Historic Environment
Policy 14 – Managing Demand for Travel
Policy 17 – Biodiversity
Policy 19 – Developers Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of development
- (ii) Design Considerations
- (iii) Impact on residential amenity and quality of accommodation
- (iv) Planning Obligations

Issue (i) Principle of Development (Policy ST1 of the Local Plan, Policy 8 of the ACS, the Building Balanced Communities SPD and paragraph 50 of the NPPF)

- 7.1 Policies ST1 and 8 both promote the creation of sustainable communities and recognise the need for a balanced mix of housing size and type, which reiterates paragraph 50 of the NPPF. Policy ST1 also recognises that developments should make use of previously developed land and buildings and ensure that it is used efficiently. Policy 8 requires site circumstances to be taken into account. The form of development is in this instance felt to be appropriate to the triangular shape of the site, which is also on a prominent corner of two busy roads, one of which incorporates a tramline. Given these factors it is not considered to be a site on which it would be either practical or attractive to develop a scheme of family housing. The urban context of this site is therefore felt to better lend itself to a higher density scheme.
- 7.2 The previous scheme for this site proposed student accommodation in the form of 43x1 bed studios. Given the over-concentration of students within the surrounding area this type of accommodation was not considered to be appropriate to the development of a sustainable community and in conflict with policies ST1 and 8, and also the Building Balance Communities SPD. The revised scheme comprises largely 2 bed apartments, offering a different typology of residential accommodation. The apartments are in themselves of an appropriate size, largely in the range of 60-64 sqm for the 2 bed units, with the smallest 56 sqm and the largest 78 sqm. 10 parking spaces are also made available for approximately 50% of the apartments. Which is not a facility provide for student accommodation. As student accommodation is not proposed policy H6 'Student Housing' is not relevant

to the consideration of this application.

- 7.3 Whilst it is acknowledged that these apartments could be occupied by two students per unit without this constituting a change of use, this is not typical student accommodation and clearly aimed at a different target market, with a particular focus in this area for employees at the QMC and Nottingham University. If any of the apartments are occupied by students then this a different proposition to purpose built student accommodation, which would have an entirely different dynamic in terms of the characteristics and behaviours of its occupants. The size and density of the accommodation would influence the type of occupant and behaviour within the block, which to a certain extent would be policed by the other occupants of the building.
- 7.4 In conclusion on this matter, having regard to the site constraints and typology of the accommodation proposed, the scheme is considered to be an appropriate and well considered solution for this site that is responsive to the aims of policies ST1 and 8, and the Building Balance Communities SPD.
- 7.5 The precise occupation of the dwellings proposed cannot be controlled through the planning system, the BBC SPD does recognise that there will be instances where this will be the case, and this is one of those instances. Whilst the Council may be unable to control the occupation of this development, the nature of the dwellings proposed is felt to be attractive to a range of people, such as young professionals, young and older couples who may wish to stay on a long-term basis. The scheme can contribute to the creation of a sustainable community and therefore does not conflict with policy ST1 of the Local Plan or policy 8 of the ACS.

Issue (ii) Design Considerations (Policies H2 and BE10 of the Local Plan, Policies 10 and 11 of the ACS, and paragraphs 56 to 64 of the NPPF)

- 7.6 The site is prominent, particularly in views from the west and south. Whilst the site was previously occupied by a 2 storey building, it is not felt that redevelopment should be constrained to such a scale. The proposed building would exceed the height of its neighbours but is also seen within the context of what is a very wide and open junction that is poorly enclosed. The way that the proposal rises in height assists in ensuring that it sits comfortably with the neighbouring residential properties to the east, whilst creating a taller focal point at the prominent corner.
- 7.7 It is noteworthy that the scale and appearance of the building was not a reason for refusing the previous student scheme. The current proposal is designed by the same architect who has adapted the previous scheme to accommodate the different residential typology now proposed. They have largely maintained the same footprint, scale and design aesthetic, which in general terms was welcomed. Furthermore, the Planning Inspector when considering the appeal for the previously refused application raised no concern about the scheme in this regard.
- 7.8 If the height of building is increased by 300mm as result of the objection received by the Environment Agency, this is not significant and it is not considered that this would compromise the conclusion reached in relation to scale and design. The design proposed creates a landmark building which would make a positive contribution to the location's sense of place, creating enclosure and visual interest which may not have been possible if a less dense scheme was proposed.
- 7.9 The suggested materials for the building of a buff brick with bronze aluminium

windows and cladding panels, are felt to be appropriate, and condition can be used to secure precise details of these.

7.10 As indicated above the site is opposite The Priory Church of St Anthony, which is a Grade II listed sandstone building and there are number of other listed structures within the site. The development site is viewed within the same context as the churchyard and does form part of the setting of the church. Policy BE10 of the Local Plan, Policy 11 of the ACS and paragraph 132 of the NPPF are therefore relevant. Apart from allowing clear views of the churchyard, the wide junction and the vacant nature of this site makes little positive contribution to the significance of these designated heritage assets. The design of the proposed building by contrast will improve the visual appearance of the area and it is not considered that it would detract or cause harm to their setting. It is worth noting that the Planning Inspector for the previous application felt that the scheme would complement the setting of the listed building and the streetscene.

7.11 Therefore the proposed development compiles with policies H2 and BE10 of the Local Plan, policies 10 and 11 of the ACS, and paragraphs 56 to 64 of the NPPF.

Issue (iii) Residential Amenity and Quality of Accommodation (Policies H2 and NE9 of the Local Plan and Policy 10 of the ACS)

7.12 In designing the building consideration has been given to the proximity of the residential dwellings to the east. The scheme now proposed has been set further away from the dwellings on Abbey Bridge than the previous scheme. Given the relationship of the development to its site boundaries it is not felt that the proposal would have an adverse impact with regard to privacy, daylight, sunlight or outlook. The potential need to increase the building height by 300mm is also felt to be acceptable and would not raise any additional issues concerning neighbour amenity.

7.13 As indicated above it is not felt that this development would be solely attractive to students, and as such the amenity issues that are highlighted in the BBC SPD that can be associated with student accommodation would be less likely.

7.14 The units proposed are relatively large and all habitable rooms would be served by windows, providing a good level of outlook for residents. The building is set back off Abbey Bridge and Gregory Street and also at a higher level, providing an element of defensible space and separation from the roads and tram line for future occupants. The accommodation is considered to be of a standard that would provide a good quality living environment for future occupants.

7.15 The development therefore complies with policies H2 and NE9 of the Local Plan and Policy 10 of the ACS in relation to residential amenity.

(iv) Planning Obligations (Policy A and 19 of the ACS and Policies ST1 and R2 of the Local Plan)

7.16 In order to comply with development plan policy, the developer is required to enter into a section 106 obligation to secure a financial contribution of £20,838 for off-site public open space. The contribution has been calculated in line with the Council's Public Open Space Supplementary Planning Guidance. The contribution sought would be used for infrastructure improvements to Priory Park and Highfields Park. The proposed contribution would comply with policy A and 19 of the ACS and policy

ST1 and R2 of the Local Plan.

- 7.17 The section 106 obligation sought would not exceed the permissible number of obligations according to regulation 123 (3) Community Infrastructure Levy Regulations 2010.
- 7.18 The applicant has agreed to these heads of terms to enable the S106 to progress.

Other Matters

- 7.19 Traffic Management colleagues have raised no objections to the development in terms of the proposed vehicular access or level of car parking proposed. Additionally, no objections have been received from the NET team. Given the concerns raised over generating demand for on street parking in the area it is felt appropriate in this instance to secure a residents parking management plan by condition. Traffic Management colleagues have also confirmed that the residents of the proposed development would not be eligible for the residents permit scheme. Overall therefore it is considered that the proposed development would accord with Policy T3 of the Local Plan and Policy 10 of the ACS in relation to highway matters.
- 7.20 It is considered that the Environment Agency's (EA) objection to the scheme can potentially be overcome by raising the finished floor levels by 300mm. The recommendation to grant permission is subject to this technical matter being resolved and the EA withdrawing their objection, at which point the development would accord with policy NE10 of the Local Plan.
- 7.21 The City Archaeologist has raised no objections to the proposal and has indicated that an archaeological investigation can be secured through condition. Policy BE16 is therefore satisfied.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 For this development it is intended to adopt a 'fabric first' approach to improve the performance of the building. For a building of this shape and perimeter to floor area ratio, it is likely that increased ground floor insulation and wall insulation thicknesses will greatly improve the EPC ratings and SAP calculations. Improved efficiency heating services will be explored to further improve the performance, with an emphasis on high efficiency combination gas boilers proving to be much less carbon intensive than full electric heating systems when measured under SAP. The use of high efficiency LED lighting units and PIR motion sensors to communal areas and bathrooms will also improve the performance of this scheme. The proposed development therefore complies with policy 1 of the ACS.
- 8.2 A condition requiring details of biodiversity enhancements to the scheme will assist in meeting the aims and objectives of policy 17 of ACS.

9 FINANCIAL IMPLICATIONS

A financial contribution of £20,838 has been negotiated in accordance with the Open Space SPG.

10 LEGAL IMPLICATIONS

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

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a cleared brownfield site with a quality sustainable residential 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: 18/00700/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P7261HLYK6100>

17 Published documents referred to in compiling this report

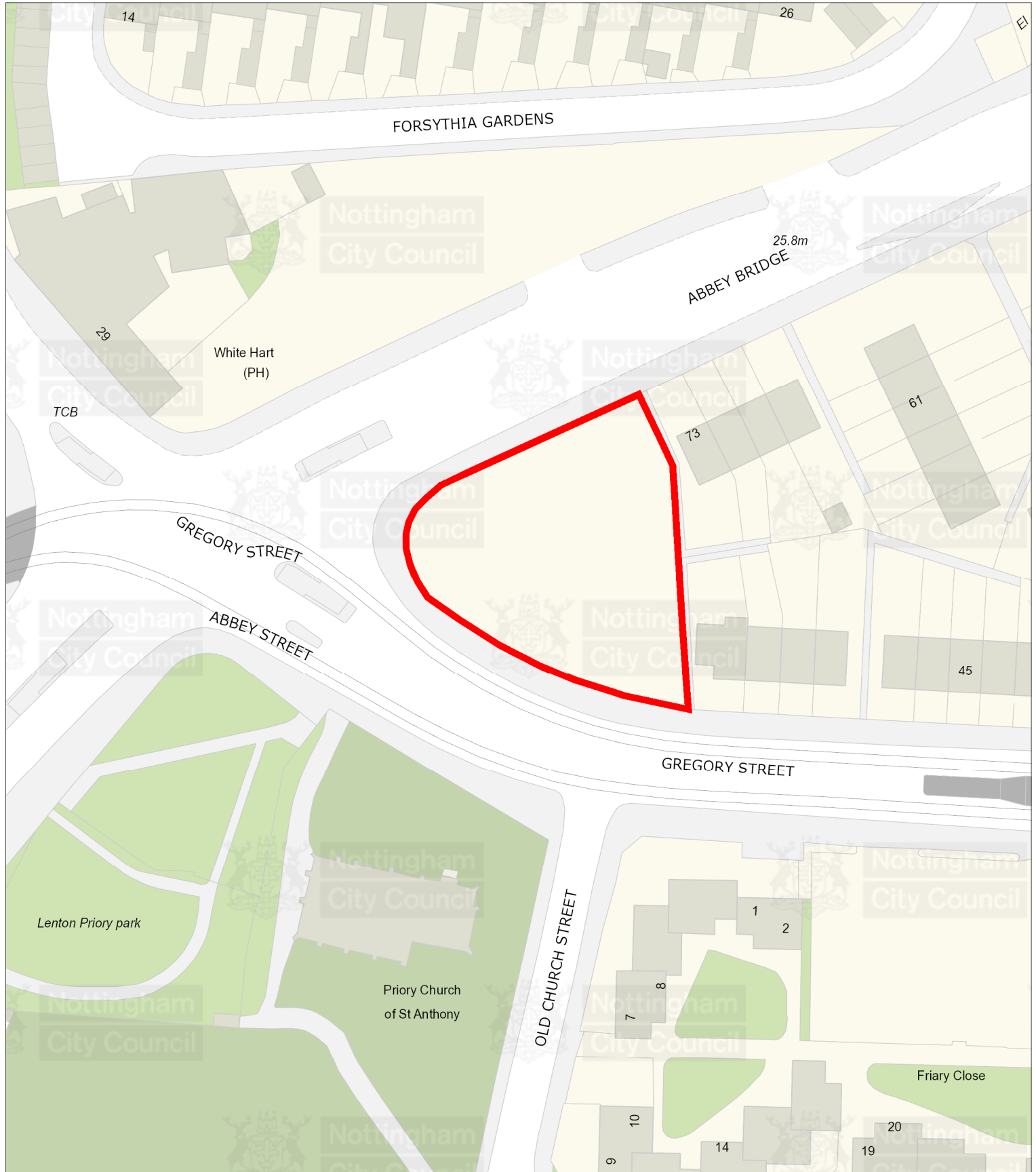
Nottingham Local Plan (November 2005)
Aligned Core Strategy (September 2014)
Building Balanced Communities Supplementary Planning Document
Planning Guidance for the Provision of Open Space within Developments
Supplementary Planning Guidance

Contact Officer:

Jenny Cole, Case Officer, Development Management.


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

NOMAD printed map



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Key

 City Boundary

Description

No description provided

My Ref: 18/00700/PFUL3 (PP-06887273)
Your Ref:
Contact: Miss Jenny Cole
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
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NG2 3NG

Tel: 0115 8764447
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Zenith Planning And Design Alison Dudley
38 Greenhills Road
Eastwood
NG16 3DG

Date of decision:

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

Application No: 18/00700/PFUL3 (PP-06887273)
Application by: Mr Sajaid Mahmood
Location: Site Of 31, Gregory Street, Nottingham
Proposal: Erection of 22 two bed apartments and 1 one bed apartment

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

Pre-commencement conditions

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

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.

2. Prior to the commencement of the development precise details of the materials to be used externally within the development 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: To secure a development of satisfactory appearance that complies with policy 10 of the ACS.

3. Prior to the commencement of development large scale section details of at least 1:20 shall be submitted to show the placement and position of windows and balconies and the depth of proposed reveals to windows and doorways. The development shall be completed in accordance with the approved details.

Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.



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DRAFT ONLY

Not for issue

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Continued...

4. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:
- a) A Site Investigation and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A Remediation Plan, based on a) 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).
 - c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.

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

Reason: To ensure that the proposed development poses no contamination risks to accord with policy NE10 and NE12 of the Local Plan.

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

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

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

Reason: To ensure that an appropriate noise environment for future occupants and to accord with policies H2 and NE9 of the Local Plan and policy 10 of the ACS.

6. Prior to the commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall as a minimum include details of the measures to be taken to control noise and dust, the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway, details of how site construction will be managed in relation to the NET Tram Line, together with a timetable for the implementation of the construction management plan. 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 ensure that the construction of the site does not adversely impact on surrounding residents, the local highway network or the operation of the NET tram to comply with policy NE9 of the Local Plan and policy 10 of the ACS.

7. The development shall not be commenced until details of any proposed 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 ensure that surrounding residents are not adversely affected by the construction of the development to accord with policy NE9 of the Local Plan.

8. No development involving the breaking of ground shall take place, unless a programme of archaeological investigation and works, for those parts of the site which are proposed to be excavated below existing ground or basement levels, has first been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological investigation and works shall include:

- a) Excavation of areas to be affected by development and the implementation of a watching brief during the course of groundworks for service installation;
- b) Preservation, in situ, of any remains which, upon archaeological investigation, are found to be part of the medieval Lenton Priory and significantly contribute towards understanding of the Scheduled Monument;
- c) Arrangements for the recording of archaeological remains and finds during the investigation and for the preparation of a final report;
- d) Arrangements for the deposition of the material and documentary archive in a registered museum;
- e) Arrangements of the publication of a summary of the final report in an appropriate journal

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

The archaeological work 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 issued by the City Archaeologist.

Reason: To ensure that any archeological remains at the site are appropriately preserved and to accord with policy BE16 of the Local Plan.

Pre-occupation conditions

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

9. Prior to the development being first occupied boundary treatments shall be provided in accordance with details that have first been submitted and approved in writing with the Local Planning Authority.

Reason: To secure a development of satisfactory appearance that accords with policy 10 of the ACS.

10. Prior to the development being first occupied a landscaping scheme, including details to enhance biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall also include the type, height, species and location of the proposed trees and shrubs.

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

11. Prior to the development being first occupied details of a management and maintenance plan for the landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The building and landscaping areas shall be maintained in accordance with the approved details.

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

12. Prior to the development being first occupied a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be operated in accordance with the approved plan.

Reason: To ensure that there is an appropriate flood evacuation plan in place to assist safe access and egress in the event of a flood and to accord with policy NE10 of the Local Plan.

13. Prior to the development being first occupied details of management arrangements for the building and also of residents and visitors car parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved details.

Reason: To secure a satisfactory development and to ensure that occupants and their visitors do not generate a demand for additional on street parking in the area to ensure that the residential amenity of existing residents would not be unduly affect to comply with policy 10 of the ACS.

14. Prior to the development being first occupied written verification 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 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that future occupants are provided with an appropriate noise environment to accord with policy NE9 of the Local Plan and policy 10 of ACS.

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

Reason: To ensure that future occupants are provided with an appropriate noise environment within which to live and to accord with policy NE9 of the Local Plan and policy 10 of the ACS.

16. Prior to the development being first occupied, 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 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 gas contamination of the site has been fully implemented and completed.

Reason: To ensure that the site is appropriately remediated in accordance with policy NE12 of the Local Plan.

17. Prior to the development being first occupied visibility splays shall be provided on each side of the vehicular access, in accordance with plans that have first been submitted to and approved in writing by the Local Planning Authority. Any dwarf walls or vegetation to be provided on the Gregory Street frontage must be no greater than 0.6m in height.

Reason: To ensure that the vehicular access to the development does not raise any highway safety issues to accord with policy 10 of the ACS.

18. Prior to the development being first occupied cycle parking for a minimum of 23 cycles shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Cycle provision shall be covered and secure and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that appropriate cycle parking facilities are provided to encourage an alternative mode of transport to accord with policy T3 of the Local Plan and policy 14 of the ACS.

19. Prior to the development being first occupied any redundant footway crossings and/or damaged or altered areas of footway or other highway shall be reinstated in accordance with details that have first been approved in writing by the Local Planning Authority.

Reason: To ensure that any redundant crossings or damaged crossings are reinstated appropriately to safeguard highway safety and to accord with policy 10 of the ACS.

20. Prior to the development being first occupied the parking, turning and servicing areas shall be provided and surfaced in a bound material with the parking bays clearly delineated in accordance with plans to be first submitted and approved in writing by the Local Planning Authority. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning, loading and unloading of vehicles.

Reason: To ensure the appropriate provision of car parking to accord with policy T3 and policy 10 of the ACS.

Regulatory/ongoing conditions
 (Conditions relating to the subsequent use of the development and other regulatory matters)

21. 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 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.

Reasons: To reduce the risk of groundwater contamination and to accord with policy NE10 of the Local Plan.

22. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within 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 to comply with Policy 10 of the Aligned Core Strategies.

23. Flood Risk Assessment and Finished Floor Levels compliance

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 13 April 2018.

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. Highways

i: 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.

ii: 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.

iii: 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.

iv: The works are likely to place pedestrians within the Tram Hazard Zone and also certain works to the frontage may fall within the Tram Hazard Zone. The applicant is advised to contact the Tram Operator at the earliest opportunity to agree a safe working method and receive authorisation. Unauthorised work may be dangerous and is an offence. To get authorisation the applicant must request a NET Work Request Form which can be obtained from NET by telephoning 0115 942 7777, or by writing to: Infrastructure Manager NET Depot Wilkinson Street Nottingham NG7 7NW.

v: Residents of this development will not be eligible for residents parking permit schemes that operate within the local area.

4. Contaminated Land & Ground Gas Remediation

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 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 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).

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 and ground gas contamination of the site has been addressed satisfactorily.

5. Noise

The approved sound insulation scheme must be maintained and 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.

The City Council's Noise and Pollution Control Section advise the following:

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

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

Appropriate measures include;-

Flexible plastic sheeting.

Water sprays/damping down of spoil and demolition waste.

Wheel washing.

Periodic road cleaning.

For Construction Noise comments

Construction Noise Control: Hours of Work

The acceptable hours for 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 in writing with Nottingham City Council's Environmental Health and Safer Places Team

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: 18/00700/PFUL3 (PP-06887273)

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

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

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

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

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

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

PURCHASE NOTICES

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

COMPENSATION

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

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